

Sweden's international adoption activities – lessons learned and the way forward

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An investigator's thoughts

Investigating whether there have been irregularities in Sweden's international adoption activities sounded like a fairly straightforward task when I was asked. There have been no irregularities, I thought. It turned out not to be so simple. The review shows that things have not always gone right.

When children have been adopted to Sweden, there have sometimes been illegal or unethical procedures which ultimately meant that there was no basis for assessing whether an international adoption could really be assumed to be in the best interests of the individual child. The review also reveals weaknesses in the organization of the adoption process that have contributed to irregularities not being prevented. Studies in other countries show the same thing.

When this comes to light, it naturally evokes strong emotions. Everyone involved in international adoption has believed and had a strong desire to do good and the right thing. Adoptive parents have been given a child they were convinced needed a new family, a child they love as all parents love their children. Those who have worked with adoption agencies in Sweden have been convinced that they have saved children from an uncertain future and given Swedes the opportunity to parent. The task of the supervisory authority has long been to facilitate international adoptions. International adoption was seen as a good thing, under state supervision. Everything seemed to be going right. And it turns out that this was not always the case. Of course, it raises emotions.

My task has been to clarify whether there have been irregularities in Swedish international adoption activities. The task has not been to evaluate the Swedish international adoption activities, i.e. whether it has been good or bad that we in Sweden have received a large number of children for adoption from other countries. Many times during the course of the work I have been told

that there have been no irregularities and, in any case, there is no point in looking for them, as the adopted children have done well. This is certainly the case in many instances. But the fact that a person has or has not had a good life cannot affect the answer to the question I have to investigate, namely whether that person's human and other rights have been violated. These are two different issues, which are not always easy to separate, but which need to be answered separately.

I have been assisted by an outstanding secretariat whose unfailing dedication and commitment have made this study possible. During the years of the investigation, we have all lived with questions about the meaning of adoption, how international adoption has affected those who have been involved in the activity in different ways, how adoption has been perceived and what consequences different decisions have had. We have heard many very moving life stories from adoptees, adoptive parents and birth parents. An inescapable realization is that Swedish international adoption activities have sometimes been conducted without an understanding of what an international adoption actually means for those affected.

Of course, we could not have fulfilled our mission without all the knowledge, experiences and reflections that have come to us through all the meetings we have had with adopted persons, adoptive parents and original parents, our experts and reference group members, researchers, government officials, the National Archives and many more. They have all generously shared their knowledge and experiences, both positive and negative. Your help has been invaluable and we thank you all.

The inquiry's remit also includes making proposals for adoption-specific support. It has long been known that those who have been adopted internationally may need special support at different times in their lives. In recent years, such support has been developed, but much remains to be done and it is important that this happens. I have no mandate to consider financial compensation or other redress for individuals affected by irregularities in intercountry adoption. But the establishment of the inquiry is already a first step towards redress, and the conclusions and proposals are a second step in such a process. But more steps should be taken.

In the report, I have made a number of proposals on how the continued activities with international adoption can be organized to prevent future irregularities if possible. What has happened has happened and we cannot change that. But there are lessons to be learned for the future. Of particular importance is that the proposed adoption-specific support becomes a reality. I have also proposed that the Government initiate a process to provide public recognition and an apology to adoptees and their families. This is the least we can do for all those who have suffered irregularities in their adoption.

Uppsala, April 2025 Anna

Singer

Thoughts from someone who was adopted to Sweden

Dreams and fantasies of a child. A life. There. Dreams and fantasies of a life. Together. Here. Or apart.

A child who lives somewhere. With smells, tastes, images, sounds and feelings. A life lived. A real life. Not dreamed. Not fantasized. A whole life, a few days, a few weeks, a few years. Somewhere. In someone's hands and someone's arms. Part of people's memories and people's lives. What does the child dream? What does it fantasize? What does it forget? What does it dare to hold on to while traveling across sea and land to end up here?

Children change countries. Paper changes hands. Dreams become reality. Sweet dreams and nightmares. Summery pictures of light brown children in traditional costumes. Glittering, dark brown eyes under red winter hats in sledding hills. Sweetly laughing siblings in similar outfits. Blonde, straight hair next to dark, curly tassels. And here. At the same time, several thoughts in your head at once. While families fall apart. Parents looking for lost children. People lacking the power and means to claim their right. While.

- Not all of them!
- How do you know?
- Would it have been better if?
- Not anymore!
- Maybe for you, but not for me.
- Aren't you grateful?

I am grateful to have been entrusted with writing some introductory thoughts for this inquiry. An inquiry set up to investigate what has happened and what can be done in relation to international adoptions to Sweden. How things could sometimes go so wrong even though we dreamed so beautifully and what we can do going forward. I am grateful that I can. For being able to write, for having life and health, for being lucky enough to be in this place in this time with these opportunities. Because I get to think before. To write a few words before. A few words to perhaps return to after. I'm not sure, because I'm writing without having read the report. Without knowing what to expect.

I write in uncertainty and yet in certainty. I mean that we already know things with certainty. But only some. We know that some have been hurt. That others have done well. That some things have gone wrong. That others have turned out right. That some have been wrong and right and good and bad at the same time. But we know very little about how many, how often, why and in what way. About what can be solved and about what is too late. And about how we can move forward.

Not knowing is said to be blessed. Resting in the sea of ignorance gives freedom to fantasize and dream. To hope and forget. To wish that everything is really just fine. I am trying to get used to not knowing. All my life I have tried to get used to the fact that I will probably never know. Despite the fact that the most common question I get is exactly that. Even though I've looked everywhere. Even though I have read and dug and traveled and searched and tested and waited and asked and tried. Even though every new acquaintance eventually leads to the same question, 53 years later, I still don't know where I came from. I don't know from which soil I was created and cut off at the roots. I don't know who walked on that earth before me or who is still walking there today.

I can only write what it is like for me. Just one of nearly 60,000 people who have been adopted into Sweden from other countries. In the investigation that follows, I imagine you will read about how it is for many, many others. I imagine that just as you think that you see a pattern, that you understand how it all fits together, so to-

comes a new perspective, a new irregularity, which turns reality on its head.

In my life and in my work as a psychologist and psychotherapist, I have met people who have been adopted who have never felt the need to seek other roots. People on firm feet who have taken root in the Swedish soil. And here. People who know, or don't know, what they have left behind and are grateful that they have ended up here. Who have found security and peace and are happy with it. I have met some who have been in contact with a family that lives on all their lives. There. Others have returned as adults and then found the family they once came from.

I have met those who did not recognize themselves at all. There. Who never want to go back. There. And those who constantly long to leave.

I have met people who have been adopted who want to return but are not welcome. Who have first been given up for adoption and then rejected once again when they searched and found birth parents unwilling or unable to have contact. I have met people who have been adopted from countries that cower under war and corruption. Countries that are unwilling or unable to accept those who seek to return. I have met people who wanted to and could search for their relatives but came too late. So many who have searched for their roots and found more questions than answers, wondering who will help them heal. Here.

I have also met those who have sought and found and felt that they have been healed. Who have found a harbor and an embrace. Those who have been told that they were longed for, missed and mourned. Who have been stolen, kidnapped, bought and sold. As commodities. I have seen the despair of the original parents. There. And the dismay of parents growing up. Here. I have met adoptive parents who comforted and hugged, cuddled and listened to their beloved children while those same children were taken from the open arms of their first parents. Nightmares that none of us could have imagined but are now a reality.

In addition, there are often deposits of congenital or acquired diseases and injuries. More or less massive. Visible and invisible. Temporary and chronic. Often against a background of known and unknown crises and disasters. I have met those who were first left for

adoption there and then were left by their adoptive parents here. Because the mission became too difficult. Too complex. Because the child carried too much trauma. Because the adults who adopted had too little ability, too little competence and too few resources. The wrong resources. Because neither money nor love heals all wounds.

I have met social workers and therapists, grandparents, siblings, friends, partners and children of adoptees, who have tried in vain to help and support but have not been able to stop the storms. Individuals and professionals who have accompanied those who have never fully found their way into society or out of an inner darkness. People who have walked alongside someone who has hurt and damaged, destroyed and lost. All of us who have known someone who seemed so well but suddenly couldn't stay. Or who we knew was never very well. All those we have already lost. Here, here, here.

Adoption is said to be taking in someone else's child as your own. To meet the foreign as your own. Trying to understand what it is like to walk in someone else's shoes and body. To walk around in the same shoes as everyone else but with a body that is often different from the norm. A body unlike the parent's body. A body that makes heads turn, eyes linger, questions hang in the air. A body that can receive unprovoked pushes and comments, unsolicited invitations and humiliating rejections. Just because it is a stranger to someone else. Which, even when it comes home in the evening, is not the same as the one or ones at home. Even though we are all human.

My hope is that this inquiry will shed light on parts of our common history that have so far been shrouded in mystery. It is then up to the rest of us to decide how we want to proceed. Should we change, and if so, what and how? Do we need to repair? Can we make amends? Do we want to take responsibility? What should we take advantage of? Many experiences and lessons learned from international adoptions are also relevant for other alternative ways of parenting, for other children growing up outside their original family and for other people who carry more than one culture and background.

Adoption is complex and lifelong. Often wrapped in care and tenderness. Having been adopted is an essential part of my identity but it is not all that I am. A person is so much more than their circumstances. A human being is woven together by both heritage and environment. A country that cherishes the right of people to live free and equal in value and rights is a great environment to be woven into. If it also includes the recognition of my heritage, my history and the right to know my origins, which I still lack, I would be grateful.

Stockholm, January 31, 2025

Hanna Wallenstein
Medical psychologist, medical psychotherapist

To the Council of State

Camilla Waltersson Grönvall

At the government meeting on 28 October 2021, the Government decided to commission a special investigator to map and analyse how regulations, organization and processes within Sweden's international adoption activities have functioned in the past up to the present. The purpose of the assignment is to clarify the occurrence of any irregularities in Sweden's international adoption activities and how the government, relevant state authorities, municipalities, authorized associations, non-profit organizations and other private actors have acted and responded to any irregularities based on the responsibilities and roles of each actor. The report's lessons will provide guidance for the development of Sweden's international adoption activities by proposing how current regulations, organization and processes can be changed and strengthened in order to further strengthen the child rights perspective and legal certainty. The investigator shall also investigate the need for adoption-specific support and propose what help and support measures should be offered, and propose the statutory amendments and other measures required. Additional directives were decided by the government on July 6, 2023 (Dir. 2023:113), on September 19, 2024 (Dir. 2024:86) and on December 10, 2024 (Dir. 2024:120).

On October 28, 2021, Anna Singer, professor of civil law, was appointed as special investigator.

The investigator has been assisted by a secretariat. On December 1, 2021, the investigator Tina J Nilsson was appointed as principal secretary. On October 1, 2022, Pernilla Krusberg, a lawyer, was appointed as secretary of the investigation, and on November 15, 2022, Helena Norman was appointed as investigator. The investigator Anders Tordai was also employed as investigating secretary from

January 24, 2022 to March 31, 2023 and the investigator Christina Sundelöf Kellner from February 21, 2022 to November 21, 2022. On February 23, 2022, Anna Fridh Welin, legal expert at the Ministry of Justice, was appointed as an expert to assist the inquiry, Departmental Secretary Andrea Larsson, Ministry of Social Affairs, Ministerial Adviser Erica Neiglick, Ministry for Foreign Affairs and Departmental Secretary Lisette Wahlroth, Ministry of Social Affairs. Lisette Wahlroth was dismissed on February 1, 2023 and replaced by Permanent Secretary Sandra Rosenålv. Anna Fridh Welin was dismissed on September 11, 2023. Sandra Rosenålv was dismissed on December 11, 2024 and was replaced by Permanent Secretary Christopher Woltén.

On February 23, 2022, Kerstin Gedung (Adoption Center), Professor Michael Hellner (Stockholm University), Jonas Hägerlind (Swedish Agency for Family Law and Parental Support), Karin Juhlén (Ombudsman for Children) were appointed as experts to assist the inquiry, licensed psychologist Jenny Klefbom, assistant professor Cecilia Lindgren (Linköping University), social worker Sarah Lundholm, (City of Stockholm), lawyer Mats Sjösten (Varberg District Court), head of operations Ann-Charlotte Särnbratt (Children First) and lawyer Elin Torebring (National Board of Health and Welfare). Jonas Hägerlind was dismissed on March 9, 2023 and was replaced by Director General Per Bergling (Family Law and Parental Support Agency). Kerstin Gedung was dismissed on 19 September 2024 and replaced by the Communication Strategist Patric Nilsson (Adoption Center).

The inquiry has also been assisted by a reference group. As leaders of the reference group, on 24 February 2022, Marit Arnbom, the Organization for Adult Adoptees and Foster Children (AFO), Bonnie Berggren, Transnational Adoptees' National Organization (TAR), Anna Blades, Adopted Koreans' Association (AKF), Maria Diemar, Chileadoption.se, Peter Högman, Sweden Nepal Association, Hanna Sofia Johansson, Swedish Korean Adoptees Network (SKAN), Pia Ninche, Adopted Ethiopians and Eritreans Association (AEF), Britt-Marie Nygren, Family Federation for International Adoptees (FFIA), Elisabet Sundén Ingeström, Network of the Bulgarian Association of Adoptive Families, Katharina Urkko, Korean Society and Carin Walles, Forever Families Association for South Africa and Lesotho. Katharina Urkko was dismissed on June 26, 2024 and replaced by Mats Eklind (Korean Society).

The inquiry has adopted the name Adoption Commission (S 2021:08).

The Special Investigator himself is responsible for the assessments, conclusions and proposals in the report. In all other respects, the report is written in the "we" form, which stands for the investigator and the secretariat together.

The report *Sweden's international adoption activities - lessons learned and the way forward* (SOU 2025:61) is hereby submitted.

The mission of the inquiry is thus completed. Stockholm

in June 2025

Anna Singer

Tina J Nilsson
Pernilla Krusberg
Helena Norman

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Abbreviations

1904 Act	Law (1904:26 s. 1) on certain international legal relations concerning marriage and parenthood
1917 Adoption Act	Law (1917:378) on adoption
1971 Act	Law (1971:796) on international legal relations concerning adoption
1979 Act	Act (1979:552) on international adoption assistance
The 1986 declaration	UN Declaration of Social and Legal Principles relating to the Protection and Care of Children, in particular with regard to national and international foster care and adoption
1993 Hague Convention	Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption
AC	Adoption Center
ACCA	Adoption & Child Care Association
AEF	Association of Adopted Ethiopians and Eritreans
AFO	Organization for Adult Adoptees and Foster Children

AGS	Adoption group Skaraborg
AHA	African Hope Adoptions
AKF	Association of Adopted Koreans
The Convention on the Rights of the Child	UN Convention on the Rights of the Child
Committee on the Rights of the Child	UN Committee on the Rights of the Child
BFA	Children Above All
Shortfall	Children's rights in society
Bufdir	Directorate for Children, Youth and Family Affairs (Norway)
BUP	Child and adolescent psychiatry
BV	Friends of the Children-International Adoption Agency
CARA	Central Adoption Resource Agency (India)
CCAA	Chinese Center for Adoption Affairs (China)
CCCWA	China Center for Children's Welfare and Adoption (China)
CPS	Child Placement Service (South Korea)
Dir.	Committee directive
Dnr	File number
DPCCS	Department of Probation and Child Care Services (Sri Lanka)
Ds	Departmental series
European Convention	European Convention for the Protection of Human Rights and Fundamental Freedoms

FABV	Friends of All Children Association
FB	Parental Code
FFIA	Family Association for Intercountry Adoption
UNITED NATIONS	United Nations
FSA	South Indian Adoption Association (FSA)
HCCH	The Hague Conference on Private International Law
HD	The Supreme Court
HFD	Supreme Administrative Court
HSLF-FS	Common regulatory framework for health care, social services, pharmaceuticals, public health, etc.
ICBF	Instituto Colombiano Bienestar Familiar (Colombia)
ICCPR	UN Covenant on Civil and Political Rights
INEA	Intercountry Adoption Expertise Center (Netherlands)
ISIA	Indo-Swedish Inter- country Adoption Association
ISS	International Social Service
OJ	Ombudsmen
KWS	Korea Welfare Services (South Korea)
LAIS	The Act (2018:1289) on Adoption in International Situations
LIA	The Act (1997:192) on international adoption mediation

MIA	The Agency for International Adoption
MFoF	The Agency for Family Law and Parenting Support
MOLSA	Ministry of Labor and Social Affairs (Ethiopia)
MOWA	Ministry of Woman Affairs (Ethiopia)
MOWCYA	Ministry of Women, Children and Youth Affairs (Ethiopia)
NIA	The National Board for Intercountry Adoption
OSL	Public Access to Information and Secrecy Act (2009:400)
The Palermo Protocol	Additional Protocol to the UNTOC to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
PAS	Post Adoption Services
Prop.	Proposal
Rskr.	Letter to the Riksdag
SAICA	Swedish Association for Intercountry Adoptions
SAW	The Swedish Association for Adoptive Children's Welfare
FSS	Swedish statute book
SKAN	Swedish Korean adoptees' network
SoL	Social Services Act (2001:453) ¹

¹On July 1, a new Social Services Act will enter into force, see Bill 2024/25:89 A preventive social services act - increased rights, obligations and opportunities.

SOU	State public inquiries
SWS	Social Welfare Society (South Korea)
TAR	National organization of transnational adoptees
TDP	Towarzystwo Przyjaciół Dzieci (Poland)
UNCED	Convention for the Protection of All Persons from Enforced Disappearance
UNTOC	UN Convention against Transnational Organized Crime

Executive summary

Introduction

The inquiry into Sweden's international adoption activities - lessons learned and the way forward was appointed by the Government in October 2021 following a unanimous announcement in the Riksdag. The background was the information about irregularities and shortcomings in international adoption activities that had emerged both internationally and in Sweden.

The mission

The purpose of the assignment is to clarify the occurrence of any irregularities in Sweden's international adoption activities and how the government, relevant state authorities, municipalities, authorized associations, non-profit organizations and other primary actors have acted and responded to any irregularities based on the responsibilities and roles of each actor. The investigation's lessons will provide guidance for the development of Sweden's international adoption activities by proposing how current regulations, organization and processes can be changed and strengthened in order to further strengthen the child rights perspective and legal certainty. The investigator shall also investigate the need for adoption-specific support and propose what help and support measures should be offered and how these should be organized. The assignment has not been to evaluate the activities, i.e. whether the international adoption activities have been in the best interests of children, either in the individual case or for children as a group.

In order to complete the assignment, archival material from authorities and organizations as well as adoption files from the 1960s onwards have been examined. Great emphasis has been placed on understanding the actions of in a historical perspective. We have interviewed many stakeholders and learned about the knowledge and experiences of adoptees, both in terms of

irregularities and the need for and design of adoption-specific support.

Interpretation of the mission

The task of investigating the occurrence of irregularities in Sweden's international adoption activities over a period of more than 70 years is complex and requires several considerations in the choice of starting points for the work. The starting point for the assessment of irregularities has been the requirements set out in both national and international regulations. An important question has been whether the actors in international adoption activities have fulfilled their obligations.

We have divided irregularities into illegal adoptions and unethical practices, which is the terminology used internationally. In accordance with the directives, we have chosen to assess unlawful conduct on the basis of the laws and regulations that applied at the time in question. Unethical conduct is also assessed on the basis of the values recognized in international conventions and formulated in Swedish law at the time of the adoption.

The ultimate aim of the mission is to investigate whether the rights of internationally adopted children have been violated. This is an issue that must be kept separate from the question of whether internationally adopted persons have had a good life in their new families and in their new country. Whether an adopted person has or has not had a good life cannot affect the answer to the question of whether their human rights have been violated.

Irregularities in Swedish international adoption activities

Irregularities have occurred in Swedish international adoption activities

There have been irregularities in intercountry adoptions to Sweden, both in the form of illegal adoptions and unethical behavior. For example, there are confirmed cases of child trafficking in Swedish international adoption activities in every decade from the 1970s to the 2000s. Children have also been adopted in some cases.

to Sweden without the voluntary and informed consent of the parents. There has also been false information and inaccuracies in adoption documents. In some cases, Swedish actors have deviated from a legally secure adoption process in order to adopt more children and to speed up the process. The Swedish actors have not sufficiently ensured that the children have been made available for adoption in the right way and that the adoption has been in the best interests of the child. Specific consent documents from the child's parents have often been missing from the adoption files, even when the parents were known. There have not always been explanations as to why the child is being placed for intercountry adoption. In addition, there has often been a lack of key information in the adoption file, which is crucial to fulfilling an adopted person's right to know their origin. Swedish actors have not made sufficient efforts to ensure that this right is met.

Swedish operators have not always taken sufficient action when they became aware of irregularities

Some of the irregularities that have occurred in Swedish intercountry adoption activities have been known to Swedish actors already at the time when the irregularities occurred, while other irregularities have only been discovered much later. The government and the supervisory authority have not always taken sufficient measures or acted with sufficient force when they have become aware of irregularities. Nor have there been procedures or processes for dealing with or preventing irregularities. In some cases, the supervisory authority and adoption organizations have refrained from finding out more information or critically examining an activity when information on irregularities has come to light.

Swedish adoption activities have been characterized by great trust between the actors. The Swedish actors have had a high risk tolerance and have not sufficiently problematized risks and signals of irregularities. The Swedish actors have had a strong confidence in the countries of origin's ability to conduct adoption activities without the occurrence of irregularities and a strong confidence in their own ability to place children in an ethically acceptable manner in countries with widespread corruption or the occurrence of irregularities. Irregularities could have been avoided to a greater extent if the Swedish actors

been more aware of the risks of irregularities that have occurred. These include Sweden's cooperation with countries that have demanded high adoption and donation fees for adoption.

Sweden has also adopted children from dictatorships, countries with high levels of poverty and widespread corruption, and countries where the adoption agency was unknown.

Weaknesses in the international adoption system have contributed to the failure to prevent irregularities

Several weaknesses in the international adoption system have contributed to the failure to prevent irregularities.

The government has not taken sufficient measures to regulate and control private adoptions in order to prevent irregularities. These measures have come too late, which may have contributed to the continuation of irregularities.

The regulation of Sweden's intercountry adoption activities has been adapted to the existing adoption activities and to facilitate adoptions. It has not been designed for effective control and to prevent irregularities. Sweden's ratification of the 1993 Hague Convention has not in practice strengthened legal certainty in the Swedish international adoption process.

The organization of adoption activities where non-profit associations are responsible for adoption mediation has contributed to an overly uncritical approach to international adoption activities and provided incentives to place as many children as possible for adoption.

The NIA's mandate until 2005 to both facilitate adoptions and supervise the authorized adoption organizations has contributed to weakening the supervision and control of adoption activities.

The supervisory authority has not had sufficient tools and conditions for effective supervision. The authority has also interpreted its supervisory task narrowly and has not considered itself able to review the activities of adoption organizations in the children's countries of origin. The supervisory authority has thus not acquired sufficient knowledge of the agency's activities and the documentation in agency cases as a basis for authorization. Lack of knowledge of the activities has also caused difficulties for the supervisory authority.

the ability to manage and control adoption organizations and prevent irregularities in adoption activities.

Social welfare boards and courts have had a great responsibility but an unclear role in ensuring that international adoptions are carried out correctly and in the best interests of the child. They have relied too heavily on adoption organizations to guarantee a legally secure process. This may have increased the risks of irregularities in Swedish intercountry adoption activities.

Proposals for the future of adoption and support for adoptees and their families

Actions taken in response to irregularities detected

Sweden should ratify the Convention for the Protection of All Persons from Enforced Disappearance

The government should speed up the process of ratifying the Convention for the Protection of All Persons from Enforced Disappearance. There have been adoptions to Sweden that may fall within the definition of enforced disappearance. Under the Convention, there is a specific responsibility to investigate adoptions that have taken place through enforced disappearance and to provide redress to the victims.

A public apology to adoptees and their families

Ultimately, it is the Swedish state that has failed to protect children's rights in intercountry adoption. This means that the State must take responsibility for what happened and take measures to ensure that it does not happen again. The proposals concerning the future organization of intercountry adoption and support for adoptees are important elements of taking responsibility. In addition, the government should without delay initiate a dialogue with organizations and networks for adopted persons and adoptive families on the conditions and forms for an apology to those affected and a public recognition of the human rights violations that have occurred in the Swedish international adoption activities.

Strengthened and long-term adoption-specific support for adoptees and their families

A national resource center for adoptees and adoption issues

The Government proposes to establish a national resource center for adopted persons and adoption issues, which will gather and coordinate the adoption-specific support offered by the state. The resource center will address both nationally and internationally adopted persons. It will be a clear entry point for adoptees who need support, but also for professionals who meet adopted persons in their work.

The resource center will offer direct support in the form of adoption-specific counselling, support in tracing origins and support in case of suspected irregularities. The support should be based on freedom of choice and be available in several physical locations but also digitally. There will also be an informative and guiding web portal and the possibility of general advice by phone, for example in questions about archives, DNA and legal issues. The resource center will also offer meeting places and forums for the exchange of experiences for adopted persons. The resource center should make use of different skills and experiences in its work, not least the skills of adopted persons. This may involve, for example, holding exchanges of experience, arranging meeting places, acting as a "buddy on call", "cultural interpreter" or providing support in tracing origins.

In addition to direct support, the Resource Center will provide awareness-raising support to family members, the general public and professionals who encounter adopted persons in their work.

In order to offer high accessibility to as many people as possible, the national resource center for adopted persons and adoption issues will be placed at a new unit at the Swedish Agency for Family Law and Parental Support (MFoF), located in Stockholm. Such a solution provides the conditions for offering both physical and digital direct support with high availability and high adoption-specific expertise. An advisory body should be attached to the resource center, which should include, for example, adopted people and researchers.

Financial contribution for travel to the country of origin and a national DNA database

Adoptees will be able to receive a financial allowance of up to 25% of the price base amount to enable them to travel to their country of origin. The allowance would replace the current adoption allowance that adoptive parents can receive after an adoption mediated by an authorized adoption organization. The allowance will be paid in arrears against a statement of expenses and will be administered by the Social Insurance Institution.

The National Board of Forensic Medicine and the MFoF are to be commissioned to investigate the conditions for establishing a national DNA database for adopted persons.

The future of international adoption

The business of placing children for adoption in Sweden will be phased out

In 2024, 54 children were placed in Sweden for adoption from another country. As the intermediation activities are financed by fees from the applicants, the survival of the adoption organizations depends on the number of children placed for adoption. The last authorized adoption agency will therefore probably have to close down its brokerage activities in the near future. If these activities are to be maintained, they will need state funding.

The business of placing children for adoption is problematic from a child rights perspective as it is based on a demand for children. The demand for children available for adoption can run counter to the principle of subsidiarity and create incentives for abuse. Intercountry adoption brokering is no longer a sustainable solution to protect children's interests and is proposed to be phased out. Intermediation activities should be completed by the end of December 2028.

Strengthening controls on intercountry adoptions

In a globalized world, there will always be a need for inter-country adoption in individual cases, such as the adoption of a relative's child. Even when the applicant is closely related to the child to be adopted, there may be reasons for adoption other than the child's lack of a safe environment in his or her home country. The state must take greater responsibility for ensuring that intercountry adoption is in the best interests of the child and that the process is legally secure.

MFoF may grant permission for international adoption if the child is related to the applicant or the applicant's adopted child or if there are special reasons for adoption in view of the personal relationship between the applicant and the child. The MFoF must check that the method of mediation is reliable and that the adoption is in the best interests of the child. In order to strengthen control in the adoption process, the responsibility for examining whether the adoption procedure may continue under Article 17(c) of the 1993 Hague Convention will be transferred from the social welfare boards to the MFoF.

An application for adoption concerning a child under the age of 18 who has been brought or is intended to be brought to Sweden for adoption may be considered by a Swedish court only if the MFoF has authorized the adoption.

Summary

Introduction

The Inquiry 'Sweden's intercountry adoption activities - lessons learned and the way forward' was appointed by the Government in October 2021 following a unanimous announcement in the Riksdag. This was in response to reports of irregularities and shortcomings in intercountry adoption activities that occurred both internationally and in Sweden.

Remit

The aim of the Inquiry is to shed light on potential irregularities in Sweden's intercountry adoption activities, and how the Government, relevant government agencies, municipalities, authorized associations, non-profit organizations and other private actors have acted and reacted to potential irregularities, based on each actor's responsibilities and role. The lessons learned by the Inquiry should provide guidance for the development of Sweden's intercountry adoption activities by proposing how current regulatory frameworks, organizational arrangements and procedures can be revamped and reinforced with the aim of further strengthening the child rights perspective and due process. The Inquiry was also tasked with investigating the need for adoption-specific support and proposing what assistance and support activities should be offered and how they should be organized. The remit does not include evaluating the activities, i.e. whether intercountry adoption activities have been in the best interests of the child - either in individual cases or for children as a group.

To carry out its remit, the Inquiry has examined archive material from government agencies and organizations as well as adoption files from the 1960s and onwards. A major emphasis has also been placed on understanding the practices from a historical perspective. We have interviewed many actors and drawn on adoptees' knowledge and experiences, with respect to identifying irregularities and the need for and design of adoption-specific support.

Interpretation of the remit

The task of investigating the occurrence of irregularities in Sweden's intercountry adoption activities over a period of more than 70 years is complex and requires the Inquiry to make a number of choices as regards the basis for its work. As a basic premise, irregularities have been assessed based on the requirements set out in both national and international regulatory frameworks. An important question has been whether actors have fulfilled the obligations incumbent on them in intercountry adoption activities.

We have categorized irregularities as 'illegal adoptions' and 'unethical practices', which are the terms used internationally. In accordance with the Terms of Reference, we have chosen to assess illegal conduct in relation to the laws and regulations that applied at the time. Unethical conduct has also been assessed based on the values recognized in international conventions and formulated in Swedish law at the time of the adoption.

The ultimate aim of the remit is to investigate whether the rights of children adopted internationally have been violated. This is an issue that must be examined separately from the question of whether people adopted internationally have had a good life in their new families and in the new country. Whether an adopted person has had a good life or not must not influence the answer to the question of whether their human rights have been violated.

Irregularities in Swedish intercountry adoption activities

Irregularities have occurred in Swedish intercountry adoption activities

Irregularities in international adoptions to Sweden have taken place in the form of both illegal adoptions and unethical conduct. For example, there are confirmed cases of the sale of children in Swedish intercountry adoption activities during every decade from the 1970s to the 2000s. In some cases, children were also adopted to Sweden without voluntary and informed consent. Cases of false documentation and errors in adoption documents also occurred.

In certain cases, Swedish actors have deviated from due adoption process in various ways so as to mediate more adoptions and to accelerate the process. Swedish actors have not adequately ensured that children were made available for adoption in the proper manner or that adoptions were in the best interests of the child. Signed documentation providing the biological parents' consent to the adoption of a child was often missing in the adoption files, even if those parents were known. Explanations were not always provided for why intercountry adoption of a child was mediated. Moreover, key details that are essential for ensuring adoptees' right to know- ledge of their origins were often missing from the adoption files. Swedish actors have not made adequate efforts to ensure that this right can be fulfilled.

Swedish actors have not always taken sufficient measures when they became aware of irregularities

Swedish actors were already aware of some of the irregularities occurring in Swedish intercountry adoption activities at the time that they occurred, whereas other irregularities came to light much later. The Government and the supervisory authority have not always taken adequate measures or acted forcefully enough after learning of irregularities. Nor have there been procedures or processes for managing or preventing irregularities. The supervisory authority and adoption organizations have in some cases refrained from gathering more information or critically examining an activity when information regarding irregularities emerged.

There has been a great deal of trust between actors engaged in Swedish adoption activities. Swedish actors have had high risk tolerance and failed to sufficiently problematize risks and signals of irregularities. Swedish actors have had a great deal of trust in the capability of countries of origin to conduct adoption activities without irregularities and a great deal of trust in their own capability to mediate children for adoption in an ethically acceptable manner in

Irregularities would have been avoidable to a greater extent if the Swedish actors had been more aware of the risks of irregularities. This includes Sweden cooperating with countries that required high adoption and donation fees. Sweden has also adopted children from dictatorships, countries with widespread poverty and corruption, and countries where the adoption institution was unknown.

Weaknesses in the system of intercountry adoptions have contributed to an inability to prevent irregularities

Several weaknesses in the system of intercountry adoptions have contributed to an inability to prevent irregularities.

The Government has not taken adequate measures to regulate and control private adoptions in order to eliminate irregularities. Measures have been taken far too late, which may have contributed to the continuation of irregularities.

The regulatory framework for Sweden's intercountry adoption activities has been adapted to existing adoption activities and to facilitate adoptions. It has not been designed for effective control and prevention of irregularities. In practice, Sweden's ratification of the 1993 Hague Convention has not enhanced legal certainty in Sweden's intercountry adoption process.

The arrangement of adoption activities, in which non-profit organizations take responsibility for adoption mediation, has contributed to a largely uncritical approach to intercountry adoption activities and provided incentive to mediate as many children as possible for adoption.

Up to 2005, the mandate of the National Board for Intercountry Adoptions to both facilitate adoptions and carry out supervision of authorised adoption organizations partly undermined the supervision and control of adoption activities.

The supervisory authority has not had adequate tools and conditions for effective supervision. The authority has also applied a narrow interpretation of its supervisory mandate and has not considered itself able to investigate the activities of adoption organizations in children's countries of origin. The supervisory authority has thus failed to gain sufficient knowledge about the mediation activities and documentation in mediation cases as a decision-making basis for authorization. Deficient knowledge about activities has also complicated the ability of the supervisory authority to govern and control adoption organizations and prevent irregularities in adoption activities.

Social welfare committees and courts have had a major responsibility but an unclear role in ensuring that intercountry adoptions are carried out correctly and in the best interests of the child. They have relied far too heavily on adoption organizations as guarantors of due process. This may have increased the risk of irregularities in Swedish intercountry adoption activities.

Proposals for future adoption activities and on support for adoptees and their families

Measures based on identified irregularities

Sweden should ratify the International Convention for the Protection of All Persons from Enforced Disappearance

The Government should accelerate the process of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. Adoptions to Sweden that fall within the definition of enforced disappearance have occurred. According to the Convention, authorities have a particular responsibility to examine adoptions that have taken place through enforced disappearance and to guarantee the victims effective remedy.

A public apology to adoptees and their families

Ultimately, it is the Swedish State that has failed to protect the rights of children in intercountry adoption activities. This means that the State must take responsibility for what has happened and take measures to ensure that it does not happen again. Proposals concerning how intercountry adoption activities should be organized in future and support to adoptees are important aspects of this responsibility. The Government should also promptly initiate a dialogue with organizations and networks for adoptees and adoptive families regarding the conditions and manner of an apology to the victims and of public recognition of the offences and violations of human rights that have taken place in Swedish intercountry adoption activities and.

Stronger long-term adoption-specific support to adoptees and their families

A national resource center for adoptees and adoption issues

The Government proposes establishing a national resource center for adoptees and adoption issues that gathers and coordinates adoption-specific support offered by the State. This resource center should focus on individuals adopted both nationally and internationally. There should be a clear path for adoptees in need of support, as well as for the professionals who interact with adoptees in the course of their work.

The resource center should offer direct support in the form of adoption specific counselling, assistance to adoptees searching for their origins, and support when there is suspicion of irregularities. The counseling should be based on freedom of choice and be available in several physical locations, as well as digitally. There should also be an informative and instructive web portal and the possibility to receive general advice via telephone, e.g. concerning questions about archives, DNA and legal issues. The resource centre should also offer meeting places and forums for adoptees to exchange experiences. The resource center should draw on various areas of expertise and experiences in its activities, particularly the expertise of adoptees. This could entail moderating exchanges of experience, organizing meeting places, acting

as an 'on-call friend' or cultural interpreter, or providing assistance to adoptees searching for their origins.

In addition to direct support, the resource center should offer knowledge-raising support to close relatives, the general public and professionals who interact with adoptees in the course of their work.

To offer high accessibility for as many people as possible, the national resource center for adoptees and adoption issues should be established as a new department at the Family Law and Parental Support Authority, and located in Stockholm. Such a solution would make it possible to offer both physical and digital direct support that is easily accessible and provides a high level of adoption-specific expertise. The resource center should be supported by an advisory body that includes adoptees and researchers.

Financial grants for travel to countries of origin and a national DNA-database

Adoptees should be able to receive financial grants of up to 25 per cent of the price base amount to enable travel to their countries of origin. The grant should replace the current adoption allowance that adoptive parents are eligible to receive following an adoption mediated through an authorised adoption organization. The grant should be disbursed following submission of proof of expenditures and administered by the Swedish Social Insurance Agency. The Swedish National Board of Forensic Medicine and The Family Law and Parental Support Authority should be given the task to investigate the conditions for establishing a national DNA-database for adoptees.

Future intercountry adoption activities

Mediation activities for adoption of children to Sweden will be phased out

In 2024, 54 children were adopted to Sweden from other countries. Since mediation activities are funded through fees from applicants, adoption organizations are dependent on the number of children mediated for adoption for their survival. For this reason, the last authorised adoption organization will need to phase out its mediation

activities in the near future. State funding is needed if the activity is to be maintained.

Mediation activities for the adoption of children are problematic from the perspective of the rights of the child, as they are based on the demand for children. The demand for children available for adoption can conflict with the principle of subsidiarity and create incentive for irregularities. Intercountry adoption mediation is no longer a sustainable solution for protecting the interests of children, and therefore the Inquiry proposes phasing it out. Mediation activities should be discontinued by 31 December 2028.

Enhanced control of adoptions across national borders

In a globalised world, there will always be a need for adoption across national borders in individual cases, such as the adoption of children of relatives. When applicants have a close connection to a child who is the subject of an adoption, there may be grounds for adoption other than the fact that a child lacks a safe environment in which to grow up in their home country. The State must take greater responsibility for ensuring that adoption across national borders takes place in the best interests of the child and in compliance with due process. The Family Law and Parental Support Authority should be able to grant permits for international adoption of a child who is related to an applicant or an applicant's adopted child, or if there are special grounds for adoption in consideration of the personal relationship between the applicant and child. The Family Law and Parental Support Authority should examine whether the manner of mediation is reliable and the adoption is in the best interests of the child. In order to strengthen the control in the adoption process, the responsibility to examine whether adoption proceedings should continue in accordance with Article 17(c) of the 1993 Hague Convention should be reassigned from the social welfare committees to the Family Law and Parental Support Authority.

An application for adoption concerning a child under the age of 18 who has been brought or is intended to be brought to Sweden for adoption may only be considered by a Swedish court if The Family Law and Parental Support Authority has granted permit for the adoption.

1 Legislative proposals

1.1 Proposal for a law amending the Parental Code

It is hereby prescribed in respect of the Parental Code¹ that eleven new sections are to be inserted, namely Chapter 4, Sections 24 to 34, and a new heading immediately preceding Chapter 4, Section 24, as follows

Current wording

Proposed wording

Chapter 4.

International adoptions

24 §

The provisions of Sections 25-34 apply when a minor resident abroad is to be adopted by one or more persons resident in Sweden.

25 §

An application for adoption concerning a child under 18 years of age who has been brought or is intended to be brought to Sweden for adoption may be considered only if the applicant or applicants have been granted permission to adopt the child under section 26.

¹Parental Code reprinted 1995:974.

Provisions on the international jurisdiction of Swedish courts are contained in the Act (2018:1289) on adoption in international situations.

26 §

The person or persons wishing to adopt a child domiciled abroad must apply for a permit from the National Agency for Family Law and Parental Support.

2/ §

Permission for adoption from abroad may be granted if the child is related to the applicant or the applicant's adopted child or if there is otherwise a personal relationship between the applicant and the child special reason for adoption.

Authorization may be granted provided that

1. the other country has an adoption law or other reliable regulation of intercountry adoption which takes into account the basic principles of intercountry adoption as expressed in the United Nations Convention on the Rights of the Child and in the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption,

2. the other country has a functioning administration for adoption activities,

3. it is otherwise appropriate to carry out an international adoption from the country, and

4. the applicant has consent under Chapter 24, section 1 of the Social Services Act (2025:000)² and the adoption can be assumed to be in the best interests of the child, taking into account all the circumstances.

28 §

In cases concerning permission for intercountry adoption, the Swedish Agency for Family Law and Parental Support shall consult with the Swedish mission abroad in the other country, unless it is clearly unnecessary, and if necessary with children's rights organizations operating in the other country.

29 §

The assessment under section 26 must be made before the child leaves the country.

30 §

Unless there are special reasons, a decision on authorization for intercountry adoption shall be taken within three months of receipt of the application.

31 §

A decision authorizing intercountry adoption is valid as long as the applicant has the consent of the

²Last wording of Bill 2024/25:89.

according to Chapter 24, Section 1 of the Social Services Act (2025:000).³

The person or persons wishing to adopt are obliged to inform the Agency for Family Law and Parental Support if the circumstances change more significantly during the period of adoption.

the statute applies.

A decision authorizing inter-country adoption shall be revoked if the conditions for it are not no longer exist.

32 §

When a decision has been taken in the country of origin that a child is to be handed over for care to the prospective adoptive parents, the Agency for Family Law and Parental Support shall, as soon as possible and at the latest within two weeks of the notification of the person or persons wishing to adopt, consider whether consent should be given to the adoption of the child.

the procedure may continue.

The time within which the review must take place may be extended if there is special reasons.

The Agency for Family Law and Parental Support shall notify the social welfare board that has given consent in accordance with Chapter 24 Section 1 Social Services Act (2025:000)⁽⁴⁾that consent to the adoption procedure it may continue has been provided.

³ Latest version Bill 2024/25:89.

⁴Last wording of Bill 2024/25:89.

33 §

Decisions under sections 26, 31, third paragraph and 32, first paragraph may be appealed to the general administrative court. Leave to appeal to the Administrative Court of Appeal is required.

Other decisions by the Authority for family law and parenting support cannot be appealed.

34 §

Anyone who, in breach of section 26, has a child removed from his or her country of residence shall be liable to a fine.

This law will enter into force on January 1, 2029.

1.2 Proposal for an Act amending the Social Insurance Code

It is hereby prescribed in respect of the Social Insurance Code
that Chapter 21 is repealed,
that Chapter 5 Section 9, Chapter 20, Section 1 and Chapter 112 4 shall
read as follows,

that a new Chapter 21 is inserted as follows.

Current wording

Proposed wording

Chapter 5.

9 §¹

Persons residing in Sweden are insured for the following benefits:

Section B Family benefits:

1. minimum and basic parental allowances (Chapters 11 and 12)

2. child benefit, (Chapters 15 and 16)

3. maintenance support, (17-19 chap.)

4. *adoption grants*, (Chapter 21) 4. *contribution to origin search*,
(Chapter 21)

5. care allowance (Chapter 22)

Section C Sickness and occupational injury benefits

6. sickness benefit in special cases (Chapter 28a)

7. rehabilitation, allowances for work aids, special allowances and
rehabilitation allowances in special cases (Chapter 29-31a)

8. sickness benefit and activity compensation in the form of a guaranteed
benefit (Chapters 33 and 35-37)

Section D Special benefits for the disabled

9. reimbursement of additional costs, (Chapter 50)

10. assistance allowance, (Chapter 51)

11. car allowance, (Chapter 52)

Title E Old-age benefits

12. guarantee pension, (Chapters 55, 56, 65-67 and 69-71)

13. special pension supplement, (Chapter 73)

14. old-age assistance, (Chapter 74)

Section F Survivors' benefits

15. survivors' benefits, (Chapters 77, 79 and 85)

16. guarantee pension to conversion pension, (Chapters 77, 81 and
85) Section G Housing allowance

¹Latest version 2018:1265.

- 17. housing allowance, (95-98 chap.)
- 18. housing allowance, and (Chapter 100-103)
- 19. housing allowance (Chapter 103a-103e)

Chapter 20.

1 §²

- This subsection lays down provisions on
- *adoption grants* in Chapter 21, and - *contribution to origin search* in Chapter 21, and
 - care allowance in Chapter 22.

Chapter 21. Contribution to origin search

1 § This Chapter lays down provisions on the right to an origin search allowance for adopted persons.

Entitlement to an origin search grant

2 § Grants for tracing origin may be awarded to persons over the age of 18 who have been adopted from abroad to Sweden by someone resident in Sweden. The grant is paid at a maximum of 25 percent of the price base amount for the return journey to the country of origin.

3 § In order for a grant for tracing to be awarded, the application for the grant must be made within one year of the return journey being made.

4 § Grants for tracing of origin are only given to those who have been adopted by decision of a Swedish court.

A decision of a Swedish court is equivalent to

1. a decision on adoption issued abroad and valid in Sweden under the Act (1997:191) on Sweden's accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption,

2. a decision on adoption issued abroad that is valid in Sweden in accordance with the Act (2018:1289) on Adoption in International Situations,

²Latest version 2018:1265.

3. a decision on adoption issued abroad which is valid in Sweden under the Act (1971:796) on international legal relations concerning adoption, and

4. a foreign adoption decision valid in Sweden under the Act (1904:26 p. 1) on certain international legal relationships concerning marriage and guardianship.

5 § Subsidies for tracing are only granted to persons who have been adopted before the age of 18.

Benefits are not available to persons adopted by a relative or by the spouse or cohabiting partner of a parent.

112 chap.

4 §³

<p>Interim decisions on compensation under §§ 2 and 3 may not be made in cases concerning <i>adoption allowance</i>, car allowance or special surcharge.</p>	<p>Interim decisions on compensation under §§ 2 and 3 may not be made in cases concerning <i>grants for searching for origin</i>, car allowance or special separate pension supplement.</p>
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Interim decisions pursuant to section 2 may not be taken in cases concerning general old-age pension, income pension supplement, survivor's pension or survivor's allowance.

Interim decisions pursuant to section 3 may not be taken in cases concerning assistance payments.

1. This law will enter into force on September 1, 2026.

2. The Act repeals Chapter 21.

3. The repealed chapter still applies when examining applications for subsidies for adoptions mediated by an association authorized under the Act (1997:192) on inter- national adoption mediation.

³Latest version 2020:1239.

1.3 Proposal for an Act to amend the Act (1997:191) in connection with Sweden's accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption

It is hereby prescribed, in respect of the Act (1997:191) concerning Sweden's accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption

Section 4 is repealed,

Section 3 shall read as follows

Current wording

Proposed wording

3 §¹

Applications referred to in Article 14 of the Convention shall be made to the social welfare board of the applicant's or the applicants' municipality of residence.

The Social Welfare Board shall

a) compile reports under Article 15(1) of the Convention,

b) *examine questions of consent*

under Article 1(c) of the Convention,

c) take measures under Article 21 of the Convention.

Chapter 6, sections 12-15 of the Social Services Act (2001:453) provides that the Social Welfare Board examines questions concerning consent to receive children for adoption purposes with residency abroad.

Applications referred to in Article 14 of the Convention shall be made to the social welfare board of the applicant's or the applicants' municipality of residence.

The Social Welfare Board shall

a) compile reports under Article 15(1) of the Convention,

Chapter 24, sections 1-4 of the Social Services Act (2025:000)² provides that the Social Welfare Board examines questions concerning consent to receive children for adoption purposes with residency abroad.

4 §³

If an authorized adoption agency has been used to arrange the adoption, the agency shall

¹ Latest version 2001:476.

² Latest version Bill 2024/25:89.

³The amendment deletes the paragraph.

a) in accordance with Article 15(2) of the Convention, submit the reports referred to in Article 15(1),

b) in accordance with Article 16(2) of the Convention, receive reports referred to in Article 16(1),

c) take measures which, according to Articles 18 to 20 of the Convention, are the responsibility of the Central Authority.

This Act shall enter into force on September 1, 2026 for section 3 and on January 1, 2029 for section 4.

1.4 Proposal for an Act to repeal the Act (1997:192) on international adoption mediation

It is hereby laid down that the Act (1997:192) on international adoption mediation shall be repealed on January 1, 2029.

1.5 Proposal for an Act to amend the Act (2018:1289) on adoption in international situations

It is hereby prescribed in respect of the Act (2018:1289) on Adoption in International Situations that Section 5 shall read as follows.

Current wording

Proposed wording

If the Act (1997:192) on intercountry adoption mediation was applicable to the adoption, the adoption must have been carried out in accordance with that Act in order for a decision referred to in section 4 to be valid in Sweden.

5 §
If Chapter 4, Sections 26-31 of the Parental Code were applicable to the adoption, the adoption must have been carried out in accordance with those provisions for a decision as referred to in Section 4 to be valid in Sweden.

If there are exceptional reasons, the authority determined by the Government may approve that the decision shall apply in Sweden despite the fact that the conditions in the first paragraph are not met.

1. This law will enter into force on January 1, 2029.

2. If the Act (1997:192) on International Adoption Mediation was applicable to the adoption, the adoption must have been carried out in accordance with that Act for a decision as referred to in section 4 to be valid in Sweden.

1.6 Proposal for an Act to amend the Social Services Act (2025:000)

It is hereby prescribed in respect of the Social Services Act (2025:000)¹ that Chapter 24 5 shall be repealed, that Chapter 22, sections 20 and 21, Chapter 24, sections 1, 6 and 7, Chapter 30 6 and Chapter 35, section 1 shall read as follows.

Wording according to Bill 2024/25:89 Proposed wording

Chapter 22.

20 §

No one may, without the support of this Act, carry out activities aimed at placing children in family homes, day care homes or other private homes referred to in sections 2 and 4.

The first subparagraph also applies to the placing of children for adoption.

21 §

Anyone who fails to comply with the provision in section 2, first paragraph, shall be fined. A fine shall also be imposed on anyone who fails to comply with the provisions of section 20, *unless the act is punishable under the Act (199/:192) on international adoption.*

Anyone who fails to comply with the provisions of section 2(1) shall be liable to a fine. A fine shall also be imposed on anyone who infringes the provisions of section 20.

General prosecution for the offenses referred to in the first paragraph may be brought only with the consent of the National Board of Health and Welfare.

Chapter 24.

1 §

A child domiciled abroad may not, without the consent of the social welfare committee, be taken in by anyone for the purpose of adoption. The consent must be given before the child leaves the country of residence.

The social welfare committee may give its consent if the applicant is suitable for adoption. The Board shall make an overall assessment of the applicant's suitability, taking particular account of

¹Last wording of Bill 2024/25:89.

- the applicant's knowledge and understanding of adoptive children and their needs and the implications of the planned adoption,
- the personal qualities and social networks of the applicant,
- the age and health of the applicant; and
- the stability of the relationship, if consent is sought by spouses or cohabitants.

If it is known which child the applicant wishes to adopt, the suitability of the applicant shall be assessed in relation to the individual child. The adoption must also be otherwise likely to be in the best interests of the child.

The suitability of the applicant must be assessed in relation to the individual child. It must also be possible to assume that the adoption is in the best interests of the child.

5 §²

When a particular child has been put forward for adoption, the Social Welfare Board shall examine whether consent should be given for the adoption procedure to continue. The assessment shall be made promptly and no later than two weeks after the person or persons wishing to adopt have notified the board that a child has been proposed for adoption. If the adoption procedure is covered by the Act (199/:191) on Sweden's accession to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, section 3 of that Act shall apply. The time within which the review must take place may be extended if there are apparent reasons.

6 §

Consent under section 1 *and approval under section 5* is given by the social welfare committee in the municipality responsible under Chapter 29 for

Consent under section 1 is given by the social welfare committee in the municipality that is responsible for assistance to the applicant or applicants under Chapter 29.

²The amendment deletes the paragraph.

actions to the applicant(s).

The social welfare board that has given consent under section 5 shall fulfill the obligations under Chapter 22. Section 8 and Section 10, first paragraph.

The social welfare board that has *granted consent* under *section 1* shall fulfill the obligations under Chapter 22. Section 8 and Section 10, first paragraph.

7 §

The Act (199/:192) on international adoption mediation contains provisions on the right of authorized associations to mediate children from abroad in certain cases. the country of adoption.

Chapter 4, Sections 24-32 of the Parental Code contains provisions on authorizing the adoption of a child from abroad.

Chapter 30.

6 §³

The Social Welfare Committee may only delegate decision-making powers to a committee in matters concerning

1. care, attention and upbringing in a family home, day care home or other private home under Chapter 22, sections 2 and 4,
2. consideration of continued care, the focus and design of the care and whether there are grounds for applying for a transfer of care under Chapter 22, sections 13 and 14,
3. consideration of a removal order under Chapter 22, section 16,
4. cross-border placement under Chapter 22, sections 17 and 18,
5. international adoption under Chapter 24, sections 1, 2 and 4, or
6. decision under Chapter 33. 4 to bring an action for recovery under Chapter 33, section 1.

The first paragraph also applies in cases of consent to continued adoption proceedings pursuant to Chapter 24. 5, if consent is refused.

³The amendment deletes the third paragraph.

Chapter 35.

1 §⁴

The decision of the Social Welfare Board may be appealed to the general administrative court in respect of

- 1. operations under Chapter 11, section 1 or Chapter 12, section 1,
- 2. denied or reduced income support under Chapter 12 5 §,
- 3. prohibition or restriction on taking in other people's children under Chapter 18, section 11,
- 4. consent to receive a child under Chapter 22, section 2,
- 5. consent to adoption under Chapter 24, section 1,
- 6. withdrawal of consent to adoption under Chapter 24 4 §,
/. *consent to continued adoption
tion procedure under Chapter 24. 5
§,*
- 8. an application for assistance in another municipality under Chapter 29. Section 7, and
/. application for assistance in another municipality under Chapter 29. Section 7, and
- 9. fees or reservations amounts under Chapter 32. 5-10 §§.
- 8. fees or reservations amounts under Chapter 32. 5-10 §§.

This Act enters into force on September 1, 2026 in respect of Chapter 24. 5 and 6, Chapter 30 6 and Chapter 35, section 1 and otherwise on January 1, 2029.

⁴The amendment deletes paragraph 7.

1.7 Proposal for a regulation on government grants for experimental activities with tracing of origin for adopted persons

It is hereby provided that

Introductory provisions

1 § This Regulation contains provisions on government grants to non-profit organizations and foundations that conduct experimental activities to support adopted persons over the age of 18 in finding their origin. State aid under this Regulation is subject to the availability of funds. The regulation is issued on the basis of Chapter 8. 7 of the Instrument of Government.

2 § For the purposes of this Regulation, an experimental activity with tracing of origin for adopted persons means an activity that supports, explains and facilitates an adopted person's search for their cultural or biological origin. The activities may include

1. explain the information in adoption documents both in Sweden and in the country of origin,
2. contact individuals and organizations in the country of origin,
3. provide advice and support during the application process and for return travel;
and
4. prepare the first contact in the context of reunification Support in tracing your origins should be free of charge.

Purpose of the state aid

3 § The purpose of the government grant is to promote non-profit associations and foundations that offer experimental activities with tracing of origin for adopted persons.

The form of the state aid

4 § The government grant is an operating grant for activities as referred to in section 2. The grant may also cover certain costs for the administration of the activity.

Conditions for state aid

5 § Government grants may be awarded to a non-profit organization or to a foundation that is not a state or municipal organization for activities referred to in section 2.

The non-profit association or foundation shall

1. operate on a not-for-profit basis,
 2. have representatives with sufficient experience, competence and training to carry out the activities referred to in section 2,
 3. manage its activities with clear objectives, methods and procedures,
 4. document its activities by establishing activity and audit reports;
- and
5. have been working in Sweden for at least two years with adopted persons.

Obstacles to providing state aid

6 § State aid may not be granted to a non-profit organization or foundation if it or any of its representatives acting within the framework of the activity

1. uses violence, coercion or intimidation against a person or otherwise violates a person's fundamental rights and freedoms,
2. discriminates against persons or groups of persons or otherwise violates the principle of equal value of all human beings,
3. advocates, promotes or incites conduct referred to in 1 or 2; or
4. works against the democratic system of government.

Nor may state aid be granted to a non-profit association or foundation if it emerges that one of its partner organizations, or a representative of one of its partner organizations, is acting in such a way as specified in the first paragraph.

7 § If a non-profit association or foundation, its representative, cooperating organization or the representative of the cooperating organization has acted in such a way as set out in section 6, a government grant may still be awarded to the non-profit association or foundation if there are special reasons. In this assessment, particular consideration shall be given to whether

1. the non-profit organization or foundation has distanced itself from the conduct,
2. the non-profit organization or foundation has taken adequate measures to ensure that the conduct is not repeated,
3. it is an isolated act, and
4. the behavior goes way back in time.

In the case of serious infringements by a cooperating organization, or its representatives, the assessment shall also take particular account of whether cooperation has been suspended.

8 § Grants may not be awarded to a non-profit organization or foundation that

1. is in liquidation or bankruptcy,
2. has tax or fee debts or other debts that have been handed over to the Swedish Enforcement Authority and which, upon collection, are treated as a general case, or
3. has a debt that has not been paid in due time and that relates to the recovery of benefits paid by the Agency for Family Law or Parental Support.

Application form

9 § The Swedish Agency for Family Law and Parental Support examines questions concerning government grants under this Regulation.

10 § An application for a government grant for experimental activities with origin searches for adopted persons must have been received by the Swedish Agency for Family Law and Parental Support no later than the date determined by the agency. An application for a government grant must be made by an authorized representative of the non-profit association or foundation.

11 § An application shall contain

1. the applicant's statutes or articles of association,
2. documents showing who is entitled to represent the non-profit association or foundation,
3. the annual report, the annual accounts or equivalent summary of accounts, the annual report and the audit report for the preceding financial year,
4. an implementation plan for the tracing activities for adopted persons, including how to monitor the results,
5. the annual budget for the activity to which the application relates; and
6. information on the existence of other grants applied for or awarded.

12 § An applicant shall provide the Authority for Family Law and Parental Support with the documents and information requested by the Authority in order to assess the application.

13 § If an applicant does not provide the documents or information required by sections 11 and 12, the applicant shall be given the opportunity to complete the application within a certain time. If the applicant does not comply with a request to supplement the application, the Swedish Family Law and Parental Support Agency may examine the application as it stands.

Distribution of state aid

14 § When examining applications received, the Swedish Family Law and Parental Support Agency may prioritize and grant the applications that are deemed to have the best conditions for conducting the activities referred to in sections 1 and 2.

Decision

15 § A decision on a grant may cover a maximum period of three years. A grant year shall comprise one calendar year. A grant decision shall specify the calendar year or years for which the grant is awarded.

16 § A decision on a grant may be subject to conditions. The conditions shall be stated in the decision.

17 § The decision shall state the final date for reporting under section 19. The decision shall also contain information on what applies with regard to obstacles to providing government grants under sections 6 and 8 and repayment and recovery under sections 24 and 25.

Obligation to notify

18 § Anyone who applies for or has been granted a grant under this Regulation shall notify the Swedish Family Law and Parental Support Agency without delay of any changes in circumstances that may affect entitlement to or the amount of the grant.

Accounting

19 § A grant recipient shall, no later than the date specified in the decision, submit a financial report to the Swedish Family Law and Parental Support Agency on the grant received and an account of what the funds have been used for, what results have been achieved and how the result relates to what is specified in sections 2 and 3.

The report shall be made in the manner determined by the Authority.

The beneficiary shall also provide the other information and information requested by the authority.

20 § An auditor shall audit the accounts in accordance with section 19. The auditor's report on the audit shall be appended to the accounts.

If the contribution received amounts to at least five price base amounts under Chapter 2, Sections 6 and 7 of the Social Insurance Code. 6 and 7 of the Social Insurance Code, the audit must be performed by an authorized or approved auditor.

21 § A grant recipient shall, at the request of the Agency for Family Law and Parental Support, provide the information and documents that the Agency needs to review the accounts under section 19.

22 § The Agency for Family Law and Parental Support shall, no later than October 31st of the year following the grant year, submit an overall report to the Government on the grants made under this Ordinance. The report shall contain information on who has received grants and in what amounts, and an account of what the grant has

used for. The report shall also include an assessment of the results and, if possible, effects of the grant in relation to what is stated in sections 2 and 3.

Obstacles to payment

23 § The Swedish Family Law and Parental Support Agency shall decide that an awarded grant shall not be paid in whole or in part if the recipient of the grant no longer meets the conditions for it or if there are grounds for repayment under section 24. Such a decision shall take effect immediately.

Obligation to repay

24 § A beneficiary is obliged to repay the grant if

1. the beneficiary has, by providing false information or by any other means, caused a grant to be awarded incorrectly or in excess of the amount due,
2. for any other reason, the grant was given incorrectly or in an excessive amount and the beneficiary should have realized this,
3. the grant has not been fully or partially used or applied to the activity for which it was awarded,
4. the recipient has not submitted a declaration as referred to in section 19,
5. the conditions of the grant decision have not been complied with; or
6. the recipient does not meet the conditions set out in section 6 and there are no special reasons under section 7 which mean that a grant may nevertheless be awarded.

Recovery decision

25 § The Swedish Agency for Family Law and Parental Support shall decide to reclaim the grant in whole or in part if the recipient is liable for repayment under section 24.

If there are special reasons for it, the Agency for Family Law and Parental Support may decide to waive all or part of a claim for repayment.

Appeals

26 § Section 40 of the Administrative Procedure Act (2017:900) contains provisions on appeals to the general administrative court. However, no appeals may be lodged against decisions under this Regulation other than decisions to prevent payment under section 23 and decisions on recovery under section 25.

Authorization

27 § The Swedish Agency for Family Law and Parental Support may issue regulations on the implementation of this Ordinance.

-
1. This Regulation shall enter into force on September 1, 2026.
 2. The Regulation applies for the first time to grants for the year 2027.

1.8 Proposal for an ordinance to amend the ordinance (1998:562) with certain authorizations for Försäkringskassan

It is hereby prescribed in respect of the Ordinance (1998:562) on certain authorizations for the Swedish Social Insurance Agency that Section 3 shall have the following wording.

Current wording

Proposed wording

3 §¹

The Social Insurance Agency may issue further regulations on the implementation of

- | | |
|--|---|
| <p>1. the Social Insurance Code with regard to social security protection, pregnancy allowance, parental benefits, <i>adoption allowance</i>, care allowance, sickness allowance, rehabilitation, rehabilitation allowance, sickness benefit, activity allowance, carrier's allowance, dependent child allowance, additional cost allowance and housing allowance supplements,</p> <p>2. the Social Insurance Code when applying for a housing supplement to sickness benefit or activity compensation,</p> <p>3. the provisions of Chapter 110, Section 14(1) and (2) of the Social Insurance Code concerning enquiries and visits,</p> <p>4. the Act (1993:332) on free medical benefits etc. for certain HIV-infected persons, and</p> <p>5. the Sick Pay Act (1991:1047) in respect of payment of compensation under section 20 of the Sick Pay Act.</p> | <p>1. the Social Insurance Code with regard to social insurance protection, pregnancy allowance, parental allowance, <i>search allowance</i>, nursing care allowance, sickness benefit, rehabilitation, rehabilitation allowance, sickness benefit, activity allowance, carrier's allowance, dependants' allowance, additional costs allowance and housing allowance,</p> |
|--|---|

Before the Swedish Social Insurance Agency issues regulations on social insurance cover, it must obtain an opinion from the Pensions Agency if the regulations concern issues that also relate to that agency's activities.

¹Latest version 2018:1617.

Before the Swedish Social Insurance Agency issues regulations on grants *for the adoption of foreign children*, it must obtain an opinion from the Swedish Family Law Agency.

and parenting support.

Before the Swedish Social Insurance Agency issues regulations on grants *for tracing of origin*, it shall obtain an opinion from the Swedish Agency for Family Law and parental support.

This Regulation shall enter into force on September 1, 2026.

**1.9 Proposal for a regulation amending
in the Social Services Ordinance (2001:937)**

It is hereby prescribed in respect of the Social Services Ordinance (2001:937) that Chapter 8. Section 7 shall have the following wording.

Current wording

Proposed wording

Chapter 8.

7 §

The Agency for Family Law and Parental Support may issue regulations on the processing and documentation of cases concerning international adoptions in the application of

- 1. Chapter 3, section 3, second paragraph of the Social Services Act (2001:453),
- 2. Chapter 5, section 1 of the Social Services Act,
- 3. Chapter 6. 6, 7 and 12-15 §§ of the Social Services Act, and
- 3. Chapter 6. Sections 6, 7, 12, 13 and 15 the Social Services Act, and
- 4. Chapter 11, Sections 1 and 5 of the Social Services Act in connection with the investigator's report of the investigation and proposal for a decision to the district court in accordance with Chapter 4, Section 15 of the Parental Code.

This Regulation shall enter into force on September 1, 2026.

1.10 Proposal for an ordinance amending the ordinance (2008:1239) on government grants to authorized adoption associations and to national organizations for adoptees

It is hereby prescribed in respect of the Ordinance (2008:1239) on State Grants to Authorized Adoption Associations and to National Organizations for Adoptees

that Sections 2, 9 and 10 are repealed,

that Sections 1, 4, 5, 8, 11, 12 and 13 shall read as follows

that the title of the statute should read "Ordinance (2008:1239) on state subsidies to national organizations for adoptees".

Current wording

Proposed wording

1 §

This Regulation lays down provisions on state aid *to authorized adoption associations and to national organizations for adoptees*. State aid is subject to the availability of funds.

This Regulation contains provisions on government grants to national organizations for adoptees. State aid is granted subject to the availability of funds.

2 §¹

The purpose of the state subsidy to authorized adoption associations is to support their work with international adoption mediation.

Se

ction 4 For the purposes of this Regulation
authorized adoption association: an association that is authorized to work with international adoption mediation in accordance with sections 6 and 6 a of the Act (199/:192) on International Adoption Mediation,

¹The amendment deletes the paragraph.

'national organization for adoptees' means a non-profit association whose main purpose is to protect the interests of its adopted members.

5 §

Government grants may be given to authorized adoption associations and to national organizations for adoption. tered.

Government grants may be given to national organizations for adoptees.

8 §

Applications for government grants from authorized adoption associations must be received by the Agency for Family Law and Parental Support no later than 15 January of the grant year. Applications for government grants from national organizations for adoptees must have been received by the Authority no later than 31 March the contribution year.

Applications for government grants from national organizations for adoptees must be received by the authority by 31 March of the grant year.

9 §²

The Agency for Family Law and Parental Support may distribute a maximum of 10 percent of the government grant to national organizations for adoptees.

10 §³

The Agency for Family Law and Parental Support may distribute the remaining part of the government grant to authorized adoption associations as follows:

1. 50 percent of the government grant is distributed in equal amounts among all authorized adoption associations and the remaining

² The amendment deletes the paragraph.

³ The amendment deletes the paragraph.

The amount is distributed according to the average number of children placed by each of the associations during the two previous years.

2. A state subsidy is only paid if an authorized adoption agency has been authorized during the two previous calendar years and has placed children for adoption in at least one of the two previous calendar years.

3. The total estimated state contribution may not exceed SEK 10,000 per average number of children placed during the two previous calendar years.

11 §⁴

Authorized adoption associations and national organizations for adoptees shall annually submit an overall report to the Agency for Family Law and Parental Support on the use of the state grant in relation to the purpose of the grant under this Regulation. The report shall be submitted by 1 June of the year following the grant year by the authorized adoption associations and by 31 March of the year following the grant year by the national organizations for adoptees.

National organizations for adoptees shall submit an annual report to the Swedish Family Law and Parental Support Agency on the use of the government grant in relation to the purpose of the grant under this Regulation. The report shall be submitted no later than March 31 of the year following the grant year.

⁴Latest version 2015:980.

12 §⁵

Authorized adoption associations and national organizations for adoptees who have been granted a state subsidy are obliged to provide the necessary documentation at the request of the Agency for Family Law and Parental Support for the Authority's review. National organizations for adoptees that have been granted state subsidies are obliged, at the request of the Authority for Family Law and Parental Support, to provide the documentation needed for the authority's review.

13 §⁶

The recipient of a government grant under this Regulation is liable for repayment if

- 1. the beneficiary has, by providing false information or otherwise, caused the grant to be paid incorrectly or in excess of the amount due,
- 2. the grant is not used for the purpose for which it was awarded,
- 3. conditions of the grant decision not complied with,
- 4. the recipient does not provide such accounts referred to in section 11, *or*
- 3. conditions of the grant decision not complied with, *or*
- 4. the recipient does not provide such accounts referred to in section 11.

5. the recipient is an authorized adoption society and it has received its authorization withdrawn.

If a recipient of a grant is liable for repayment under the first paragraph, the Agency for Family Law and Parental Support shall decide to recover the grant in whole or in part. If there are special reasons, the Authority may waive recovery in whole or in part.

This Regulation will enter into force on January 1, 2029.

⁵ Latest version 2015:980.

⁶The amendment deletes paragraph 5.

1.11 Proposal for an ordinance amending the ordinance (2014:115) with instructions for the foreign representation

It is hereby prescribed in respect of the Ordinance (2014:115) containing instructions for the Swedish Mission Abroad that a new section 3, Chapter 17a, be inserted and that a new heading be inserted immediately before section 3, Chapter 17a, as follows.

Current wording

Proposed wording

Chapter 3.

Adoption cases

1/a §

Missions and consulates shall assist the Agency for Family Law and Parental Support with investigations in cases concerning international adoption.

This Regulation shall enter into force on September 1, 2026.

1.12 Proposal for an ordinance amending the ordinance (2017:292) with instructions for the Agency for Family Law and Parental Support

It is hereby prescribed in respect of the Ordinance (2017:292) establishing the Agency for Family Law and Parental Support that Sections 3 and 4 shall read as follows
two new paragraphs 4a and b are inserted as follows

Current wording

Proposed wording

3 §¹

In matters relating to international adoptions, the Authority shall in particular

1. monitor that the work of Swedish intercountry adoption agencies is carried out in accordance with the law and the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, and in an otherwise ethically acceptable manner,

2. follow international developments and gather information on issues related to the adoption of foreign children, and

3. monitor the development of the costs of adopting foreign children children.

1. monitoring international developments and gathering information on issues related to intercountry adoption Dutch children, and

2. monitor the development of the costs of adopting foreign children children.

4 §²

The Agency is also responsible, in relation to intercountry adoptions, for the tasks assigned to it under

1. the Act (1997:191) on the Accession of Sweden to the Hague Convention on the Protection of

1. Chapters 4, 24-32 of the Parental Code,

2. the Act (1997:191) on the management of Sweden's accession to Hague Convention on the Protection of

¹ The amendment deletes paragraph 1.

² Latest version 2018:1298.

children and cooperation in international adoptions,

2. *the law (199/:192) on international adoption agency,*

3. the Ordinance (2008:1239) on State Grants *to Authorized Adoption Associations* and to National Adoption Organizations tered, and

4. the Ordinance (2018:1296) on adoption in international situations.

children and cooperation in international adoptions,

3. the Ordinance (2018:1239) on government grants to *national organizations for adoptees,*

4. the Ordinance (2018:1296) on adoption in international situations; *and*

5. the Ordinance (2026:000) on government grants for experimental activities with tracing of origin for adopt- persons concerned.

4 a §

The Agency shall have a national resource center for adopted persons and adoptees tion issues.

Within the National Resource Center, there shall be an advisory body to assist the Resource Center on issues related to the business.

4 b §

The National Resource Center will

1. *provide adoption-specific professional counseling support to adopted persons and adoptive parents,*

2. *provide support to internationally adopted persons in the context of origin search,*

3. provide support to adoptees on issues of irregularities in international adoptions; and

4. gather and disseminate knowledge on adoption based on research and proven experience.

The authority shall report annually to the Government Offices (Ministry of Social Affairs) on the measures and activities taken by the national resource center. The report shall be submitted no later than September 30 of the year following the year in which the report refers to.

This Regulation shall enter into force on September 1, 2026 in respect of Section 4(5), (4a) and (b) and otherwise on January 1, 2029.

2 Our mission and work

2.1 The mission and the need for an investigation

The inquiry into Sweden's international adoption activities - lessons learned and the way forward was appointed by the Government in October 2021 following a unanimous announcement in the Riksdag. The background was the information about irregularities and shortcomings in international adoption activities that had emerged both in Sweden and internationally.

The purpose of the assignment is to clarify the occurrence of any irregularities in Sweden's international adoption activities and how the government, relevant state authorities, municipalities, authorized associations, non-profit organizations and other private actors have acted and responded to any irregularities based on the responsibilities and roles of each actor. The investigation's lessons will provide guidance for the development of Sweden's international adoption activities by proposing how current regulations, organization and processes can be changed and strengthened in order to further strengthen the child rights perspective and legal certainty. The investigator shall also investigate the need for adoption-specific support and propose what help and support measures should be offered and how these should be organized.

2.2 Starting points and interpretation of the mission

2.2.1 Introduction

A central task of the investigation is to clarify the existence of any irregularities in Sweden's international adoption activities from the mid-1950s to the present day and what responsibility and role the government, relevant state authorities, municipalities, authorized associations, non-profit organizations and other private actors have and have had in Sweden's international adoption activities.

The task also involves investigating and clarifying whether these various actors had knowledge of or involvement in any irregularities and whether any involvement in irregularities was occasional or systematic. A further task has been to investigate and clarify how the actors responded to any indications of irregularities and whether they thereby fulfilled their responsibility or role based on the prevailing regulations and organization.

According to the directives, irregularities can be of various kinds, ranging from a so-called illegal adoption, which refers to an adoption that is the result of abuse such as abduction, sale, trafficking and other illegal activities, to various forms of unethical or inappropriate behavior by different participants in the process.¹The boundaries between different types of irregularities can be difficult to draw. According to the terms of reference, the Adoption Commission's analysis of the responsibilities of the various actors must be based on the regulations and organization in force at the time, and take into account the attitudes and norms that existed in society at the time.

The task of investigating the occurrence of irregularities in Sweden's international adoption activities over a period of more than 70 years is complex and requires several positions to be taken when choosing the starting points for the work. Many questions have required answers, such as what should be labeled as an irregularity and why? What significance does it have that we are examining actions that are partly far back in time when a different approach to international adoption prevailed compared to today? How does the purpose of the investigation affect our work? And what does it mean that individual cases should not be investigated? The following is a brief account of some of the positions we have taken in our work.

2.2.2 What is an irregularity?

Procedures that do not provide a basis for assessing the best interests of the child

The assessment of what can be characterized as an irregularity in the context of an adoption procedure is based on the ultimate purpose of the adoption regulation, namely to ensure that a child is adopted only if it is in the best interests of the individual child. A procedure that does not ensure a solid basis for assessment of the

¹See also chap. 6 and Volume 2, Chapter 2.

the best interests of the individual child to be adopted internationally could by definition be described as irregular. However, it is possible to grade the irregularities in some sense, from clearly illegal actions to actions that are not expressly prohibited but which can be described as unethical as they have made it difficult and in some cases impossible to assess whether an adoption is in the best interests of the child.

Adoption means that the adopted person, in a legal but also in a de facto sense, is transferred to a new family and has new parents. The legal ties with the original family cease. In the case of inter-country adoption, a child is not only given a new family, but also a completely new life in a new environment, which in most cases involves a new language, new habits, a new culture and, in many cases, a life in which the child looks different from the surrounding society. Against this background, an intercountry adoption is a life-changing event for the individual, an event that in various ways shapes the individual's future life.² It is therefore of the utmost importance that a decision to adopt a child through intercountry adoption is preceded by a careful examination of the conditions for the decision in order to ensure that intercountry adoption with all that it entails is really in the best interests of the child to be adopted. An adoption that is not in the best interests of the child is a violation of the child's rights. Many people around the child can also be harmed if an adoption is carried out on the wrong basis, in particular the original parents but also the adoptive parents. However, there has never been any disagreement about this; the question is whether we have done what we could to ensure that the basis for the assessment of the best interests of the child in the individual case could give a correct picture of the conditions for a decision on adoption.

The Swedish regulation on adoption provides a baseline

The conditions for when an adoption can be considered to be in the best interests of a child, and therefore be granted, have long been set out in our national legislation. Corresponding rules and standards have also been laid down in several international instruments concerning adoption. The fact that an adoption may only be granted when it is in the best interests of the adopted child has

²Insightfully described by Hanna Wallensteen in the foreword to this report.

has been a long-standing requirement and guiding principle for the design of the regulation.

Since 1949, the rules for adoption in Swedish law have been set out in Chapter 4 of the Parental Code. It sets out requirements for how the adoption process should be designed to ensure that a decision on adoption is based on a basis that makes it possible to establish that an adoption is in the best interests of the individual child. In the case of intercountry adoption, there are additional rules designed to ensure that the adoption of a child across national borders, with all that this entails for the child, only takes place when it is in the best interests of the child. The starting point when children are adopted to Sweden must be that Swedish law is respected.

However, the rules do not only set out requirements that must be met for an adoption to be considered in the best interests of the child. Different actors also have an obligation to check that the requirements are met.

Against this background, an examination of whether there have been irregularities in intercountry adoption means, among other things, clarifying whether the requirements laid down, both in the national and in the international regulations, have been met by the various actors involved in the activity and that each has fulfilled the obligations incumbent on them. In this view, an irregularity may exist when the requirements imposed have not been met or when the documentation does not accurately reflect the child's background. Put another way, irregularities may occur when the documentation in a case does not provide a complete and accurate picture of the child on which to base an assessment of whether an adoption is in the best interests of the child.

2.2.3 A review of actions in historical perspective

The Adoption Commission's mandate spans a period of over 70 years. During that time, knowledge, values and rules on adoption have developed and changed. An important issue has therefore been to consider how past actions should be evaluated and assessed. From a historical perspective, assessing whether an action was improper is a complex task. Some of the things that attract attention today may have been assessed quite differently when they occurred.

In previous Swedish inquiries that have dealt with age-related settlements over a long period of time, different approaches have been taken.

The Sterilization Inquiry was tasked with mapping the application of the previous sterilization laws and considering principles for compensation to those affected. The inquiry placed great emphasis on problematizing accountability after the fact and strove for a historical assessment in which actions were judged in the light of the regulations and approaches in force at the time.³ Unlike the 1997 Sterilization Inquiry, the Vanvårdsutredningen was not tasked with shedding light on the question of responsibility in a broad sense. Instead, the task was to identify neglect and it was therefore necessary to take a position on what should be considered "abuse and neglect". The neglect inquiry chose to use the rights of the child under the UN Convention on the Rights of the Child as a starting point when defining what should be regarded as neglect historically.⁴ They thus took a contemporary rights perspective.

There are risks with both of these approaches. Judging what is to be considered unlawful from a contemporary rights perspective risks leading to anachronistic moralism, i.e. reversing the sequence of events and applying contemporary values to actions in the past. On the other hand, relying solely on the norms of the historical actors of the time risks belittling the violations that occurred⁽⁵⁾.

The question of how past actions should be evaluated and assessed is linked to the purpose of an investigation. If the purpose of the investigation is primarily about accountability, a historicizing assessment is important - the actors can only be held responsible according to the laws and regulations that applied at the time. If, on the other hand, the purpose is primarily about redress for the affected individuals, a contemporary rights perspective helps to highlight the violations that have actually occurred.

The purpose of the Adoption Commission's assignment is to clarify whether the Swedish regulation and organization of international adoption has been so constructed that it has been able to prevent children from being adopted when it has not been in their best interests. The aim is also to draw lessons from history and propose how international adoption activities should function in the future. The terms of reference explicitly state that the inquiry must not consider financial compensation or other redress for individuals affected. This means that

³SOU 2000:20 *The Sterilization Issue in Sweden 1935-19/5 Historical Illumination - Mapping - Interviews*, p. 15 ff.

⁴ SOU 2009:99 *Vanvård i social barnavård under 1900-talet*, p. 124.

⁽⁵⁾M. Andersson (2016), *Replacing the irreplaceable. State compensation for involuntary sterilization and neglect of children in care*, p. 45 ff.

that the redress perspective is not as prominent as in the directives for other commissions that investigated historical irregularities, so-called truth commissions.⁶Furthermore, the investigation must investigate and clarify how the responsible actors responded to any indications of irregularities and whether they thereby fulfilled their responsibility or role based on the prevailing regulations and organization.⁷In accordance with the directives, I have assessed illegal actions based on the laws and regulations that applied at the time in question. From a legal point of view, the actors cannot be considered responsible for rights violations that occurred before Sweden's international human rights obligations had entered into force. Unethical conduct is therefore also assessed on the basis of the values recognized in international conventions and formulated in Swedish law at the time of the adoption in question.

However, the assessment of what was unethical behavior cannot be influenced by the different perceptions of ethics and morality that the actors had at the time. The spirit of the times and views on children and families are important components in seeking to understand and obtain explanations for the actions of different actors, but do not affect the assessment of whether an action has been unethical or not. We also do not take into account whether the actions were performed with good intentions. Actions performed with the aim of doing good can also be judged as unethical.

One risk with this approach, i.e. not starting from a contemporary rights perspective, is that it does not make visible the violations that have actually occurred. However, we have been able to establish that the rights arising from both the Convention on the Rights of the Child and the 1993 Hague Convention have in principle been recognized in Swedish law throughout the period we are examining. It is above all the principle of subsidiarity and the child's right not to be separated from siblings through an adoption that have been clarified by the adoption of the Children's Convention in 1989. In practice, it is therefore not decisive whether the starting point is taken from a contemporary or contemporary rights perspective.

⁶Dir. 2020:29 *Settlement of historical violations and abuses against Tornedalians, Quans and Lantalaiset* and Dir. 2021:103 *Mapping and review of the policy pursued towards the Sami and its consequences for the Sami people*.

⁷Dir. 2021:95 *Sweden's international adoption activities - lessons learned and the way forward*, p. 9.

2.2.4 A review of irregularities - not an evaluation of intercountry adoption

As stated above, the Adoption Commission's task is to clarify how Sweden's international adoption activities have been organized, what tasks and responsibilities the various actors involved have had, whether there have been irregularities and how the various actors have acted on information about possible irregularities. The overall aim can be said to be to clarify whether international adoptions have been carried out in a legally secure and ethical manner based on the best interests of the child. If it turns out that irregularities have occurred, the various Swedish actors' knowledge, actions and ability to act must be clarified. The inquiry's remit includes submitting proposals for constitutional amendments and other measures needed to further strengthen the child rights perspective and legal certainty.

The assignment does not include considering possible liability issues in individual cases or financial compensation or other redress to individuals who have been affected. Nor does the assignment include evaluating international adoptions, either as a phenomenon or in individual cases. The inquiry will not take a position on whether international adoption has been good or not, either for individuals or in a societal perspective.

The directives state that the analysis of the actions of different actors in intercountry adoption activities should not only be based on the regulations and organization prevailing at the time, but should also take into account the attitudes and norms that existed in society at the time. This has sometimes been interpreted to mean that if the actors at any given time considered that the most important thing is that a child can come to Sweden through adoption, it becomes less important that the requirements of the regulations are met. Intercountry adoption has been seen as something good in itself. Saving lives becomes the most important thing of all. This may of course be the case. But that is not what the investigation assignment is about and not a question that I as a special investigator can take a position on.

The Adoption Commission's mission is to examine whether there have been irregularities in the international adoption business, what they may have entailed and how Swedish actors could have prevented them. The mission is to investigate whether the rights of intercountry adopted children have been violated. It is a question

which must be kept separate from the question of whether intercountry adoptees have a good life in their new families and in their new country. However, in the public debate on intercountry adoption, it is all too common to see the two issues as interlinked. But the fact that an adopted person has or has not had a good life cannot affect the answer to the question of whether their human rights have been violated. These are two different issues that need to be kept separate.

2.3 Outline of the report

The final report consists of two volumes. In Volume 1, we report on the assignment, the development of intercountry adoptions in Sweden, our analysis and conclusions on regulation, organization and processes, and irregularities in Swedish intercountry adoption activities. We also present our proposals for the future of adoption activities and adoption-specific support, as well as our impact analysis. In Volume 2, we present our definition of irregularities and our in-depth review of seven selected countries and our review of private and individual adoptions. We also provide a chronological review of the regulation, organization and processes of international adoption activities, and describe Sweden's commitments to human rights and, in particular, the rights of the child in adoption. Finally, we present our analysis of the need for support for adopted persons and their families.

2.4 Approach and methodology

2.4.1 Expert group and reference group

Expert group

The expert group has included experts from the Ministry of Social Affairs and the Ministry of Foreign Affairs and initially also the Ministry of Justice. The experts included representatives of the Ombudsman for Children, the Swedish Agency for Family Law and Parental Support (MFoF), the National Board of Health and Welfare, the Social Administration of the City of Stockholm, Varberg District Court, the Adoption Center (AC), Barnen Framför Allt (BFA) and two representatives of the Swedish

from Linköping University and Stockholm University and a licensed psychologist. All have been appointed by the government.

Associations for adopted persons expressed early criticism of the fact that representatives of the AC and BFA and also the MFoF sat on the expert group. The criticism was based on the fact that they represented organizations that had been involved in international adoption activities and thus in the irregularities that had occurred. There was a concern that the investigator would allow himself to be influenced by AC and BFA in the review work. The investigator already announced at the first expert group meeting that, as special investigator, she alone would be responsible for the conclusions and proposals to be submitted in the final report to the Government. The expert group had no comments on this.

The expert group held a total of eleven meetings in 2022-2024. At these meetings, the investigator and the secretariat provided information on the ongoing work, raised issues for discussion and asked for comments on drafts and proposals. The AC and the BFA have been important sources of information on how the activities have been conducted.

Experts and specialists have received draft texts for factual review and comments. Only the specialists have received assessments, conclusions and proposals, which is a requirement under the Committees Ordinance (1998:1474). The investigator and the secretariat have considered the comments and the investigator has then decided which changes to make.

Reference groups

The reference group included representatives of the Association of Adopted Ethiopians and Eritreans (AEF), the Association of Adopted Koreans (AKF), Chileadoption.se, the Association of Forever Families for South Africa and Lesotho, the Korean Society, the Network of the Bulgarian Association of Adoptive Families, the Organization for Adult Adoptees and Foster Children (AFO), the Swedish Nepalese Association, the Swedish Korean Adoptees' Network (SKAN) and the Transnational Adoptees' Association (TAR).

The Reference Group has been convened for five joint meetings in 2022-2025. Prior to the first joint meeting, individual meetings were held with each member or association. At the reference group meetings, the investigator and the secretariat provided information on the ongoing work,

raised issues for discussion and presented possible proposals. In addition, meetings have been held with individual members and associations as necessary. The reference group has played an important role in providing information and contacts throughout the process.

2.4.2 Selection of countries of origin for in-depth review

According to the terms of reference, the investigator is to investigate and clarify the existence and extent of any irregularities in relation to the countries of origin from which most international adoptions to Sweden have taken place, as well as the countries of origin where there is knowledge or serious suspicion that irregularities have occurred in the adoption process.

Our selection of countries was based on official statistics on intercountry adoption activities for the period 1969-2021 and various sources that can provide information on possible irregularities in the adoption process in different countries. On the basis of the statistics, we narrowed down to the ten largest countries in terms of the number of adoptions over time. We then conducted a more in-depth review of various sources to find information and reports on irregularities in these ten countries. We reviewed, among other things, other countries' reviews of irregularities in intercountry adoptions, scientific articles, activity reports and supervision reports for the National Board for Intercountry Adoption (NIA) and the Swedish Intercountry Adoption Authority (MIA), the Swedish Family Law and Parental Support Authority (MFoF), government investigations and reports, and conducted a review of news articles from the 1970s to the present day. We also interviewed people who could provide information about irregularities in international adoptions and also took note of an excel file with a list of articles and reports on irregularities in different countries over time from the researcher Tobias Hübinette. Irregularities reported in other countries were noted during the course of the work so that they could be included in future work.

We compiled the material with facts about irregularities in the ten largest adoption countries in a document for the first meeting of the expert group in April 2022. The aim was to be able to narrow down to six countries at the meeting, which we judged to be a reasonable number of countries based on the timetable and existing resources. The starting point was that the selection, in addition to

to capture the largest adoption countries and countries where there was knowledge or serious suspicion of irregularities in the adoption process, would also highlight irregularities in the adoption process over time, include adoptions mediated through authorized adoption organizations as well as private and individual adoptions and provide a geographical distribution across several continents. Two countries were already included in the directives, namely Chile and China. At the meeting, the expert group discussed the different countries and how a selection could be made to provide the best conditions for review. The expert group did not set any priorities. One suggestion was to include an EU country, as the EU could probably be expected to have an interest in this and it could therefore be valuable to examine Poland, which was one of the ten countries.

Based on the evidence and the discussion at the expert group meeting, the investigator decided on a sample of four countries in addition to Chile and China, namely Colombia, Poland, Sri Lanka and South Korea. We then began an in-depth examination of these countries.

The selection was criticized, among other things, by adoptees' associations for not capturing any country in Africa and that, by not reviewing India, we did not highlight irregularities in the second largest adoption country for Sweden with proven irregularities in adoptions. Thailand and Vietnam were also highlighted as countries we should review. As we had seen indications of irregularities in all of the ten adoption countries, we had no other opinion, but the timetable and resources limited the possibilities to examine more countries. In our further work on the six countries, we also found information about irregularities in adoption activities in Ethiopia, which led the investigator to decide in June 2023 to add Ethiopia to the six countries. The sample thus amounted to seven countries, which together covered just over half of the number of international adoptions to Sweden from 1969 until today.

2.4.3 Archival review and analysis of written material

Review and examination of archival material

The investigation of irregularities in the intercountry adoption process has involved extensive work with review and analysis of archival material from the National Archives (including country

archives), MFoF's archives, the Ministry of Foreign Affairs' archives, municipal archives and district court archives. We have also reviewed archival material from AC and the Family Federation for International Adoption (FFIA). The researcher Tobias Hübinette has given us access to his private archive concerning international adoption activities in general, and South Korea in particular.

At the National Archives in Täby, we have reviewed archive material for the NIA, the Ministry of Foreign Affairs and current Swedish foreign authorities, as well as documents and adoption files for some discontinued adoption organizations and AC. We have also taken part of an individual's archive that was handed over to the National Archives. The Adoption Commission was the largest purchaser of archival material at the National Archives in 2022, 2023 and 2024.

From MFoF, we have accessed archive material for MIA and MFoF as well as files for Barnens Vänner-International Adoption Agency (BV).

At the City Archives in Stockholm, we have studied adoption files from the social services in Stockholm and a selection of older district court files in order to understand at an early stage what material was in the various files.

There has been no easy access to the material, except that we initially received a manual from the National Archives for the NIA's archives. The National Archives, and especially Elin Lindström, have been of great help in guiding us through the extensive archive material.

Review and analysis of other material

We have studied a large number of Swedish and international government publications, research reports, scientific articles, theses, essays, publications from organizations (such as the UN, HCCH, ISS, Save the Children, UNICEF and other civil society organizations), books, documentaries, radio and TV features, newspaper articles, podcasts and more in the field of international adoption. We have also reviewed relevant public publications in the form of governmental public inquiries (SOU), departmental memoranda and bills.

2.4.4 Interviews, meetings and travel

We interviewed officials working in intercountry adoption in Sweden and other countries, adoptees, adoptive parents, birth parents, researchers and others who could contribute knowledge, experiences and thoughts on adoption and adoption activities over time. In addition, we have had meetings with review commissions and authorities in other countries. We visited four of the countries we reviewed: Chile, Colombia, Poland and South Korea.

Interviews

Officials

In order to gain knowledge and understanding of how Swedish international adoption activities have functioned over time, we have interviewed around 60 officials who have been active in various roles and positions in adoption activities at different times from the 1960s onwards. Because the work has been going on for so long, some people have passed away. However, we believe that we have still been able to capture the activities during the entire period.

In the case of the NIA, MIA and MFoF, we interviewed former Permanent Secretaries and Directors-General of the agencies, staff working with authorization and supervision, costs and finances, and other issues that have been relevant within the agencies. The interviews have provided us with a description of how the activities have functioned throughout the time the authorities have been in operation, from the early 1970s to the present day.

For the adoption organizations, we interviewed office and operational managers for AC, BV, BFA and FFIA, as well as former employees of the adoption association La Casa. We also interviewed country managers who worked with one of the seven countries we conducted an in-depth review of, as well as other people within the organizations who were able to contribute knowledge about how the activities were conducted over time. In order to gain knowledge of the activities with PAS (Post Adoption Services), we have also interviewed people within AC who work with PAS issues.

We have also interviewed two former employees of SAS with experience of the airline's activities in escorting children from different countries to Sweden.

In addition, we have interviewed the investigator of the 2003 adoption inquiry and researchers and other people who have carried out investigations and studies in the field of adoption.

Adopted persons, adoptive parents and families of origin

We interviewed around 70 adoptees, around 10 adoptive parents and around 20 birth parents or other family members. The people themselves contacted us to share their experiences and thoughts about adoption, irregularities or needs for support. We did not actively seek out individuals and we let each person speak about what they wanted to. Significantly more women than men have contacted us; almost 90% of those we have interviewed have been women.

The adopted persons originate from 16 different countries, plus one person who is nationally adopted. For some countries, we have a comparatively high number of interviews, such as Chile, Ethiopia, India and South Korea. This can be explained by the large number of adoptees from these countries, but also by reports of irregularities in these countries. For some of the larger adoption countries, we have only a few interviews, such as China, or no interviews at all, such as Poland. One explanation may be that adoptees from these countries are still relatively young.

The adoptive parents we interviewed have adopted children from various countries, such as China, South Korea, South Africa and Thailand. There were significantly fewer adoptive parents who contacted us compared to adoptees.

As regards families of origin, we have interviewed two mothers from South Korea, around 14 mothers or other family members in Chile and four mothers in Colombia.

Others we interviewed

In addition to officials, adoptees, families of origin and adoptive parents, we have also interviewed researchers and other people in Sweden and abroad who have contributed important knowledge and information about adoption activities in general or about certain countries in particular.

Meetings and exchanges

In addition to interviews, we have had meetings and exchanges with several actors in Sweden and in other countries.

We have had exchanges with researchers who carried out the review of irregularities in the Dutch investigation and discussed the methodology, approach and conclusions of their work.

Since the Norwegian investigation was established in 2023, we have had an ongoing exchange between the investigation secretariats where we discussed methodology and working methods, but also shared information in our investigations.

We had early exchanges with representatives of the parliamentary commission in Chile and also met the chair of the commission when we visited Chile in 2022. During our visit to South Korea in 2023, we met with the South Korean Truth and Reconciliation Commission (TRC) and have subsequently exchanged information with the Commission.

In addition, we have had meetings with officials of the Permanent Bureau of the Hague Conference on Private International Law (HCCH) in The Hague, where we also met the former Secretary General of the HCCH, Hans van Loon, and representatives of the INEA. We also met with representatives of the National Social Appeals Board in Denmark and Bufdir in Norway.

In Sweden, we held meetings with the Swedish Institute for Human Rights, the Swedish Board of Auditors, the National Archives, the National Board of Forensic Medicine, the Red Cross, the Swedish Tax Agency, the National Board of Health and Welfare, the Swedish Association of Local Authorities and Regions, the Swedish Public Procurement Agency and the Committee on the Review of the Tasks and Organization of Smaller Authorities. We have also met with three historians at Linköping University and a professor of media ethics at Lund University to discuss approaches to reviewing activities that took place a long time ago. We have also had meetings with several licensed psychologists and psychotherapists.

Participation in seminars, conferences and presentations

We participated in the EurAdopt conference in Copenhagen in September 2022, where the main theme was post-adoption services (PAS). In September 2023, we participated in a digital seminar organized by the Committee on Enforced Disappearances (CED) to recall the UN Human Rights Rapporteurs' joint position paper on illegal adoptions. In May 2023, we participated in a parliamentary seminar on irregularities in international adoptions. We also received the written material for the presentation given by the adoptees' associations in the Riksdag. We participated in Statistics Sweden's conference on data collection, analysis and application of statistics for children's rights in October 2023. We also participated in the AC's general meeting in May 2023 to learn about AC's experiences and thoughts on the need for adoption-specific support going forward. In addition, we have participated in AC's digital lecture Unknown background in April 2023 and AC's digital meeting on the Adoption Commission's mission in October 2024. In May 2024, we participated in a lunch seminar at Karolinska Institutet (KI) where researcher Mattias Strand and doctor Natte Hillerberg presented their interview study on transnationally adopted people's experiences and wishes for care and support. In November 2024, we also participated in a digital meeting organized by the Swedish Association of Transnational Adoptees (TAR) where the results of the same study were presented and discussed.

Travel

We visited four of the countries we reviewed: Chile, Colombia, Poland and South Korea.

During our visit to Chile in October 2022, we met with representatives of the Ministry of Social Development and Family, the Ministry of Justice and Human Rights, Mejor Niñez, the Registro Civil, Judge Mario Carroza and representatives of the Criminal Investigation Department, as well as Boris Barrera, President of the Parliamentary Commission. We also had meetings with the organizations Hijos y Madres del Silencio, Chile-adoption.se and Nos Buscamos. During our visit to Temuco, we met with the original parents and siblings and representatives of the Temuco Family Court.

During the visit to Colombia in October 2022, we met with representatives of the Adoption Division of the ICBF headquarters in Bogotá and the ICBF regional office in Cali, a judge of the Family Court de la Mesa, and representatives of the Defensoría del Pueblo and the Colombian Truth Commission. We had meetings with an adopted person living in Colombia who also organized a meeting with indigenous parents in Bogotá. We also met with representatives of the Fundacion Armando Armero, a lawyer working on private adoptions and the AC contact person in Colombia, and visited the CRAN orphanages in Bogotá and Chiquitines in Cali.

During our trip to Poland in February 2023, we met with the Ministry of Family and Social Policy, the State Adoption Agency (Wojewódzki Ośrodek Adopcyjny) and the Catholic Adoption Agency (Katolicki Ośrodek Adopcyjny). We met a researcher at the Institute of Law (Instytut Wymiaru Sprawiedliwości) and a former director of Poland's oldest orphanage. We also met with BFA's contact person in Poland who, during all the years the organization was active, helped the Swedish families practically in the country.

During our trip to South Korea in the spring of 2023, we met with representatives of the Truth and Reconciliation Commission (TRC), the Ministry of Health and Welfare, the National Center for the Rights of the Child (NCRC), Korea Welfare Services (KWS) and the organizations KoRoot, Korean Unwed Mothers' Families Association (KUMFA) and Danish Korean Rights Group (DKRG). We also met with lawyers, researchers and other experts in the field of adoption. In addition, we met a woman whose child was adopted in Sweden and an adoptee who now lives in South Korea. After our visit to South Korea, we interviewed another birth parent online.

2.4.5 File review

On March 2, 2024, the Act (2024:31) on the obligation to provide information to the Adoption Commission entered into force. The Act imposes an obligation on authorities and authorized associations to provide, at the request of the Adoption Commission, information that the Commission needs to fulfill its mission to map and analyze adoption activities. At the same time, a provision was introduced on the confidentiality of information about an individual's personal or

financial circumstances at the Commission, Chapter 42. Section 9(6) of the Freedom of Information and Secrecy Act (2009:400).⁸

We have examined adoption files for the seven countries we have carried out in-depth reviews of. For four of the countries, we carried out file reviews of adoptions mediated by Swedish adoption agencies: Chile, Colombia, China and South Korea. For three of the countries, we have instead examined private and individual adoption files: Ethiopia, Poland and Sri Lanka. A relatively large number of private and individual adoptions to Sweden have taken place from these countries. In this way, we cover all countries and both types of adoption.

Selection of files

File review of adoptions through adoption organizations

For the file review of organized adoptions, we have made a random selection of approximately 100 files per country. The sample was randomly selected from a list of all adoptions carried out by the organization or authority in question. The adoption organizations and the National Archives have assisted with such lists. Since we are dealing with four countries, we have examined approximately 400 files in this part. With 100 files per country, we get a margin of error of 10, if we choose a significance level of 95 percent. As there are different levels of internal non-response in the different questions, we should interpret the answers with caution. Results with too few responses are not included in the analysis.

- In Chile, AC has been the only organization and for Colombia, AC accounts for 97% of the organized adoptions. For these two countries we have selected 100 files from AC. For Colombia, we have also examined 3 files from the organization La Casa, as they mediated a smaller number of files from Colombia (FFIA has mediated even fewer adoptions from Colombia, and as this would only be a sample of 1 file, we have disregarded it).
- In South Korea, AC has been the only organization mediating adoptions to Sweden, but in the 1970s it was the NIA that mediated adoptions from South Korea to Sweden. Since AC and

⁸Bill 2023/24:50 *An obligation to provide information to the Adoption Commission.*

NIA has mediated approximately the same number of adoptions from South Korea, we have selected 50 files from AC and 50 files from NIA's archives at the National Archives.

- In China, several adoption agencies have been active. For China, we have therefore selected 40 files from AC, 40 files from FFIA and 20 files from BV, which is a proportional number of files based on the number of adoptions that the various adoption organizations have mediated from China.

File review of private and individual adoptions

There are no reliable data on the number of private and individual adoptions. It is estimated that there are around 1 100 to 1 200 private and individual adoptions each from Sri Lanka and Poland, and up to 600 private and individual adoptions from Ethiopia. If we had the same level of certainty in the file review for the private and individual adoptions as for the organized adoptions, we would have needed to review between 80 and 90 files per country. However, in the file review of private and individual adoptions, we have not been able to review so many files, but for practical and time reasons had to limit it to about 40 files per country. This means that, based on our results, we cannot generalize to the group as a whole. It has been difficult and time-consuming to find private and individual files to review.⁹For the file review of private and individual adoptions, we have also not been able to make a random selection, as there is no list of the total number of adoptions mediated privately or individually. We had to make selections on the basis of what was practically feasible.

Private and individual adoption files may be held by the social services, the district court and the National Archives. After consulting various actors and carrying out some random checks, we judged that most information about the child's background, among other things, is to be found in the social services archives, and it was therefore most appropriate to examine the files there. In order to find individual adoption files in the social services archives, we needed access to the personal identity numbers of the adopted persons. Therefore, we have

⁹It is not complicated for an adopted person who can use his/her own or his/her adoptive parents' social security number to find his/her file, but since we did not have any social security numbers to start from, the procedure has been complicated.

first needed to find the social security numbers of the prospective adoptive parents at the National Archives. The staff of the National Archives have been helpful in navigating us to the records where we can most easily find personal identity numbers for the right countries and time periods.¹⁰We have then manually gone through various register cards and files to find personal identity numbers for applicants who may have adopted children from our three selected countries. Initially, we also selected personal identity numbers for applicants who could be found in Stockholm County or Västra Götaland County, with the aim of trying to gather the files geographically, as we wanted to examine the files on site in the archives as far as possible. However, we later had to depart from this and search more widely in order to obtain a sufficient number of files. Based on the selection of applicants' personal identity numbers, we then searched for the child's personal identity number via the national register (NAVET). Once we had the children's personal identity numbers, we turned to the various municipal and city archives to search for the adopted persons' files. All in all, some 100 private and individual files from about 25 different municipal and city archives have been examined.

Sample surveys

Due to resource constraints, we have not been able to review files from both private and individual as well as intercountry adoptions. A disadvantage of this is that we cannot compare private and individual adoptions with organized adoptions from the same country. In Ethiopia, however, we have had a sample of nine AC files, and in Sri Lanka a sample of eight BV files, as comparative material.¹¹In the case of Sri Lanka, we have also made a general review of the adoption files of the adoption organization ISIA from the mid-1980s, which have also been used as comparative material. We have also taken a sample of district court and social services files, mainly to see if there are more documented consents there compared with the files we examined at the National Archives.

⁽¹⁰⁾ In particular the following files: Nia C1a:4, item 8; NIA D5:1 of the National Board of Health and Welfare; Department of Justice 1975-1976, unit F4; NIA C1c:2.

⁽¹¹⁾ Since it has been very difficult to find private and individual files, we have, however, included in the sample some adoptions mediated by an organization. In cases where there were at least eight files, we have used this as a sample against which to compare the results.

Review form, analysis and interpretation

To carry out the file review, we produced a file review form in Excel, in which we entered information from the selected files under various questions or headings. We have documented what information is in each file, for example what is stated about the child's background and about the parents, how the child was given up and the reasons for adoption, as well as who investigated the child's social situation, was involved in the placement, matched and decided that the child is available for adoption. We have also documented whether there is a separate consent document from the child's parent or other guardian, whether it is clear from the file that a national solution was sought before the adoption decision was made, and how the adoption was finalized in the country of origin and in Sweden. We have also documented the dates of various stages in the adoption process. In addition, we have also documented whether we have seen contradictory information or other signs of obvious irregularities in the file. As regards the files for Chile and Colombia, which were largely in Spanish, we used an interpreter called in from Kammarkollegiet's framework agreement, who assisted us with translation on site at the National Archives.

After the file review was completed, we categorized and quantified the results by showing the frequency of different results or "response options". We have also used the file review for more qualitative results by exemplifying general observations or showing the occurrence of more unusual phenomena. We have also analysed times in the process to see the order in which different steps in the process occur and how long it takes between different steps. In a first step, the results have been analysed for each country separately, followed by a comparative analysis between countries.

The results of the file review should be interpreted with caution. This applies in particular to the file review of private and individual adoptions, as we have a significantly smaller number of files and the selection was not random. In the reports on the results of the file review, we have often written that we cannot draw any general conclusions from the file review. There is also a certain degree of uncertainty in the file review of the organized adoptions, mainly because there are some internal dropouts, and thus different levels of certainty in the answers.

In cases where there were too few responses, we have chosen not to report the results. A further reason for interpreting the results with caution is

that it is not an exact science and there is room for interpretation when assessing the content of a file. Prior to the file review, we had meetings with the AC, who had to explain how they view the various documents in the files for the adoptions mediated through them.

2.4.6 Special review of the AC adoption acts from 2024

We have carried out a special review of all AC's adoption files from 2024. There were 34 files relating to 36 children. The review had two purposes: to see what characterizes the children who are now being placed for adoption, and to see what documentation is included in the files and whether the documentation has improved over time.

For this review, a simplified file form was designed with fewer questions. For the overarching question of what characterizes the children placed for adoption through AC, we documented the child's gender, age, health status and any special needs, whether the child is a minority or indigenous person, and whether the child has known parents or siblings remaining in the country of origin. We also documented the reasons for adoption, whether the children had been in social care and whether the children had been in orphanages or family homes before adoption. As regards the overall question of what documentation is included in the files, we have documented, among other things, how often birth certificates, medical reports, social reports and special consent documents from parents or other guardians have been included. We have also documented whether there is any decision by the authorities that the child is available for adoption and whether it is clear from the adoption documents what efforts have been made to find a national solution before international adoption.

As we carried out the audit in January, documentation may still be added to the files. In at least two of the AC's files from 2024, there is a note that more documentation was received. However, this has no real significance for our review. All documents must be included for Sweden to be able to approve that the adoption can continue (the social board's consent to

The adoption procedure may continue under Chapter 6, Section 14 of SoL¹². On the other hand, it has significance for an adopted person who wishes to seek his or her origin.

This file review should also be interpreted with caution, not least because it is possible to make different interpretations of the content of the file. In addition, there are adoptions from eight countries about which we do not have as much background knowledge. The fact that it is possible to make different interpretations is shown by the AC's own review of the same files. They arrive at different results than we did.

2.4.7 Focus groups

We have conducted eight focus groups to gather knowledge and experiences about what special support is needed for adopted people and what is important to make such support work well. Three of the groups were for adult adoptees, two face-to-face and one digital. Two groups were for adoptive parents, one for parents with children under 18 and the other with children over 18. One group was for partners of adoptees. In addition, we invited two groups of children, one for adoptees aged between 15 and 18 and one for children of adoptees, also aged between 15 and 18. However, it proved very difficult to get participants for both children's groups, despite several attempts to spread information about the meetings through adoption organizations, adoptees' associations and posters in secondary schools and youth clinics. In the end, only one person per group came to these meetings, and they were conducted as a one-to-one conversation.

In order to conduct the focus groups in such a way that participants felt comfortable sharing their thoughts with others in the same target group, we chose to hire professional facilitators. The facilitators were licensed psychotherapists, some of them adopted themselves. They were clear about the purpose of the focus groups, the questions, the structure and implementation, and how the material collected would be used. For the children's groups, one of the psychotherapists held the interviews together with a social worker and counselor from Bris.

¹²Chapter 24. Section 5 of the Social Services Act (2025:000), latest version of Bill 2024/25:89 *A preventive social services act - for increased rights, obligations and opportunities.*

During the meetings with the adoptees, the group discussed three main questions: What is your experience of support? What support do you, as an adoptee or adoptive family, need to be able to get in the future? If society is to provide the support you are looking for, what form should it take? The meetings with adoptive parents focused on questions about their experience of support in the past, what support is currently lacking and how such support could be designed. The meetings with the partners of adoptees focused on what support they thought adoptees would need and what is important to consider when designing such support. The discussion with children of adoptees included the impact of adoption on the person and what support would be needed for adoptees and their families in the future.

The maximum number of participants per focus group was 12. In those groups where we received more than that, we needed to make a selection among those who expressed interest. In these cases, we aimed for a breadth of participation in terms of age, gender and country of origin, among other things. In terms of country of origin, we wanted to capture more countries than the seven we selected for in-depth examination. In total, around 70 people participated in our focus groups, of which around 80 percent were women and 20 percent men. Each focus group lasted approximately three hours. The conversations were recorded, documented and analyzed.

2.4.8 External material produced on our behalf or initiated by others

Missions we have given to others

We have given Governo several assignments as a basis for designing our proposals for adoption-specific support and calculating the costs of the proposals. Governo has been tasked with mapping national competence centers in Sweden, in order to draw lessons for our proposal to establish a national resource center for adopted persons. Governo has also been tasked with producing a forecast of the age development of the group of internationally adopted persons, as well as a general forecast of the number of individuals per year who may apply for the various forms of support. Governo has also been commissioned to carry out a general socio-economic impact analysis for adoption-specific support.

We have commissioned four licensed psychotherapists to lead the focus groups we have held to gain an in-depth picture of what adoption-specific support is needed and how such support should be designed: Anna Amazeen, Kristina Lindstrand, Maria Norlin and Maria Palmer. Anna Amazeen has also had a broader assignment as a sounding board in terms of preparation and organization of the focus groups. Bris was commissioned to lead the conversations with children and young people together with one of the psychotherapists.

We have commissioned the sexologist Anna Linde, who wrote a paper on the sexual health of adoptees and subsequently conducted another interview study among adoptees, to summarize the interview material specifically for us.

We have also commissioned Hanna Wallensteen, a licensed psychologist and psychotherapist, to write a foreword to the report.

Other material received from external stakeholders

Several individuals and organizations have contacted us to share various types of materials and other information that have been useful in our work. These include scientific publications, essays, autobiographical books and written life stories.

We have received material from several associations for adoptees. Individual adoptees have also submitted material.

Several licensed psychologists and psychotherapists have contributed documents and letters on the need for support for adopted persons and how such support could be provided.

2.5 Key principles and concepts

2.5.1 Some key principles

This section describes some key principles in the field of intercountry adoption. These are the best interests of the child, the child's right to his or her identity and origin, the prohibition of child trafficking, the requirement of free and informed consent and the so-called principle of subsidiarity. These principles have evolved and been regulated over time, but have always guided practice.

since intercountry adoption started in earnest in the 1950s.

Best interests of the child

Already under the 1917 Adoption Act, adoption could only take place if the adoption "is found to be in the best interests of the child". The provision has since been amended so that the adoption must be for the benefit of the child and since 2018 for the best interests of the child.

The principle of the best interests of the child is one of the basic principles of the Convention on the Rights of the Child. According to Article 3, in all actions concerning children, the child's best interests must be a primary consideration. With regard to adoptions, the Convention goes even further and provides that States shall ensure that the best interests of the child are a primary consideration (Article 21). The travaux préparatoires to Article 21 indicate that it was important that the wording clearly referred to the best interests of the child and not the parents. No other interests may be given greater weight than the best interests of the child in an adoption. According to the Committee on the Rights of the Child, the best interests of the child shall be a primary consideration in adoption decisions.¹³ Although the interests of the child are not the only consideration, they must take precedence over all other interests and considerations, including the interests of the biological parents, the prospective adoptive parents, the adoption agencies or a State. Although the interests of all parties concerned may be taken into account, in the case of competing interests, the State is under an obligation to ensure that the interests of the child prevail.¹⁴

The best interests of the child are also reflected in the 1993 Hague Convention (Article 1) and the 2008 Council of Europe Convention (Article 4).

The child's right to his or her identity and origin

In 1959, the United Nations adopted the Declaration of the Rights of the Child, which contained ten principles.¹⁵ One of these principles was that the child should have the right to a name and a nationality from birth. According to Article 24 of the International Covenant on Civil and Political Rights (ICCPR)

¹³Ombudsman for Children. Swedish translation of *the Committee on the Rights of the Child's General Comment No. 14 (2013) on the right of the child to have the best interests of the child a primary consideration (CRC/C/GC/14)* p. 38 and 48.

¹⁴J. Tobin (2019), *The UN Convention on the Rights of the Child. A Commentary*, p. 769 f.

¹⁵1959 Declaration of the Rights of the Child.

adopted in 1966, every child must be registered immediately after birth and given a name and the right to acquire a nationality.

The Convention on the Rights of the Child further developed the child's right to his or her identity and origin. According to Article 7, the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know who his or her parents are and to have their care. These rights should be understood as part of a child's right to survival and development. The right to know the parents is not absolute. It is clear from the wording of the article that a child should have this right as far as possible. One way of ensuring this right as far as possible is for a child to be registered at birth and for a State to ensure that the information on the origin of the child held by the authorities is preserved, in particular as regards information on the identity of the parents and medical history. For this to be possible, there must be information to preserve. There are situations where it is impossible to ensure that a child will know his or her parents, for example where the identity of the child's parents is unknown. It may also be that the mother does not know who the father is or cannot be induced to tell who the father is⁽¹⁶⁾.

Similar provisions on birth registration, names and citizenship are contained in Article 30 of the 1993 Hague Convention. According to Article 30, the authorities concerned shall ensure that the information on the origin of the child held by the authorities is preserved, in particular as regards information on the identity of the parents and medical history. The authorities shall also ensure that the child or his or her representative has access to such information, under appropriate guidance, to the extent permitted by the law of the State. A child who is adopted has the right to be informed by his or her parents. The parents shall inform the child of this as soon as appropriate (Chapter 4, Section 23, FB.).

According to Article 8 of the CRC, a child has the right to retain his or her identity, including citizenship, name and family relationships. If a child is unlawfully deprived of part or all of his or her identity, he or she must be provided with appropriate support and protection with a view to restoring that identity promptly. This obligation applies regardless of whether a child has been deprived of part or all of his or her identity. What is meant by appropriate support and protection with a view to the prompt restoration of a child's identity is not clear from the Article or from the travaux préparatoires of the Convention. The wording leaves a space

¹⁶SOU 2020:63 *The CRC and Swedish law*, p. 359.

for each State to decide what support and protection to provide, with the only limitation that the support and protection must be appropriate for the purpose and sufficiently effective to ensure prompt restoration. The Committee on the Rights of the Child has stated that if a child's identity documents have been illegally obtained for the child, and the child requests the restoration of his or her identity documents, a State should take action including by issuing corrected documents.¹⁷ States are obliged to carry out the process of restoring the child's identity in a manner that prevents, or at least minimizes, any harm to the child's emotional or psychological development.¹⁸

Prohibition of financial gain and child trafficking

It is a fundamental principle that adoption should not be paid for. Under no circumstances should children be trafficked. In Sweden, there has been a prohibition of remuneration in *domestic* adoption since 1917. The first rules aimed at preventing undue financial gain in *intercountry* adoption came through the 1967 Council of Europe Convention, which Sweden ratified the same year. According to the 1979 Act on International Adoption Assistance, adoption organizations were allowed to charge fees to applicants, but the activities could not be conducted for profit.

The 1989 Convention on the Rights of the Child further tightened the requirements by providing in Article 21(d) that States Parties shall take all appropriate measures to ensure that an intercountry adoption does not result in undue financial gain for the persons involved in it. It is not clear from the article what is meant by the sale or trafficking of children. Instead, it is defined in the Optional Protocol to the CRC on the sale of children, child pornography and child prostitution. Article 2 of the Protocol defines the sale of children as any act or transaction whereby a child is transferred from one person or group of persons to another for payment or other consideration. It follows from the Protocol that the improper inducement of consent to the adoption of a child in violation of applicable international legal instruments on adoption is covered (Article 3(1)(a)(ii)). It shall apply to

¹⁷ SOU 2020:63 p. 389.

⁽¹⁸⁾J. Tobin (2019), p. 303.

regardless of whether the crime is committed within a country or across borders, and regardless of whether it is committed in an organized form or by an individual. In connection with Sweden's ratification of the Additional Protocol, a new offense - improperly obtaining consent or permission for the adoption of a child - was introduced into Chapter 7, Section 2 of the Penal Code¹⁹.

The prohibition of undue financial gain is also expressed in the 1993 Hague Convention. Article 8 requires Central Authorities to take all appropriate measures to prevent improper financial or other gain in connection with an adoption and to prevent practices contrary to the purposes of the Convention. When the Act (1997:192) on international adoption mediation entered into force in 1997, it was clarified that adoption organizations may only charge *reasonable* fees to applicants (Section 7, second paragraph). The adoption organizations must report the costs in the other country and how they are distributed. The preparatory works to the provision state that it should be possible to provide compensation for costs relating to a specific child and to cover a reasonable part of the orphanage's running costs or other administrative costs associated with the international adoption activity. However, there should be no risk that the benefits of intercountry adoption activities are so great as to create a dependency on income from such activities in the country of origin⁽²⁰⁾.

Voluntary and informed consent

It is a fundamental principle that adoption is voluntary. This means that the child, the child's parents and the person applying for adoption basically agree that an adoption should take place.

Consent requirements under the Parental Code

Under the 1917 Adoption Act, the consent of the person to be adopted was already regarded as an indispensable requirement for adoption to be granted. Under Chapter 4. 7 of the Parental Code, a person who has reached the age of 12 may be adopted only if he or she consents

¹⁹Prop. 2005/06:68 *Sale of children, child prostitution and child pornography - Optional Protocol to the Convention on the Rights of the Child.*

²⁰Prop. 2003/04:131 *International adoption issues*, p. 41.

to the adoption.²¹ Children under the age of 12 should also be consulted and have the right to express their views.

According to Chapter 4, 8 of the Parental Code, the consent of the guardian²² is generally required if the person to be adopted is under 18 years of age. The guardian's right of veto has been in force since the 1917 Adoption Act.

However, consent is not required if the child's legal guardian is permanently prevented from giving consent due to a mental illness or other similar condition, is in an unknown location or there are exceptional reasons. The exceptional circumstances exception was introduced in 2018 and is to be applied very restrictively. The travaux préparatoires state that it is aimed in particular at situations of intercountry adoption where persons may not wish to participate in an adoption procedure because of the risk of social consequences if the adoption becomes known. Application of the exception generally presupposes that fairly extensive efforts have been made to investigate the reason why consent meeting the Swedish requirements has not been given. It is generally required that the authorities in the State of origin have assessed that the adoption should go ahead. This is the case in the first instance if the adoption is mediated by an authorized adoption agency²³.

The fact that a non-custodial parent has no right of veto over the adoption does not mean that the parent's wishes are irrelevant. In such cases, the parent must also be given the opportunity to express his or her views, and the parent's position must be taken into account in the overall assessment of the suitability of the adoption. The requirement for parental consent can be said to reflect a balance between, on the one hand, the value of adoptions in the best interests of the child and, on the other, the rights of the parents⁽²⁴⁾.

Before giving consent, the person giving consent should be informed about the implications of adoption and consent. The aim is to ensure that informed consent is the basis for the adoption decision. In the case of national adoption, the information and consent is usually given by the person conducting the adoption investigation. In the case of intercountry adoption, it may instead be the authorities of the child's country of origin that provide the information and

²¹Consent is not required if the person whom the applicant wishes to adopt is permanently prevented from giving consent by mental illness or any other similar condition.

²²This also applies to a special guardian or other person who, by law or custom in another State, may be regarded as having taken the place of the parents.

²³ Prop. 2017/18:121 *Modernizing adoption rules*, p. 151 f.

²⁴ Prop. 2017/18:121, p. 52.

obtains the consent. The preparatory works to the 2018 amendment state that in these cases it will be the task of the person conducting the adoption investigation to check that the consents given can be accepted. If the adoption falls within the scope of the 1993 Hague Convention, the Convention's requirements regarding consent must be met. In such a situation, there should rarely be reason to question whether the consents given have been preceded by relevant information. The same should generally apply if the adoption is not covered by the Convention but is mediated by an authorized adoption agency. If there is reason to suspect that the person who gave consent has not been informed, there may be grounds for the person conducting the adoption investigation to complete the investigation. It is ultimately the responsibility of the court to ensure that the consents on which the adoption order is based comply with the requirements of the law, including the requirement for information. As with the requirement for consent from the applicant, it is important that the information provided and the circumstances surrounding the consent are documented. It is ultimately the responsibility of the court to ensure that acceptable consents are in the file²⁵.

The person who has given birth to the child may not give consent until he or she has recovered sufficiently from the birth (Chapter 4, Section 9 of the Parental Code). This provision was introduced as a result of the requirement in the 1967 Council of Europe Convention on the Adoption of Children that the mother's consent should not be given until six weeks after the birth of the child. There is no fixed time limit in the Parental Code for when consent may be given, but it must be assessed on a case-by-case basis whether the parent has recovered sufficiently physically and mentally to be able to make a well-considered decision. When the provision was introduced in 1969, the preparatory works stated that the time should generally not be less than six weeks²⁶.

Consent requirements under the CRC

According to Article 7 of the CRC, a child has the right to be cared for by his or her parents. In the light of Articles 9 and 20, adoption can only be considered if the parents renounce their responsibilities or are considered unable to assume them through legal proceedings (cf.

²⁵ Prop. 2017/18:121 p. 150 f.

²⁶ Prop. 1968:114 with a proposal for an Act on the amended wording of Chapter 4, 5 § Parental Code, etc, p. 17 and Bill 1980/81:112 on consent and authorization for adoption p. 12 f.

Article 21 thus requires informed consent to the adoption from the persons concerned. It is not clear which persons are concerned, but it should be obvious that parents, guardians and the child are concerned.²⁸ What it means for consent to be informed is not explained in detail in the article or in the travaux préparatoires to the Convention. It is clear from the doctrine that the concept was introduced to ensure that the consent was given voluntarily and that the person giving the consent understood the consequences of the adoption. The Article also does not specify what counseling may be required, only that informed consent may be given on the basis of such counseling if required. This should mean that the counseling should include information leading to the fact that the person giving consent has understood the consequences of an adoption²⁹

Consent requirements under the 1993 Hague Convention

According to Article 4(c) of the 1993 Hague Convention, an adoption may only take place if the competent authorities of the State of origin have ensured that

1. the persons, institutions and authorities who are to give their consent to the adoption have received the necessary advice and have been duly informed of the implications of their consent, in particular whether or not the adoption will lead to the termination of the legal relationship between the child and his or her family of origin,
2. such persons, institutions and authorities have voluntarily given their consent in the prescribed legal form and that consent has been printed or certified in writing,
3. the consents have not been obtained by payment or by consideration of any kind and have not been withdrawn; and
4. the mother's consent, where required, has been given only after the birth of the child.

²⁷ SOU 2020:63 p. 869.

²⁸ SOU 2020:63 p. 870.

²⁹ SOU 2020:63 p. 871.

Furthermore, it is required that the competent authorities have ensured that

1. the child has been counseled and duly informed of the implications of the adoption and of his or her consent to the adoption where such consent is required,
2. the child's wishes and opinion have been taken into account,
3. the child's consent to the adoption, where such consent is required, has been freely given in the prescribed legal form and has been expressed or evidenced in writing,
4. such consent has not been obtained by payment or consideration of any kind.

According to the HCCH Guide to Good Practice, the requirement to obtain proper consent to adoption is an important element in combating the abduction, sale and trafficking of children.³⁰ According to the HCCH, it is recognized that States of origin may often lack the resources to ensure that proper consent is obtained. Since consent is most often obtained at the local level, it is important that States have reliable and ethical personnel to oversee the consent process. States should take steps to monitor the activities of foreign accredited bodies or persons to ensure that no undue pressure is exerted by them, or on their behalf by intermediaries, to obtain consents to adoptions. This is of particular importance in countries where strong adoption is not culturally known. In such contexts, the consequences of an intercountry adoption procedure must be carefully studied and, where necessary, reflected in legislation. Receiving States must ensure that the bodies and persons they authorize to carry out adoptions are of the highest ethical and moral quality³¹

According to Article 16(2), the Central Authority of the State of origin shall transmit to the receiving State evidence that the necessary consents have been obtained, taking care not to reveal the identity of the mother and father, if their identity cannot be disclosed in the State of origin.

³⁰HCCH (2008), *The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention. Guide to Good Practice Guide No.1.*, p. 77.

³¹HCCH (2008), pp. 78-79.

Subsidiarity principle

It is a fundamental principle that a child should only be adopted by a family in another country if the child cannot grow up with his or her original family and there is no other suitable care option in the child's home country. The principle is known as the principle of subsidiarity and can be traced back as far as 1 800 years before Christ. The Law of Hammurabi³² stipulated that "before a man can adopt a foundling, he must search for the child's parents and if he finds them, he must return the child to them."³³

The principle has been recognized in practice both internationally and in Sweden since the 1950s. In connection with the reorganization of adoption activities in 1979, the Government stated that it is generally considered best for a child to remain in his or her own biological family or at least to remain in the home country as a foster or adopted child. However, being adopted abroad is preferable to growing up in an institution.³⁴ The principle of subsidiarity was expressed in the 1986 UN Declaration³⁵ and confirmed in both the Children's Convention and the 1993 Hague Convention.

There is some difference in the way the CRC and the 1993 Hague Convention rank intercountry adoption

According to Article 21(b) of the CRC, intercountry adoption may be considered as an alternative form of care if the child cannot be placed in a foster home or adoptive family or cannot be adequately cared for in his/her country of origin. The possibility of the child being cared for in his or her country of origin is thus to be considered before intercountry adoption and reflects the fact that intercountry adoption is the last placement option for a child who cannot live with his or her original family.³⁶ The provision should also be read in relation to Article 20(3) which states that a child deprived of his or her family environment shall only be placed in

³²The Law of Hammurabi, an Old Babylonian code of laws, is the best known of the ancient laws.

³³C. Turner (2016), The History of the Subsidiarity Principle in the Hague Convention on Intercountry Adoption. *Chicago-Kent Journal of International and Comparative Law*. Vol. 16, No 1, 2016, p. 100.

³⁴ Prop. 1978/79:108 om organisationen av verksamheten med internationella adoptioner m.m., p. 9 f.

³⁵The Declaration of Social and Legal Principles relating to the Protection and Care of Children, in particular with regard to national and international foster care and adoption.

³⁶The existence of a hierarchy is also apparent from Article 17 of the 1986 Declaration, which contains a similar formulation.

an institution for the care of children if necessary.³⁷ However, it is clear that a placement in a family home in the child's country of origin takes precedence over intercountry adoption under the Convention on the Rights of the Child.³⁸

The principle of subsidiarity is mentioned both in the Preamble and in Article 4(b) of the 1993 Hague Convention. According to the Preamble, States shall recognize that a child who cannot obtain a suitable family in his or her State of origin may be offered the benefit of a permanent family through intercountry adoption. The idea is that a permanent family is better than any form of alternative care. According to Article 4(b), an intercountry adoption may only take place after due consideration has been given to the possibility of placing the child within the State of origin. The intention is not to deny or ignore other options for the child's care, but to underline the importance of permanent family care as an alternative to care in the biological family. The idea is that the placement of a child in a family, including intercountry adoption, is the best solution over all other forms of care and is particularly preferable to institutional care.³⁹ The HCCH Guide to Good Practice states that the 1993 Hague Convention does not require that all possibilities of placing a child in the country of origin be exhausted as such a requirement would be unrealistic.⁴⁰ During the negotiations leading to the principle of subsidiarity, there was disagreement as to when intercountry adoption would be appropriate. Some countries favored the priority of the Convention on the Rights of the Child over national solutions while others, notably the US delegation, supported a more positive approach to intercountry adoption.⁴¹ The final version clearly prioritizes national adoption over intercountry adoption, but prefers intercountry adoption to both institutionalization and foster care in the child's country of origin.⁴²

Thus, there is some difference in the way the different conventions rank intercountry adoption. The 1993 Hague Convention favors a permanent family abroad over a temporary placement in the child's home country. According to the Convention on the Rights of the Child, the best interests of the child include a number of factors that may outweigh a placement in a permanent family. Placement in a family home or in an institution can

³⁷ SOU 2020:63, p. 871 f.

³⁸ C. Turner (2016), p. 113.

³⁹ SOU 2003:49 *Adoption - at what cost?* p. 124.

⁴⁰ HCCH (2008), p. 50.

⁽⁴¹⁾ E. Loibl (2019), *The Transnational Illegal Adoption Market. A Criminological Study of the German and Dutch Intercountry Adoption Systems*, p. 144.

⁴² HCCH (2008), p. 53.

thus take precedence over international adoption when taking into account, for example, the child's language, culture, nationality and age.

2.5.2 Concepts and definitions

In the report, a number of terms and concepts are used repeatedly. Below is a description and explanation of how they are used.

Adoption

Adoption means that the child being adopted acquires the legal status of a child of the adopter(s).

Adoption document

Documents relating to the adoption and the adopted person's background.

Adoption investigation

Investigation carried out by the Social Welfare Board on behalf of a Swedish court and which forms the basis for the court's decision.

Adopted person

A person who acquires legal status as a child of a person through adoption. The term adopted *person* indicates that adoption is not an identity but a family law status.

Adoption associations

Organizations and networks for adopted persons and adoptive families.

Adoption-specific needs

Needs that can be traced back to circumstances linked to the adoption. Thus, the needs themselves need not be specific to adopted persons, but the circumstances and experiences are.

Adoption-specific support

Support provided to adoptees and their families before, during and after an adoption.

Adoptive parent

A person who acquires the legal status of parent of a child (or adult) through adoption. Another term may be foster parent or adopter.

Authorization

Only organizations that have been authorized by the supervisory authority may mediate international adoptions. To be authorized, the organization must meet the requirements of the Act (1997:192) on Intercountry Adoption Intermediation and meet the authorization conditions decided by the supervisory authority. In 2005, the conditions for authorization were tightened in Sweden by requiring authorization in two stages. Unlike previously, when only adoption agencies were examined for authorization, countries, parts of countries or adoption contacts from or through which the agencies may place children are also examined.

Authorized adoption organization or association

An association authorized by the NIA, MIA or MFoF to mediate international adoptions.

Abducted children

Abduction can be done by stealing or kidnapping a child (human trafficking) or falsely informing parents that their child was stillborn or died shortly after birth. Another example is the taking of a child, without the consent of the parent or guardian, from an orphanage where he or she has been placed for temporary care.

Central authority

The 1993 Hague Convention requires each Member State to designate a Central Authority. That authority is to perform the tasks assigned to a central authority under the Convention. In Sweden, the MFoF is currently the Central Authority within the meaning of the Convention, as is apparent from section 2 of the Act (1997:191) on Sweden's accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

Documented consent or specific consent document

A specific document in which the child's legal guardians expressly consent to the adoption.

Private adoption

An adoption that has not been mediated through an authorized adoption organization but with permission from MFoF. In the case of individual adoption, special reasons are required and the method of mediation must be reliable. MFoF makes this assessment after the social welfare committee has given its consent.

Trafficking in children

Any act or transaction by which a child is transferred from one person or group of persons to another for payment or any other consideration (Article 2 of the Optional Protocol)

to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography).

Intercountry adoption

An adoption where one or two persons resident in Sweden adopt a child who is resident in another country. Another term may be transnational adoption.

International adoption agency

An activity aimed at establishing contact between the person or persons wishing to adopt and the authorities, organizations, institutions or individuals in the country where the child is domiciled (Section 2 of the Intercountry Adoption Agency Act).

Consent investigation

Investigation on the basis of which the social welfare committee authorizes a person or couple to take in a child resident abroad.

Beneficiary country

The country where the adopted person takes up residence through adoption. It can also be the name of a country that adopts children from other countries, as opposed to country of origin.

Irregularities

Irregularities refer to illegal adoptions and unethical practices. An illegal adoption refers to an adoption that involves actions that are contrary to laws and regulations. Unethical practices refer to practices that lead to situations where a child is adopted without respecting the rights of the child and the parents of origin, or the safeguards provided by the 1993 Hague Convention. Find out more about how

The Adoption Commission defines the concept of irregularities in Volume 2, Chapter 2.

Private adoption

The term private adoption was mainly used until 1985 and refers to adoptions carried out alongside authority or authorized adoption organizations. After 1985, when the approval of the Social Welfare Board was required for the channel that the applicant intended to use to contact a child for adoption, a private adoption is an adoption carried out outside an authorized adoption organization and without the approval of the Social Welfare Board or the supervisory authority. It may also include adoptions where the adopter has used an intermediary route other than the one for which approval has been obtained.

Strong adoption

An adoption that puts the adopted person on an equal footing with a biological child in all legal contexts. An adoption decided by a Swedish court is always strong and cannot be revoked.

Weak adoption

An adoption that creates a legal relationship between the adopter and the adopted person while the adopted person maintains a family law relationship with his or her original family, for example through maintenance obligations or inheritance rights.

Parent of origin

A person who is the biological parent of a child. The term original parent tries to give back a sense of belonging that existed, but which is toned down and made less significant in word choices like biological parent. Another term could be first parent.

Country of origin

The country of residence of the adopted person at the time of adoption. It can also be the name of a country that adopts children to other countries, as opposed to the receiving country.

Guardians

The person or persons who have legal custody (i.e. are legally responsible) of a child. This can be either one or both parents or a specially appointed person. Other terms used are legal representative or guardian.

Open adoption

An adoption that allows contact between the child and its original family and relatives.

3 International adoptions in Sweden - emergence and development

3.1 The mission

The terms of reference state that the starting point for the investigator's work is to be the rights of the child in accordance with the Convention on the Rights of the Child and the 1993 Hague Convention. The investigation will cover the period from the mid-20th century to the present. The investigator will focus on the countries of origin from which most international adoptions to Sweden have taken place, as well as the countries of origin where there is knowledge or serious suspicion that there have been irregularities in the adoption process. The analyses made of the responsibilities and positions of the government, state authorities, municipalities, authorized associations, non-profit organizations and other private actors must be based on the regulations and organization prevailing at the time and take into account the attitudes and norms that existed in society at the time.

In this chapter, we describe how intercountry adoptions have developed over time in terms of the number of adoptions and the countries from which the adoptions have taken place. We then review the attitudes, motives and issues that have been relevant to international adoptions from the 1960s to the present day. Finally, we describe how the view of children and children's life conditions have changed during the period covered by the report and how this is reflected in the regulations concerning adoption, both nationally and internationally. This provides a background to our analysis of intercountry adoption activities in Sweden.

3.2 Number of international adoptions over time

3.2.1 In total, there are almost 60,000 people in Sweden who were adopted from another country

It is not easy to obtain an overall picture of the total number of intercountry adoptions to Sweden that have taken place over time. From 1969 onwards, statistics are available on adoptions mediated by the National Board of Health and Welfare and the National Board for Intercountry Adoptions (NIA) and subsequently by the authorized adoption organizations. However, no comprehensive or uniform statistics have been kept on private and individual adoptions over time.

A figure usually quoted is that a total of 60,000 foreign adoptions have been carried out in Sweden from the mid-20th century to the present day. However, it is unclear where this figure comes from. We have commissioned Statistics Sweden to produce current statistics on the number of internationally adopted persons in Sweden. According to these statistics, there were 58,560 people in Sweden on 31 December 2023 who were born abroad and who had been adopted to Sweden at some point.¹The statistics do not take into account whether the adoption took place in Sweden or abroad, whether it was a close adoption or whether the adoption took place as an adult. The figure may therefore include persons who are not counted as internationally adopted and it excludes persons who were adopted to Sweden from another country but are now deceased. Nevertheless, it confirms that the total number of internationally adopted persons in Sweden is approximately 58 000-59 000, i.e. just under 60 000 persons.

3.2.2 Number of adoptions brokered by government and adoption agencies and private and individual adoptions

The international adoptions that have taken place may, as we describe above, have been mediated through the National Board of Health and Welfare, the NIA or through one of the non-profit adoption organizations authorized by the NIA, MIA or MFoF. Adoptions may also have taken place alongside the organized mediation activities, through so-called private or individual adoption. The number of private and individual

¹The source of the statistics is the register of the total population on 2023-12-31.

adoptions were highest in number from the mid-1960s until the early 1990s.

Statistics on adoptions mediated by the authorities or authorized adoption organizations began to be kept from 1969 onwards. On the other hand, there are very fragmentary statistics on private adoptions carried out during the 1960s and 1970s. For the period 1969-2021, statistics are available from Statistics Sweden for children born outside the Nordic countries who immigrated for the purpose of adoption. The statistics are based on population registration statistics and include children adopted both via adoption organizations and via private and individual adoptions.

According to these statistics, a total of 54,368 adoptions took place during the period².

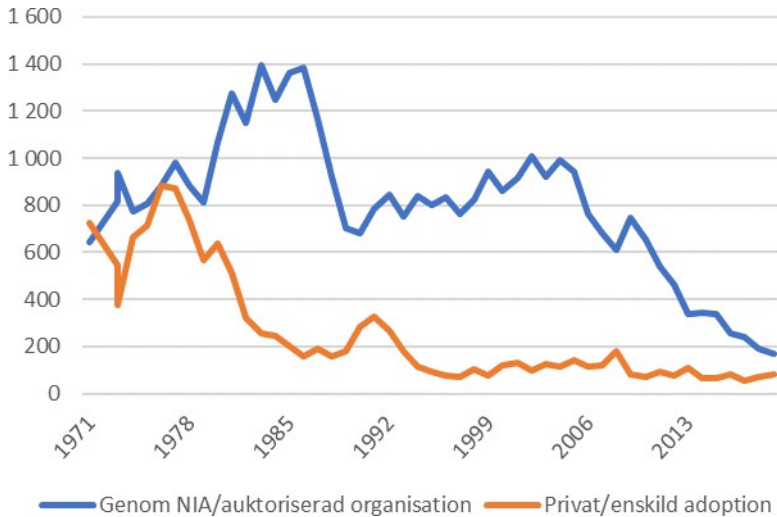
Based on a compilation of available statistics, during the period 1969-2021, approximately 42 550 adoptions were carried out through the NIA and the authorized adoption organizations.³The remaining approximately 11 800 adoptions would thus be private and individual adoptions for the period 1969-2021.

Figure 3.1 shows the number of adoptions mediated by the National Board of Health and Welfare and the NIA and the authorized organizations and the private and individual adoptions during the period 1971-2019.

²MFoF, statistics from Statistics Sweden on non-Nordic born children who immigrated for adoption 1969-2021.

³The figure is based on a compilation of statistics from Statistics Sweden on non-Nordic-born children who immigrated for the purpose of adoption 1969-2021, information from the adoption organizations (total number of adoptions carried out during the period in which each organization was active), statistics from the MIA on adopted children arriving through authorized adoption organizations 1981-2008, Report from the activities of the mediation committee 1973-1979 (total number of children placed through the NIA's mediation committee and AC) and material from AC "Foreign adopted children in Sweden 1964-1980". Since the statistics are not exact in some of the sources, the figures should be treated with some caution and seen as an estimate.

Figure 3.1 Trends in the number of adoptions mediated by the National Board of Health and Welfare and the NIA and the authorized organizations and private and individual adoptions during the period 1971-2019



Source: 1971-1975 Adoption Center (via MFoF), 1976-2002, NIA (National Archives), 2003-2019, MFoF.

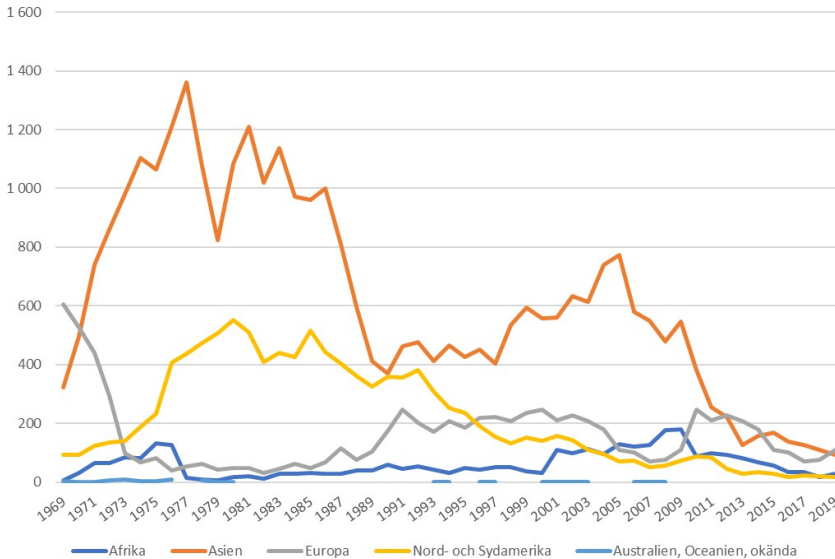
The number of adoptions amounted to just over 1 000 in 1969, increased steadily thereafter and peaked in the period 1976-1981 at around 1700-1900 adoptions per year. During the period 1980-2000, the number of adoptions has varied from a low of 800-900 per year to a high of 1 400-1 500 adoptions per year. Since the mid-2000s, the trend has been steadily declining, averaging just over 500 adoptions per year. In 2015, the number of adoptions was around 200-300 per year and has since gradually decreased. In 2024, the two authorized adoption organizations together mediated just over 50 adoptions.

3.2.3 International adoptions have taken place from a large number of countries

Sweden has adopted children from a large number of countries in the world. From 1969 until today, adoptions have been made from a total of 168 countries to Sweden. For the vast majority of countries, these are only single adoptions.

The continents from which adoptions have taken place have varied over time, as Figure 3.2 below shows. Adoptions from Asia have accounted for the largest share ever since adoption activities started in earnest in the late 1960s. At that time, adoptions from Europe were also common, but then declined in number before increasing again in the early 1990s. This is explained by the fact that adoptions from the former Eastern European countries became common. The 1970s and 1980s also saw a large number of adoptions from South America, but these decreased in number from the 1990s and have continued to do so until today. Adoptions from Africa have consistently been a low proportion of the total number of adoptions. They peaked in the 1970s, but then declined and increased again in the early 2000s. Today, adoptions are carried out from a small number of countries in Africa, Asia, Europe and South America.

Figure 3.2 Number of international adoptions to Sweden by continent, 1969-2019



Source: MFOF.

3.2.4 The ten largest adopting countries account for almost 70% of adoptions

The ten largest countries in terms of number of adoptions account for approximately 70% of the total number of adoptions carried out during the period 1969-2022. Table 3.1 shows who these countries are and how the number of adoptions has varied over time for each country.

Table 3.1 Number of adoptees from the 10 most common countries of origin and total number of adoptees, 1969-2022

Country	1969- 1979	1980- 1989	1990- 1999	2000- 2009	2010- 2019	2020- 2022	In total
Korea, rep	4 266	2 569	956	1 023	364	41	9 219
India	2 180	3 238	976	516	231	28	7 169
Colombia	599	2 419	1 562	762	335	21	5 698
China	0	7	591	3 077	607	2	4 284
Sri Lanka	797	2 273	301	14	8	1	3 394
Chile	940	1 091	88	9	5	0	2 133
Thailand	1 091	204	315	303	179	26	2 118
Vietnam	31	34	1 134	647	69	11	1 926
Poland	220	430	669	243	113	0	1 675
Ethiopia	527	158	203	281	107	1	1 277
Total	10 651	12 423	6 795	6 875	2 018	131	38 893
<i>Total number of adoptees</i>	15 803	14 525	9 774	9 670	4 310	420	54 502

Source: MFOF.

Looking at the top 20 countries in terms of number of adoptions, they account for almost 85% of the total number of adoptions completed between 1969 and 2022.

3.3 Intercountry adoption - attitudes, motivations and current issues from the 1960s to the present

3.3.1 Introduction

The view of and approach to intercountry adoption in Sweden is different today compared to when intercountry adoptions started in earnest in the 1960s. At the societal level, it is possible to see clear trends in the attitudes, motives and issues that have been relevant, both in the political debate and in the role and actions of the state and other actors in intercountry adoptions.

Two researchers who have analyzed the establishment of international adoption in Sweden, attitudes to international adoption, the motives behind it as well as the development of Swedish inter- national adoption are the historian and researcher Cecilia Lindgren and the researcher Tobias Hübinette. In the book "Inter- national adoption i Sverige - politik och praktik från sextiotial till nittiotial"⁴Cecilia Lindgren describes how the adoption business was established in Sweden, how it developed and what issues were in focus until the 1990s. Tobias Hübinette analyzes in his book "Adopterad. En bok om Sveriges sista rasdebatt"⁽⁵⁾.

TobiasHübinette analyzes how the debate was conducted between proponents and opponents of intercountry adoption in the 1960s before the practice was established. He also describes how the view of race and adoption changed from the 1960s and how it was replaced by what he calls the Swedish color blindness.

In this section we review how attitudes, motives and issues have changed in Swedish intercountry adoption work from the 1960s to the present day. We do not report on all the issues that have been relevant, but make a selection of issues and themes that have been raised repeatedly over time, more frequently during a period or that are otherwise of interest for our analysis of Swedish intercountry adoption activities.

The sources for our review include official publications, research reports, news articles and investigative reports. A central source is the NIA's information sheet "NIA informerar", which was distributed in 1973-2004 to those who worked with adoption issues at the municipalities'

⁴ C. Lindgren (2010), *International adoption in Sweden. Policy and practice from the sixties to the nineties*.

⁽⁵⁾ T. Hübinette (2020), *Adopterad. A book about Sweden's last race debate*.

social services boards. Over time, the information sheet became more widely targeted, including adoption organizations and associations of adoptees. The information sheet gives a good picture of both the spirit of the times and current problems and issues in international adoption.

3.3.2 1960s: Should the state facilitate international adoptions?

Intercountry adoption came onto the political agenda in Sweden in the early 1960s. By then, national adoptions, which had dominated until then, had begun to decline in number and waiting times to adopt were 4-5 years. Although there had been intercountry adoptions from Finland, Germany, Poland, Greece, India and South Korea, for example, before, the number of children involved was relatively small.

In 1963, a member of the Riksdag raised international adoption in an interpellation in which she criticized the National Board of Health and Welfare and their statements that adaptation would be difficult for children who did not have a Swedish appearance. The Member of Parliament said that this had no factual basis and could give rise to "discriminatory racial thinking". Instead, Swedes who wanted to adopt children abroad should be supported by facilitating the administrative process for adoption⁽⁶⁾.

In the debate of the 1960s, advocates of international adoption argued that adopting foreign children was a solidarity-based way of helping orphans abroad to find parents. Some argued that it was better to adopt a 'foreign child' than to have their own biological children.

Because if you have decided - for selfish reasons - to have children in any case, then from the point of view of the developing country it is better to adopt than to give birth yourself.⁷

Another argument put forward by proponents was that increased adoption of children with a non-Swedish appearance would "get us used to" differences and thus help reduce racial prejudice in Swedish society "so that we finally learn that other kinds of

⁶ C. Lindgren (2010), pp. 21-26.

⁷ T. Hübinette (2020), pp. 58-59 with reference to Lind & Möller, 1967.

people exist, and that these differently colored people are us in general very similar."⁸ Swedish society was to be educated to color blindness.

Until we finally become somewhat "color blind", i.e. learn that racial signs are no more significant in Swedish society than blond or dark hair.⁹

Opponents, on the other hand, argued that there were social reasons to be restrictive about foreign adoptions. Children could be at risk of being bullied at school and later in adult life.

It would be wrong to bring these children here if they are subjected to various forms of harassment among playmates, at school, etc. This could be very detrimental to their mental development⁽¹⁰⁾.

Another argument put forward by opponents was that not all children were orphans.

Many of the children in orphanages in developing countries have living parents. So what is in the best interests of the child? Perhaps it is to provide financial support so that the parents can take care of the child themselves¹¹.

In 1964, the Government appointed an inquiry to identify the opportunities and obstacles for Swedes to adopt children from other countries and the possibilities for facilitating and assisting international adoption. However, the idea was not to undertake any large-scale activities. The terms of reference for the inquiry stated that it was not the state's task to help children from foreign countries to be adopted to Sweden "in large numbers", while at the same time there must be no question of applying racial restrictions. Adoptions must always be considered individually and without prejudice. Society should support those who wanted to adopt¹²

The report defined adoption as a private project of the adopters where they could count on some support from the State. The main issue was the role of the state and social institutions. The final report of the inquiry took a mixed view of intercountry adoption - it was both laudable and problematic. On the positive side, it offered children what they could not get in their home country: family, education and a secure upbringing.

⁸ T. Hübinette (2020), pp. 90-91 with reference to Kumm, 1961.

⁹ T. Hübinette (2020), p. 103 with reference to Sterner, 1962b: 307-208.

¹⁰ T. Hübinette (2020), p. 62 with reference to Bööck, 1962:34.

¹¹ T. Hübinette (2020), p. 72 with reference to Bengtzon & Hjelm, 1967.

¹² SOU 1967:57 *Adoption of foreign children*.

growth. Childless Swedes were able to have children through international adoption and Swedes in general had a greater knowledge and understanding of other countries. One of the problems was that children with a deviant appearance risked having difficulties adapting to different relationships in life. The inquiry therefore felt that special demands were placed on adopters and particular care was needed in assessing the best interests of the child during the foster care assessment. The environment's response was also crucial to how well the children adapted. The report stated that public education was needed to create tolerance and understanding among the general public¹³.

In order to map the conditions and interest of potential adopting countries in intercountry adoption, the inquiry sent out a number of questions to the Swedish embassies in a number of countries. Among other things, questions were asked about the countries' legislation and attitudes to intercountry adoption. Several countries of origin in Africa, Asia and South America proved to be skeptical and hesitant. One example was Ethiopia, which saw difficulties with the children's skin color and that the children would probably not be accepted in the same way as other children¹⁴.

The committee's view was nevertheless that international adoptions would increase and that the state therefore needed to support and promote the process. It was proposed that the National Board of Health and Welfare be given greater responsibility to actively help Swedes seeking to adopt abroad. The legal obstacles were dealt with by another government inquiry, which submitted proposals for legislative changes that would facilitate foreign adoptions.

Thus, both the organizational and legal conditions were in place to facilitate international adoptions to Sweden.

Cooperation agreements on adoption had also been concluded with Greece and South Korea¹⁵.

3.3.3 Late 1960s - early 1970s: international adoption becomes a popular movement

During the 1960s, the world became increasingly accessible, people learned more about other countries, and more Swedes worked abroad in aid work or in Swedish companies abroad. Many Swedes

¹³ SOU 1967:57, pp. 16-17 and C. Lindgren (2010), pp. 26-27.

¹⁴ T. Hübinette (2020), p. 113.

¹⁵ SOU 1967:57, pp. 93-94 and C. Lindgren (2010) pp. 31-32.

who traveled or worked in poor countries saw children suffering in orphanages and other institutions. At the same time, Swedes were lining up to adopt. People who had adopted abroad on their own began to help other families with contacts, tips and advice on how to proceed. Adoption became an expression of solidarity and a desire to improve the world. However, it was an uncontrolled activity. Interviews conducted by Cecilia Lindgren with people who worked at the NIA, AC and in social services clearly show this. "People who had lived abroad came to Sweden with children without any kind of preparation in Sweden. No papers at all.", "People went on a charter trip and picked up children", "You just threw yourself there, it's just and go about it. And people took several children home and distributed them when they came home, to some other family."¹⁶

Two Swedish associations for adoption were formed in 1969: the Adoption Center (AC) and the Indian-Swedish Association. They were based on the contacts made by adoptive parents in different countries. The associations merged in 1972. The purpose of the AC was to promote the adoption of children who could not be cared for by their biological parents, to provide information about international adoption, to promote a positive attitude towards international adoption in society and to improve the conditions of children and young people in other countries through aid.¹⁷The AC quickly attracted new members and its board included business leaders, writers and journalists with contacts in politics.¹⁸

Margareta Ingelstam, one of AC's founders, published the book "Adoptera - ett alternativ. A handbook for anyone thinking about or involved in adoption". The book had several co-authors and described legal rules, how the mediation was done, perspectives on family and adoption and practical advice. The book's introduction states: "Adoption is no longer an emergency solution for those who cannot have children otherwise.

It is an opportunity for a full relationship between people who need each other". It is emphasized that "No one should think that adopting is a civil right - it shows a lack of respect for the child.

But freedom of choice between the different options must be available and supported." The introduction ends with the words:

¹⁶ C. Lindgren (2010), p. 52.

¹⁷ C. Lindgren (2010) pp. 32-35.

¹⁸Interview with Margareta Ingelstam 2023-11-29.

Children seeking parents - parents seeking children. The idea of family ties across all borders and walls has taken root. It now becomes a task for both the state and individuals to ensure that it has room to grow⁽¹⁹⁾.

The pressure was strong and, according to the then head of the NIA, the department concluded that they could not stop the work - there were many children out in the world who needed p a r e n t s and people who had been out in the world and seen the need. Many had adopted themselves and were able to show childless people that this possibility existed.²⁰

The fact that adoption was not a civil right was also emphasized by the Member of Parliament Lena Hjelm-Wallén, who chaired the Advisory Board and later the NIA. At a conference in 1974, she emphasized that every adoption must be for the benefit of the child. The starting point for the activities must be that it is the child who is looking for parents and not the other way around. In a speech she gave at the AC annual meeting in 1973, she emphasized:

I know that many people consider the possibility of adopting a child almost a civil right. People who want to adopt see themselves as applicants. Their need for a child is paramount. For the individual, this is a natural approach. But society cannot put the needs of the applicant parents first, but those of the child. The principle of the child as the applicant must be the right one for society²¹.

The child's right to a good home was important and required the consent of the municipalities. This approach differed from the 1960s view of adoption as a form of international aid work. Instead, Sweden should feel grateful for the trust that individual countries showed by allowing Swedish families to receive foreign children. The focus was to be on establishing good cooperation with the countries from which the children came, the so-called "donor countries"²².

⁽¹⁹⁾M. Ingelstam et al (1969), *Adoptera - ett alternativ. A handbook for anyone thinking of or involved in adoption*, pp. 7-8.

²⁰ Interview with former head of the NIA 2022-10-13.

²¹ Adoptionsnämnden, dnr I:51. Documentation from the AC's annual meeting on January 27, 1973.

⁽²²⁾C. Lindgren (2010) p. 36.

3.3.4 1970s: Great interest in adoption through NIA and AC but long waiting times mean that many choose to adopt privately

Interest in international adoption grew rapidly during the 1970s. The NIA was established within the National Board of Health and Welfare in 1973 with responsibility for arranging adoptions. However, the NIA had no responsibility for finding children available for adoption. Through a cooperation agreement between NIA and AC, AC was given the role of establishing new cooperation with non-agreement countries on the placement of children.

The NIA's mediation activities were handled by the so-called mediation committee, which also included AC. The mediation committee handled a large number of applications. However, the number of Swedish applicants exceeded the number of children available for adoption and waiting times for adoption remained long. During the period 1973-1979, approximately 9 000 applications were received by the Committee and around 5 400 children were placed. Many people therefore chose to take matters into their own hands and go alongside the NIA and AC to find a child to adopt. This in itself was nothing new; it was the way adoptions worked before the National Board of Health and Welfare and the NIA began to mediate adoptions. In 1976, just over 800 children were placed through the NIA and AC, while 900 children were placed through other unofficial channels²³.

At this time, there were different views on the adoptions that took place alongside NIA and AC. There was considerable frustration among individual applicants about long waiting times at the NIA, high costs of adoption through the AC, but also about who was and was not allowed to adopt and on what basis families were selected. The NIA, based on its mission, wanted to gain control over the adoptions that were carried out in a dubious manner alongside the NIA and AC. However, individuals who wanted to adopt felt that it was important that there were different routes to international adoption. One petition argued that:

As it is in Africa, Asia and South America, there are so many children in need and here at home so many families ready to happily take receive these children, therefore it would be of utmost importance to facilitate private adoptions²⁴.

²³ C. Lindgren (2010) pp. 32-35, 40, 42.

²⁴Norrbottnens Kuriren, Adoption - an upper class behavior? 1977-02-05.

Anita Gradin, then chairman of the NIA, responded in 1977 to a letter to the editor in DN stating that the NIA should facilitate private adoptions instead of discouraging them. Anita Gradin wrote:

The increasing demand for children has led to more and more money being put into the business. There are more or less open dealings with children. In connection with these activities, children who are not orphans and who do not need to be placed for adoption are also sent to parents in another country. This is the type of adoption we are referring to when we talk about 'wild' adoptions. It is of course within the NIA's remit to curb such adoptions. The NIA's terms of reference not only require it to 'facilitate' adoptions, but also to do so in an appropriate manner. The NIA does this in various ways but unfortunately lacks sufficient resources²⁵

By "wild" adoptions, the NIA meant adoptions where individuals traveled abroad without contacting the NIA before the trip and without prior notice, where people were paid abroad and sometimes even in Sweden to have a child and where the child was not obviously available for adoption. In her reply, Anita Gradin emphasized that private adoptions where families carried out adoptions with their own contacts in another country without using the NIA or AC were not prohibited and that the NIA's aim was not to stop them because they were private. It was the "wild" adoptions that they wanted to target.²⁶

In the case of the organized adoptions through NIA and AC, there were reactions to the NIA application form where the applicants could tick the gender, age and skin color of the child they wanted. Many chose to check the options for skin color. However, there were also applicants who reacted to the existence of such options as a kind of order and did not make any choices²⁷.

Due to the lack of overview and control over private adoptions, a working group was set up within the Ministry of Social Affairs in 1977 to review the organization of international adoptions. The working group came up with three different organizational proposals. One option was that the state should continue to have a brokerage responsibility for countries where there was a cooperation agreement, another was that more non-profit organizations should be linked to the NIA through cooperation agreements in the same way as the AC, and a third option was that the state, through the National Board of Health and Welfare, should grant permission to non-profit associations to broker adoptions.

²⁵ Dagens Nyheter, Vi kan aldrig "kräva" barn, 1977-01-26.

²⁶ Dagens Nyheter, Vi kan aldrig "kräva" barn, 1977-01-26.

⁽²⁷⁾ T. Hübinette (2020) pp. 75-76 and the Adoption Commission's review of adoption files.

mediate adoptions while the NIA would have an overall role with responsibility for information, supervision, monitoring and outreach. The group favored the third option. In order to tackle private adoptions, the group also proposed that pre-adoption notification should be mandatory and that an investigation should be carried out into the contact provided by applicants to find a child⁽²⁸⁾.

Several respondents, such as the National Board of Health and Welfare, AC, the Swedish Association of Local Authorities and Save the Children, were positive to the basic idea of increased responsibility for non-profit organizations in the mediation of international adoptions. However, they felt that careful regulation of social control was needed. The NIA, on the other hand, rejected such a model on the grounds that it was society's responsibility to mediate applications and select prospective adoptive parents. According to the NIA, the problem of illegal brokering would not be solved by either model. This required the vetting and approval of brokerage contacts, which was also proposed. Several commentators agreed with the NIA. They stated that adoption mediation was a sensitive task and that society must be responsible for connecting children and parents in order to guarantee the best interests of the child and legal certainty. One respondent also expressed the view that the proposed model would make a distinction between the role of society in the placement of children born in Sweden and abroad.

Criticism was also expressed that the Working Group had not addressed the fundamental question of whether international adoption was in itself positive or appropriate. "The undersigned believe that the group is too unreservedly positive about international adoptions" and "Is it consistent with a global conception of equality to import children at all?" Another aspect that was felt not to have been addressed by the group was the children's adaptation to Swedish society, where the children's right to knowledge of their origin and culture was considered central⁽²⁹⁾.

The Government proposed in a bill in March 1979 that adoption agencies should be run by non-profit organizations authorized and controlled by the State through the NIA. The Government proposed

²⁸ Ds S 1978:6, *International adoptions*.

⁽²⁹⁾ C. Lindgren (2010), pp. 45-46 and prop. 1978/79:108 on the organization of international adoptions. etc.

also a law on international adoption assistance that regulated the authorization procedure and clarified the requirements to be imposed on the organizations. The then Minister for Social Affairs, Gabriel Romanus, stated in the bill that:

In my view, it can hardly be a task for the state to actively promote the bringing of children from other countries in large numbers for adoption. However, the public authorities may be regarded as having other important tasks with regard to international adoptions. (--) One important task is to ensure that the activities of placing children are carried out in such a way as to guarantee that the best interests of the child are taken into account³⁰. the placement

The Minister of Social Affairs also stated that he supported the approach that the best option for a child is to stay with his or her own biological family or as a foster child or adopted child in the home country, followed by international adoption and, as³¹ a third option, growing up in an institution

The new organization and law came into force on 1 July 1979. During the 1970s, international adoption as a phenomenon became established in Sweden. The role of the state was clarified. The skepticism that some government representatives had had about international adoptions in the 1960s was no longer heard. The major problem was considered to be private adoptions.

3.3.5 1980s: irregularities in private adoptions, the importance of adoptees' backgrounds and how do foreign adoptees fare?

As the new organization of the NIA and adoption agencies came into place and found its working methods in the early 1980s, problems with private adoptions continued. The reports of irregularities in adoptions from Thailand and Sri Lanka in the second half of the 1970s were supplemented by revelations of irregularities in private adoptions from Colombia, Brazil, Peru and Taiwan. A representative of the NIA said in an interview that:

³⁰ Prop. 1978/79:108, s. 8.

³¹ Prop. 1978/79:108, s. 9-10.

The desperation and longing of Swedish spouses for children can be exploited by organized gangs. In the mid-1970s, adopting children on your own could still be a good and possible option. Today, it is almost impossible if it is to be done honestly. At the NIA, we are concerned about child trafficking. More control is needed over private adoptions³²

The NIA approached the Minister of Social Affairs in 1981 and 1983 with a view to tightening up the rules on private adoptions. In 1985, new legislation was introduced, which meant that the social welfare committee was tasked with examining the reliability of the agency that the applicant intended to use to get in touch with a child for adoption. The opinion of the NIA would be sought on the reliability of the intermediation method. This would increase the control of private adoptions.

But it was not only irregularities in private adoptions that were in focus. One issue that came to the fore in the 1980s was the background and origin of adopted children. This was because the children adopted in the 1960s and 1970s were now at an age where questions of origin and identity were important. An adoption organization had also conducted a study which showed that families who adopted older children were generally more interested in information about the child's background than families who adopted a younger child. The message from the NIA was that even young children had a background. "No child is born at Arlanda."³³In 1982, the NIA published an updated handbook for social welfare boards on international adoptions, in which the question of the children's background was raised more clearly than before. The starting point was that the children had the right to know their background and that the adoptive parents had a responsibility and obligation to tell the children about it. Taking in an adopted child also meant that respect had to be shown for the child's background⁽³⁴⁾.

The young person has the right to know what there is to know about their own origins. It is of course best if this search takes place together with the adoptive parents. They may feel threatened by their child's search for his or her origins. They may fear losing their child and that the child will reject them if he or she learns more about his or her biological parents or even comes into contact with them⁽³⁵⁾.

³² TT, 1982-08-20.

³³ C. Lindgren (2010), pp. 132, 137. NIA Informs No 3 1981, No 3 1982 and No 4 1983.

³⁴NIA (1982) *International Adoptions. Handbook for Social Welfare Boards*, Prepared by NIA in consultation with the National Board of Health and Welfare pp. 53-54.

³⁵NIA (1982), p. 54.

The NIA found that there was no comprehensive information on how common it was for adoptees to search for their origins, nor was there any research on the emotional impact of searching for origins. However, social welfare boards should be prepared for adoptees to contact them and ask questions about their background, how they could go about finding out more about their origins and perhaps also how they could get in touch with their birth parents.³⁶ AC organized the first return trip to Korea in 1985.³⁷

The origin of the children was also linked to the issue of immigration, prejudice and discrimination. The Minister of Immigration, Anita Gradin, who had previously been chairman of the NIA, made a statement on discrimination and adoption in 1983. She emphasized that adopted children must be allowed to feel pride in their origin. Adoptive families in Sweden were a great resource for changing attitudes in society. By adopting a child from another culture, the adoptive parents had actively demonstrated their rejection of discrimination and contributed to making Sweden a multicultural society⁽³⁸⁾.

However, there was an awareness that adopted children were at risk of being bullied and that there was a risk that no one would dare to talk about it.

And if you ask a group of parents if their children are victims of bullying, you are met with total silence. The concept of race has become so taboo that no one dares to talk about it. The children themselves, on the other hand, are certainly experiencing these tense attitudes in their environment. It is hard for children to struggle alone with these problems when their parents do not want to pretend that they exist⁽³⁹⁾.

During the 1980s, several Swedish research studies focused on adopted persons and their adjustment and well-being.

In 1979, psychologist Ingegärd Gardell published a study initiated by the National Board of Health and Welfare and the National Children's Home of over 200 foreign children who arrived for adoption before 1971. In addition to being one of the first studies of the living conditions of adoptees, it highlighted problems experienced by adoptees and adoptive families. One conclusion was that the children who had problems were generally older at the time of adoption to

³⁶ NIA (1982) p. 54 and NIA Informs No 4 1983.

³⁷ NIA Informs No 4 1985.

³⁸ NIA Informs No 1-2 1983.

³⁹ T. Hübinette (2020) p. 111 with reference to Bo Swedin in Thuma, 1983.

Sweden. Another was that one in four adoptive families felt they had different problems than families with children of the same age⁴⁰.

Another early researcher in the field of adoption was Marianne Cederblad, a professor of child and adolescent psychiatry. She was an adoptive parent herself. Her first study involved 50 adopted children and showed that a good environment could heal various types of damage that adopted children had brought with them after, for example, growing up in an orphanage. However, in some cases, problems remained in the form of contact disorders and separation difficulties. Cederblad emphasized that it was important that the families received real support if there was a need for it.⁴¹ A study by Cederblad from 1981 of just over 500 foreign children adopted in Östergötland showed that adopted children did not seek help from child and adolescent psychiatry (BUP) more than other Swedish children.⁴² Other studies in which Cederblad participated showed that children who were adopted when they were older had a greater sensitivity to separation and break-up than children who were adopted when they were young. For young children, adoptive parents were more able to compensate for the emotional damage the children brought with them.⁴³ However, Cederblad advised adoptive parents not to think of themselves as "an ordinary family". They need to be prepared for things to get extra messy, for example, during adolescence. She also said that families who adopted older children would not be "let go" as quickly by social services⁴⁴.

In 1986, psychologists Madeleine Kats and Ilona Dery Alfredsson published a study in which they examined the prevalence of children and adolescents adopted from abroad within the psychiatric child and youth care system in Stockholm. The background was that, according to the authors, "claims were circulating in the Stockholm area that the foreign adopted children were greatly over-represented in the PBU (--)) and that the problems of these children were significantly more difficult than those of other children." The study found that out of a total of 10,000 cases at the PBU during the period, 171 were adoptive children. According to the study, foreign adoptees were not overrepresented at the PBU, except in the 13-20 age group. The adoptees had 30% more symptom markers

⁽⁴⁰⁾ I. Gardell (1979), *International Adoptions. A report from the National Children's Home*, National Children's Home.

⁴¹ NIA informs Feb 1979.

⁴² M. Cederblad (1981), *Utländska adoptivbarns psykiska anpassning*, *Läkartidningen* 1981 78:816-9.

⁽⁴³⁾ M. Cederblad (1982), *Foreign adopted children arriving in Sweden after the age of three. The adaptation process during the first year in the family*, NIA. NIA informs no 2 1985.

⁴⁴ NIA Informs No 4 1986.

than the comparison group. A third were judged to have very severe difficulties resulting in institutional or foster care placement. The writers noted that the help received by children and families depended on how much they pushed themselves⁴⁵.

At the end of the 1980s, Marianne Cederblad published another study that analyzed foreign-born adoptive children aged 11-18 years who had been patients in child and adolescent psychiatry from 1980 to 1985. The conclusion was that a group of adopted children showed severe relational and social problems in adolescence. The child's age at adoption and traumatic experiences before adoption had an impact on the type of symptoms and the risk of developing disorders. Single parents who adopted older children were a group that often needed extra support and help during their children's teenage years⁴⁶.

In other words, the issue of the well-being of adopted children was highlighted. A motion was tabled in the Riksdag to the effect that professional groups such as BVC staff, preschool teachers, teachers, school counselors and school nurses should be given greater knowledge of foreign adopted children in order to be able to prevent problems and identify at an early stage when special interventions were warranted. The motion also proposed that knowledge of the needs of foreign adoptees and adoptive families should be included in the training of social workers, psychologists and therapists.⁴⁷In 1987, the NIA received funding from the government for a project on counseling foreign adoptees and their families during the child's formative years. The project was called the RUTAF project and lasted until 1991. The project involved investigating the needs of different groups for support and education, and for curative and psychological support for the adoptive families. In 1989, the NIA organized a RUTAF conference where adult adoptees aged 21-28 talked about their experiences and the support they had needed while growing up.

Adoptees expressed a lack of knowledge about adoptees and their needs in schools and other institutions. They wanted groups to be organized for adoptees as the best support was to meet others in the same situation⁴⁸.

⁽⁴⁵⁾1. Déry-Alfredsson and M. Kats (1989) *Foreign adopted children at PBU*, Stockholm University, Department of Psychology. NIA informs no 1 1986.

⁴⁶M. Cederblad (1991), *High age at adoption greatest risk of developing adjustment problems in adolescence*, *Läkartidningen* Volym 88 Nr 12 1991.

⁴⁷ NIA Informs No 1 1989.

⁴⁸NIA informs No 2 1987, No 4 1989.

3.3.6 1990s: Shortage of children and adoptive parents, new research on adoptees, Hague Convention in place and increased xenophobia and racism

In the early 1990s, the NIA noted that the number of children available for adoption had decreased since the late 1980s. This was due to fewer adoptions from South Korea and several countries of origin seeking solutions for abandoned and orphaned children within the country. However, the NIA stated that there were still children who needed homes and that adoption agencies were working hard to find new contacts abroad. However, applicants should be prepared for the fact that the children available for adoption in the future were more likely to be older (i.e. over three years old) and have different types of special needs. Countries of origin were also placing higher demands on adoptive parents.⁴⁹ According to the NIA, many prospective adopters were concerned about this and sought to adopt privately instead. Private and individual adoptions actually increased in the early 1990s⁵⁰

But by 1992, adoption agencies were already facing a new problem - too few applicants for some countries, including Colombia, China and Vietnam. Adoption queues had shrunk or disappeared. One organization asked "Where did all the adoptive families go?"⁵¹ To address this, in 1994 the NIA commissioned a short documentary film featuring a family with three adopted children, which was shown some 50 times on the Swedish Television bulletin board. The message was "Children need parents." It was hoped that this would lead to more requests for adoption from municipalities and organizations. One adoption organization stated that "Recently there has been a lot of interest in adoption from the public and the media. Perhaps this may result in more applicants of younger vintage."⁵²

With the collapse of the Soviet Union and the opening of eastern and central European countries to the West, new adoption countries were added, such as Poland, Romania and Russia. However, problems with irregularities in the new countries came to light early on, in some cases also with links to Sweden. In several countries, the

⁴⁹ NIA Informs No 2 1990.

⁵⁰ NIA Informs No 3 1989, No 2 1990 and No 2 1991.

⁵¹ NIA Informs No 6 1992, No 1 1993, No 1 1994, No 3 1994, No 4 1994.

⁵² NIA Informs No 4 1994.

adoption legislation, but it still took some time before the irregularities could be stopped⁵³.

Research on adoption was an important issue also in the 1990s. In 1991, the NIA and the National Children's Hospital organized a major research conference on adoption. Participants included Rene Hoksbergen, professor of international adoption at Utrecht University and Professor Marianne Cederblad. One issue discussed was the direction of research and what new tasks research should take on. Among other things, it was stated that Sweden had missed the opportunity to conduct longitudinal studies, i.e. to follow up adopted children over a long period of time. Wishes were expressed for research on the biological parents, adopted children and siblings, adopted children with disabilities and changes in attitudes and values during the adoption process. It was considered important to also consider for whom or for whom the research was intended, for example, pre-school teachers, teachers, psychologists and therapists would benefit from practical research. Another point of view was that it was important that the research showed what reality looked like, but it should not only result in warnings about all the problems that could arise. One participant felt that there were risks in providing too much information about the difficult aspects of adoption. Marianne Cederblad was given the closing words of the conference and concluded:

It is amazing that, given the children's background and the adoptive parents' childhood trauma, all the studies show that so few children have serious problems⁵⁴.

In 1994, Marianne Cederblad and a number of other researchers published a study on the mental health in adolescence and early adulthood of 211 foreign-born adoptees in Skåne. They had asked themselves how well-founded the idea that foreign-born adoptees felt bad in their teens really was. The study showed that twice as many adopted children as Swedish-born children came to the child and adolescent psychiatric clinics. However, the conclusion was that the group studied had good mental health. Cederblad said in an interview with NIA that the statistics could be misleading. "Many children with mental health problems never come into contact with health care. Adopted children often have committed parents who seek help for what we

⁵³ TT 1992-02-05, TT 1992-07-16, TT 1993-02-28 and DN 1994-03-23.

⁵⁴NIA Informs No 1 1991.

usually call common teenage problems. Considering what many children have been through before coming to Sweden, it's a wonder they do as well as the comparison group." According to Cederblad, this was due to compensatory factors: the parents were motivated, committed, knowledgeable and lived in stable conditions. In an interview, Cederblad was asked if, as an adoptive parent, she could be objective when she had a personal involvement in the research. She replied: "Some may question my objectivity, but I am not alone in conducting the study. Then you can see that we adoptive parents have valuable knowledge for the research."⁵⁵

In 1996, the National Board of Institutional Care (SiS) published a report on adopted young people (10-20 years) in special youth homes. SiS found that adoptees were clearly over-represented among those admitted to special youth homes in 1995. 23.6 admissions were made per 10 000 foreign adoptees in 1995, compared with 9.1 admissions for the total population. The reasons for placement for adoptees also differed from the general population. Violence, abuse, threat of violence, mental health problems and acute crisis in the young person's family were the most common reasons while substance abuse was less common⁵⁶.

In 1997, the psychologist Malin Irhammar, who participated in Cederblad's 1994 study, published a thesis on the identity formation of adopted children during their childhood. It was based on the same group as the 1994 study. Irhammar's conclusion was that interest in biological origins can reflect normal identity development. The search may have to do with a good identity and self-esteem that makes one less vulnerable. It can be a way of strengthening one's identity, but it can also be an expression of an unsatisfactory life situation.⁵⁷In the 1990s, a study was also published on communication and language development of adoptees and another on the educational achievements of adopted children.

Sweden adopted the UN Convention on the Rights of the Child (CRC) in 1989 and ratified it in 1990. The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption

⁵⁵ NIA informs No 6 1992, No 2 1994.

⁵⁶ Statens Institutionsstyrelse (1996), *Adoptivbarn, ungdom och omhändertagen. Documentation from a conference in Linköping on April 15, 1996, organized by Folåsa behandlingshem*, General SIS report 1996:4.

⁵⁷ M Irhammar (1997), *Exploring one's origins: identity formation during adolescence in foreign-born adoptees: the importance of biological and ethnic origin*, Lund University. NIA informs no 3 1997.

was adopted in 1993. The Convention was incorporated into Swedish law in 1997, and in the same year the new Act on Intercountry Adoption Intermediation was introduced, which included stricter rules for individual adoptions.

In 1996, the NIA published an updated version of the Handbook for Social Welfare Boards which, among other things, partially revised the section on helping adoptees to trace their origins. In the handbook, the NIA points out that the approach to obtaining information about the origin of adoptees and the transparency of adoptions had changed considerably since intercountry adoptions began on a larger scale in the 1960s. The NIA gave the example that 20 years earlier, a social worker did not always encourage adoptive parents to give as much information as possible to their adopted child. Now, the NIA emphasized that the social welfare department should assist the adoptee as much as possible with information, even if the adoptive parents would oppose this. At the same time, the NIA noted that the situation could be sensitive for the birth parents, and that the mother's family might not be aware that she had given up a child for adoption. It could be "a disaster" for the birth mother if it became known, so the social worker needed to make the adoptee aware of this risk. The handbook also gave some advice on how to conduct research in the country of origin.⁵⁸In 1995, AC established the Travel and Roots service and had already started organizing return trips for adoptees and adoptive families to South Korea in the 1980s.

The issue of xenophobia and racism became topical again in the early 1990s with the fires in refugee centers and the ravages of the laser man. How did this affect adoptees and adoptive families and what were their experiences of racism and xenophobia? These were questions that NIA addressed in several issues of NIA Informer and in special thematic issues in 1992 and 1995. Adoptees and adoptive families told us that they saw signs of a changing climate in society; adoptees encountered slurs and attitudes they did not recognize. "It has suddenly become acceptable to be xenophobic." At the same time, the idea that adoptees were a vanguard against prejudice still existed. The NIA wrote: "The fact that we in Sweden have had so many foreign adopted children for several decades has certainly contributed greatly to eliminating prejudices about the view of people who have different roots than ourselves." But the NIA also pointed out that prospective adoptive parents need to be aware that they and their children

⁵⁸NIA (1986) *International adoptions. Handbook for Social Welfare Boards*, pp. 65 ff.

The adoption organizations also cooperated in several activities against racism and xenophobia under the heading Adoptive Families Against Racism⁵⁹.

3.3.7 2000s: Adoptions on the rise again and new research, a study on adoption and two documentaries provoke reactions

The number of adoptions increased again in the early 2000s. In contrast to ten years earlier, adoption agencies now had a large influx of applications. In the first four months of 2000 alone, AC received 500 new applicants.⁶⁰ A contributing factor was probably the announcement of an increase in the adoption cost allowance to NOK 40 000 from January 1, 2001. However, the NIA received signals from adoption organizations that they were receiving more and more applications from applicants who had received consent from the social welfare committee to receive "a healthy, white child who had not yet turned 1 year old". Many applicants wanted children under the age of six months. Organizations also reported that it was becoming increasingly difficult to find families for older children.

Both the NIA and the adoption organizations were concerned about this. The NIA pointed out that it was not in the interests of either the children or the parents for the social welfare committee to give the applicants a consent that was more or less an order. According to the NIA, a family making such demands could not be aware of what adopting someone else's child meant. The NIA argued that in practice such consents and requirements could mean that other more "open" families were chosen over those with more specific requirements. In the children's home countries, such restrictions could also raise suspicions that the child was not being brought for its own sake but to meet the applicants' need for a replacement for the biological child they did not get.⁶¹ Older children also needed parents, but several adoption agencies had received reports of applicants being advised by social services investigators to limit their consent to 12 months on the grounds that "the smaller the child, the fewer the problems". NIA's message to social services investigators was that it was important to make applicants understand that "it is not primarily their need for a child that governs the operation

⁵⁹ NIA Informs No 2 1992, No 4 1994 and No 4 1995.

⁶⁰ NIA Informs No 2 1992, No 4 1994 and No 4 1995.

⁶¹ NIA Informs No 3 2000, No 1 2001.

with international adoptions without the need of the child's parents"⁶². A social worker reacted and wrote to the NIA:

While the needs of the child should guide adoptions, perhaps we need to change the way we look at how best to help older children? Perhaps it is not always fair to older children to adopt them away to another country and culture. Maybe there are ways to help these children at home instead? We do not believe that such training currently exists for adoptive parents to prepare them to receive an older child⁽⁶³⁾.

In 2001, AC ran a sponsored advertising campaign with full-page advertisements in daily, monthly and weekly newspapers, as well as posters at bus stops in Greater Stockholm. The message was "Trying to have a baby? We are trying to get parents". The AC described in the NIA briefing that they ran the campaign to show those who had not previously considered adoption that it was a good option and the AC hoped that more people would choose to adopt older children or children with disabilities⁽⁶⁴⁾.

In the same year, 2001, the government appointed an inquiry into international adoptions. Annika Nilsson, Member of Parliament, was appointed as special investigator. The assignment included examining the possibility of strengthening the rights of the child in the adoption process, analyzing cost issues in connection with international adoptions and reviewing the organization of the NIA and the psychosocial support and counseling for adoptive families.⁶⁵ Annika Nilsson herself described the assignment as "We will examine how the chain works, from home investigations to the countries of origin's view of adoptions. How do the NIA and adoption organizations work? What support and help do you get as a parent and child?"⁶⁶

During the investigation, a new research study on adoptees was published in 2002. In the study, researchers Anders Hjern, Frank Lindblad and Bo Vinnerljung analyzed the prevalence of mental disorders and social maladjustment in adolescence and young adulthood among internationally adopted persons in Sweden. The study found that international adoptees were at greater risk than the average population of developing mental health symptoms and substance abuse requiring

⁶² NIA Informs No 4 2000, No 1 2001.

⁶³ NIA Informs No 2 2001.

⁶⁴ NIA Informs No 3-4 2001.

⁶⁵ Dir. 2001:93 International adoptions etc.

⁶⁶ NIA Informs No 1 2002.

hospitalization. The risk of suicide, suicide attempts and serious criminality was also higher among the internationally adopted⁶⁷. It was considered disrespectful and stigmatized the group of adoptees by describing them as the worst off. Concerns were expressed by adoption organizations that the study would have a negative impact on individuals who were considering adoption or who had young adopted children.

In 2002, SVT's Dokument inifrån showed two documentaries on international adoption. The first documentary "Sveket mot de adopterade" described the challenges that adoptees experienced growing up and living in Sweden, reviewed the findings of various research studies on adoptees and highlighted the lack of support from society for adoptees. The documentary interviewed several actors in the Swedish adoption world but also gave examples of research and practice from the Netherlands. The then head of the AC, Elisabet Sandberg, was asked about Hjern's research study. She replied that it showed what had been known for a long time, i.e. that a small group of adoptees had difficulties. Whether this was because they had brought difficult experiences from their country of origin or whether they had not been happy growing up in Sweden was not known. She pointed out that the vast majority of adoptees were still doing well, which she said was fantastic. This had also been stated by a government inquiry into international adoptions in a report in 1998.⁶⁸The researcher Anders Hjern was also interviewed. He said that the results of the study could be interpreted in two ways: either that many more in the group of adoptees felt generally mentally ill, or that there was a larger group of vulnerable individuals in the group. It could not be said from the study that the vast majority of adoptees were well. To find out, other studies than the one they conducted needed to be done. A Dutch researcher talked about studies of internationally adopted people in the Netherlands that showed similar problems for adoptees as in the Swedish study. The Dutch research also showed that the problems did not only apply to a few individuals but to a larger group of adoptees. Marianne Cederblad was also interviewed about her study from

⁶⁷A. Hjern, F. Lindblad, B. Vinnerljung, *Suicide, psychiatric illness, and social maladjustment in intercountry adoptees in Sweden: a cohort study*, *The Lancet*, Volume 360, Issue 9331, August 10 2002, pages 443-448. *Läkartidningen* Nr 9 2003, Volume 100, p. 707-709.

⁶⁸SOU 1998:100, *Adoption issues*, p. 87.

1994, which concluded that internationally adopted teenagers were as well off as other teenagers. She acknowledged that there were some methodological weaknesses in the study, for example, that it was done on a small group and that non-response could have affected the results. She said that if statistics showed that adoptees were over-represented in terms of inpatient care, substance abuse and suicide, and that adoptees struggled later in life, then this should be investigated further. The Director of the NIA was interviewed about the role of the agency in supporting adoptees. She replied that the NIA had no such responsibility, the agency's mission was to facilitate the adoption of foreign children to Sweden⁶⁹.

The second documentary, "Children at Any Price", described irregularities in adoptions from Thailand. It showed that during the 1970s there had been irregularities both in private adoptions and in adoptions that had gone through AC from a particular orphanage.⁷⁰ After the documentary was broadcast, AC wrote to the NIA informing those who had been adopted from the orphanage in Thailand concerned. AC explained why they had acted as they had and that they had never suspected that the children were stolen. "Now we have received information from TV that a child may have been adopted against the mother's will. It is a terrible background that no one should have to live with, and we are terribly sorry if we have been involved in such an adoption."⁷¹ Shortly afterwards, the NIA received SEK 100,000 from the government to help adoptees who came from Thailand in 1974-1977 to research their history. Interested adoptees were asked to contact the NIA and AC through an expression of interest⁷².

In other words, new and important facts came to the attention of the committee during the course of its work. The investigator Annika Nilsson submitted her final report *Adoption at what price?* to the government in June 2003. Some parts of the report were controversial, not least the parts that dealt with the costs of adoption and assistance. "It was actually the social aspects of the consent investigation, support, etc. that prompted the report. Not the regulations or the problems with international adoptions. So people were surprised when we started to focus on other things."⁷³ The inquiry wrote "Sweden must

⁶⁹ SVT, Dokument inifrån (2002), Sveket mot de adopterade.

⁷⁰ SVT, Dokument inifrån (2002), Barn till varje pris.

⁷¹ NIA Informs No 2 2002.

⁷² NIA Informs No 3 2002.

⁷³ Interview with Annika Nilsson 2024-02-20.

take a position on what is ethically justifiable for us to accept in terms of costs and assistance activities related to international adoption."⁷⁴and further:

International adoption must be seen in a broader context than is often the case today, where international adoption is primarily seen as an alternative family formation. We consider it absolutely necessary for Sweden to take a stand on what "rules of the game" we can accept and how Sweden can act to reduce the risks of child trafficking in connection with international adoption⁽⁷⁵⁾.

The proposal was that only the actual costs associated with the adoption of a child would form the basis for the adoption fee. The assistance activities of the associations would be clearly separated from the adoption activities. The inquiry also stated that, from a long-term perspective, it was better for Sweden to contribute to development efforts in the countries of origin and recipient countries so that children to a greater extent could grow up in their biological family or in another family in their country of origin.

Reactions to the commission's proposals for stricter requirements on costs and assistance were strong, not least from adoption organizations. The then chairman of the AC Ulf Kristersson wrote on DN's debate page: "The Adoption Inquiry's proposal for new legislation would almost completely close Sweden to international adoptions. An impact assessment shows that of the 700 children who got Swedish parents through the Adoption Center last year, only 37 would have been allowed to come to Sweden if the committee's proposal had been law. All the major countries of origin for adopted children would disappear under the new rules." He also said that the committee's proposal to only pay for the actual costs of the child and to separate the assistance activities from the adoption activities meant that Sweden was completely breaking the spirit of the Hague Convention. "Swedes should only go to the orphanages and pay for the care of their own child. (--) The governmental adoption inquiry advocates "pay-and-run" as the norm in Swedish adoption work." He further stated that "The inquiry's message to abandoned children and childless Swedes is that they should wait for a better world." He concluded with:

⁷⁴ SOU 2003:49 *Adoption at what price?*, p. 127.

⁷⁵ SOU 2003:49, p. 22.

⁷⁶ SOU 2003:49, pp. 20-25.

Sweden now faces a choice: Either we close the country to international adoptions. Or we ask ourselves how Swedes can also contribute to more abandoned children getting a good family. And that those who get their parents right here in Sweden will be well equipped for a lifelong challenge.⁷⁷

It also analyzed the need for support for adoptees and adoptive families and made proposals for enhanced support and assistance.

The inquiry wrote

It is important that society meets the needs of adoptees and adoptive parents at the earliest possible stage. (--) We believe that all those who in their profession meet adoptees and adoptive parents should have general knowledge about adoptees and that those who work with support and treatment for adoptees and adoptive parents must have special knowledge about adoptees. It is urgent that the State contributes to such knowledge development⁷⁸

It was proposed that social welfare boards be given a clearer role in supporting adoptees and adoptive parents. The commission also analyzed the availability of research and had commissioned Marianne Cederblad to conduct a research review of important Swedish and international research on adoptees. A research hearing was also organized. The commission proposed that a national research and knowledge center for international adoption issues should be established.

The State has so far not prioritized research and knowledge development in the field of adoption. This is not acceptable when it involves the organized transfer of children from one country to another. If Sweden were also to the future of intercountry adoption, it is necessary for the State to prioritize these issues.⁷⁹

The result of the investigation was that the NIA was replaced by the new authority MIA, which was given a clearer control and supervision assignment, the authorization requirements were tightened as well as the reporting requirements for adoption organizations regarding costs and assistance. However, nothing happened with the support proposals. The proposals for support and research were welcomed by the adoption organizations, but the Association of Swedish Municipalities and the National Board of Health and Welfare were together against the proposals for strengthened support and a national research and knowledge centre.

⁷⁷ DN 2003-10-15, Sweden almost completely closed for adoptions.

⁷⁸ SOU 2003:49 p. 32-33.

⁷⁹ SOU 2003:49, pp. 32-35 and Annex 6.

According to Annika Nilsson, one explanation was that the committee had not managed to finance the proposals.⁸⁰

In 2004, after more than 30 years, the NIA ended its activities and the new authority for international adoption issues (MIA) took over. The task of facilitating adoptions was replaced by the task of creating high quality in international adoption activities in Sweden. Otherwise, international adoption mediation continued as before, but with slightly sharper supervision and authorization tools.

3.3.8 2010s to present: adoptees start to criticize international adoptions and criticism grows with revelations of irregularities

Our review of NIA informs us that from the mid-1980s onwards, adoptees started to participate in various articles, seminars and trainings, sharing their thoughts and experiences about growing up, their relationship with adoptive parents, searching for their origins, making a return journey, being adopted at a slightly older age, looking different, facing discrimination and racism or simply describing what it was like to be adopted.

The NIA's RUTAF project, which ran from 1987 to 1991, involved adoptees sharing their experiences and thoughts about the support they had needed growing up. In the 1980s, adoptees began to form associations, such as the Adopted Koreans Association (AKF), which also brought the adoptee perspective to bear on various issues.⁸¹ The importance of adoptees to adoption and to the NIA is evidenced by a quote from an NIA staff member who wrote, "More and more of our adoptees are now adults, have found jobs, and are starting families of their own with children. I think they have given us an inexhaustible well to draw from!"⁸²

Although adoptees were involved and represented, it was mainly to testify about experiences or give examples of how they experienced different issues and phenomena. They also described different types of problems but the articles were rarely critical. However, there were some exceptions. In 1993, the NIA published a letter it had received

⁸⁰ Interview with Annika Nilsson 2024-02-20.

⁸¹ NIA Informs No 4 1989.

⁸² NIA Informs No 2 1996.

from an adoptee criticizing the debate on adoptee mental health. She wrote:

To claim that adoptees are as well off as any other child leads to a lack of understanding of the problems that adoptees face and carry. There is a frightening lack of knowledge about the spiritual life of an adoptee. Surely we should increase understanding of the problems of adoptees instead of sweeping them under the carpet. At what cost do we do that? At the cost of not having competent help available because resources are not developed where adoptees can get help, support and understanding of what they are going through.⁸³

In the early 2000s, individual adoptees started to go public and criticize adoption activities and the lack of support for adoptees. For example, in 2008, twelve intercountry adoptees wrote an opinion piece supporting the government's decision to stop adoptions from Vietnam. They wrote:

We want to protest against the Western-centric perspective that dominates the international adoption business, and assert our right and the right of all adoptees not to have to live with the suspicion of irregularities in our own adoptions, such as the all-too-common forged documents, manipulated identities and fabricated stories.⁸⁴

In a 2009 opinion piece, several adoptees highlighted the difficulty for adults adopted abroad to search for their parents of origin and the Swedish authorities' disinterest in helping.⁸⁵ In 2015, adoptees from South Korea demanded that Sweden stop adoptions from South Korea because several investigations had shown that the country was in breach of the Convention on the Rights of the Child.⁸⁶ In 2017, SVT broadcast the documentary *De ensamma - en film om adoption* and, like the documentaries in 2002, it led to reactions against adoptions.⁽⁸⁷⁾ In the same year, 2017, the Sri Lankan Minister of Health stated that up to 11 000 children could have been adopted to the West in a criminal and corrupt manner between 1970 and 1995. In an opinion piece, adoptees stated that Sweden was the country that had adopted the most children from Sri Lanka and that it was now necessary to investigate once and for all what really happened when 3 500 Sri Lankan children were adopted by Swedes.

⁸³ NIA Informs No 4 1993.

⁸⁴ Aftonbladet Debatt 2008-11-08.

⁸⁵ SvD Brännpunkt 2009-08-16.

⁸⁶ Aftonbladet Debatt 2015-11-27.

⁸⁷ Dagens ETC 2017-04-29.

⁸⁸ Dagens ETC 2017-10-02.

In 2018, SVT Nyheter, in collaboration with Chilean journalists, uncovered irregularities in adoptions from Chile in the 1970s and 1980s. The then Director General of the Swedish Agency for Family Law and Parental Support (MFoF), Kristina Svartz, told SVT that the information was appalling but that the system for adoptions was now safer due to international conventions and legislation and because MFoF as an authority had a different opportunity for control and supervision.⁸⁹In a debate article shortly afterwards, six adoptees demanded that the Swedish adoption process should be nationalized and that adoptions should only be allowed from countries that respected the Convention on the Rights of the Child.⁹⁰Some 20 adoptive parents then demanded that the responsible organizations and authorities address the problem of adoptions that had not gone right and not sweep anything under the carpet. It was not enough for organizations and authorities to say that they had followed the legislation in force at the time. The adoptive parents supported the demand from adult adoptees that an investigation should be carried out into adoptions that were thought to have been carried out in an unethical manner.⁹¹The Director General of MFoF described in a reply what measures the authority had taken, but she emphasized that it was not part of MFoF's remit to investigate irregularities committed further back in time. She also wrote that "the right of adoptees to their origin is a very important issue for MFoF. Our assessment is that society needs to take responsibility for individual support for adoptees seeking their origin, a responsibility that is lacking today. This is also something we have pointed out in annual reports to the government. In March 2013, MFoF submitted a proposal to the government on how the work can be organized."⁹²

The opinion pieces were followed by more opinion pieces in which adoptees from Chile, Colombia, India and Sri Lanka demanded an independent investigation into adoptions to Sweden.⁹³Several articles and reports on irregularities in Chile followed in 2018 and 2019, but irregularities in China and other countries were also highlighted. In June 2019, Minister for Social Affairs Lena Hallengren responded to the calls for an investigation, stating that Sweden, through MFoF, was following

⁸⁹ SVT Nyheter, Sverige i centrum för olagliga adoptioner med chilenska barn, 2018-01-29.

⁹⁰ Aftonbladet Debatt 2018-01-31.

⁹¹ SvD 2018-02-15.

⁹² SvD 2018-02-23.

⁹³ Fria Tidningen 2018-02-27, 2018-03-05, 2018-03-06, DN Debatt 2018-03-07, SvD Debatt 2018-09-22.

the ongoing criminal investigation in Chile. "Based on the results, we will assess how we take the issues further in Sweden."⁹⁴This was not enough for adoptees and adoptive parents and the demands for an investigation remained. In 2020, questions were also put to the Minister for Social Affairs in Parliament about adoptions from Chile⁹⁵.

In January 2020, MFOF was commissioned to develop individual support for internationally adopted persons in connection with the search for origin, and in May of the same year, a further commission was issued to offer adoption-specific professional counselling to adopted persons.⁹⁶In February 2020, the Swedish State Treasury was commissioned to review the organization of international adoption activities and consider whether the organization should be changed. The conclusion was that the existing organization was appropriate, that adoptions had become safer and more secure, but that the child rights perspective and legal certainty could be further improved, that the actors could develop their competence, that there were risks in the adoption activities and that the agencies risked closure if the number of adoptions continued to decline.

In February 2021, SVT reported that the Netherlands stopped all international adoptions after a government investigation found irregularities in adoptions to the country. Tobias Hübinette stated that "The investigation should make the adoption issue highly topical in Sweden as well. Sweden has more adoptees than the Netherlands, and adoptions are made from the same countries."⁹⁸Shortly afterwards, on February 19, 2021, Dagens Nyheter began its series of investigations into Swedish international adoption activities, *Barn till varje pris* (Children at any price), in which they highlighted irregularities in Chile, Colombia, Ethiopia, China and South Korea in several reports during 2021-2022. Two associations for adoptees - Chile Adoption and Transnational Adoptees' National Organization (TAR) - in a debate article on the same day, demanded that the Swedish government set up an independent state investigation where all transnational adoptions carried out to Sweden were investigated. They referred to the fact that both the MFOF and the AC had stated that an inquiry should be set up.⁹⁹In an interview in DN, Minister of Social Affairs Lena Hallengren

⁹⁴ Expressen 2019-06-11.

⁹⁵ Parliament Documents and laws 2020-05-27, 2020-09-24, 2020-12-10 and 2021-02-03.

⁹⁶ MFOF 2020-01-17 and 2020-05-04.

⁹⁷ State Treasury (2021) *Organization of international adoption activities* 2021:1.

⁹⁸ SVT 2021-02-09.

⁹⁹ Dagens Arena 2021-02-19.

The leader of the Moderate Party, Ulf Kristersson, reacted strongly to the information in DN's review and stated that he thought a white paper should be produced to get to the bottom of all the suspicions. It should consist of a historical part and a part that looked into the future. He compared the revelations with when Swedish foster children in the early 2000s testified about abuse and neglect and where the government set up the so-called Vanvårdsutredningen. He also stated that in cases where individual adoptees had been the victims of serious crimes or wrongdoing, it was important that the State was also involved in redress and justice. An apology from the state could be an important part of this.¹⁰¹

In June 2021, SVT's Uppdrag granskning broadcast a series on Swedish adoption activities in Chile. It once again focused on adoptions from Chile and what Swedish actors were aware of¹⁰². In August 2021, an audit report on intercountry adoptions was published in Belgium, followed by investigations in Chile, Denmark, Switzerland and France.

In October 2021, the Government decided on a directive for a special investigator to analyze Sweden's international adoption activities - lessons learned and the way forward.¹⁰³ The Swedish investigation was then in place.

Since the Swedish inquiry was set up, several countries have set up inquiries or taken measures in the field of international adoption.

In December 2022, South Korea's Truth and Reconciliation Commission decided to launch a review of intercountry adoption activities. This followed a request from the Danish organization Danish Korean Rights Group (DKRG). In November 2022, the Swedish Korean Adoptees' Network (SKAN) submitted a notification concerning 21 persons who were adopted to Sweden through Korea World Services (KWS). In total, 367 cases are covered, including 22 Swedish cases. In March 2025, the Commission reported the outcome of 56 closed cases, of which one case concerns Sweden. In April 2025, the Commission announced that the remaining 311 cases will not be

¹⁰⁰ DN 2021-02-22.

¹⁰¹ DN 2021-02-26.

¹⁰² SVT Uppdrag Granskning. The stolen children.

¹⁰³ Ministry of Social Affairs, Dir. 2021:95.

to be investigated. These cases can be reopened if the government decides to set up a third Truth and Reconciliation Commission.¹⁰⁴The Commission notes that there have been systematic irregularities in the system and calls for a public apology.¹⁰⁵

In Norway, in June 2023, the government appointed a public inquiry to review intercountry adoption activities.

In January 2024, the Norwegian central authority Bufdir recommended a temporary freeze on adoptions from abroad to Norway while the governmental investigation is ongoing.¹⁰⁶No freeze was decided, but Bufdir revoked the licenses for several adoption countries. In practice, only adoptions from Colombia and Taiwan can now take place.

In Denmark, the only remaining adoption organization decided in early 2024 to end its adoption activities. This was after the responsible Danish minister decided in January 2024 to revoke the licenses for South Africa. The National Board of Appeal also decided to investigate DIA's other partner countries: the Philippines, India, Taiwan, Thailand and the Czech Republic, on the grounds that the organization had not complied with the conditions and in some cases had acted in breach of the principles of the Hague Convention and the Danish Adoption Act¹⁰⁷.

In the Netherlands, the government decided in May 2024 to stop all foreign adoptions into the country.

China decided in September 2024 to end its international adoption activities and Russia decided in October 2024 to do the same.

3.4 Child perspective in adoption

3.4.1 Introduction

The purpose of this investigation is, among other things, to clarify the occurrence of possible irregularities in Sweden's international adoption activities and how different actors have acted and related to

¹⁰⁴The Associated Press. *South Korean truth commission halts probe into adoption fraud, hundreds of cases in limbo*. Published 2025-04-25.

¹⁰⁵Truth And Reconciliation Commission, Republic of Korea. *Status of Investigation and Plans to Address Human Rights Violations in Intercountry Adoptions*. May 2024.

¹⁰⁶Bufdir. *Bufdir's recommendation on the temporary suspension of intercountry adoption - response to follow-up track goals*. 2024.

¹⁰⁷Danmarks Radio (DR): *Adoptions from abroad to Denmark stop after sanctions*. Published on January 16, 2024.

possible irregularities based on the responsibilities and roles of the respective actors. According to the terms of reference for the investigation, the starting point for the work is the rights of the child in accordance with the UN Convention on the Rights of the Child and the 1993 Hague Convention. At the same time, it is stated that the responsibilities and positions of various actors must take into account the attitudes and norms that existed in society at the time in question, thus also before the Convention on the Rights of the Child and the Hague Convention came into being.

The emergence and development of international adoptions in Sweden is closely linked to how children are viewed and what promotes good living conditions for them. Against this background, it is important to also touch on how the view of children and children's living conditions has changed during the period covered by the report and how this is reflected in the regulation of adoption, nationally and internationally.

3.4.2 Interests of the child in adoption

The starting point in regulating adoption, not least as an alternative to foster care, has long been that adoption is a positive thing, that it is a way of meeting the child's best interests by giving the child parents and a legal family and thus care. Other interests and needs that a child may have, what is described in contemporary terminology as the rights of the child, have not been given much attention in the application of the regulation to intercountry adoptions, although some other interests of the child were visible even in the earliest regulation. The right to know one's origin was protected when the regulation was first introduced in Swedish law through the population register, whose information was available if one knew where one was born. The child retained certain legal ties to the original parents. Already at the time of the 1917 Adoption Act, the consent of the person to be adopted was considered an absolute requirement for adoption to be granted.

The reason was that adoption had an intervening effect on the child's personal circumstances. Adoption should not be carried out against the child's will if the child had reached such a level of maturity that the child's will should be taken into account if the child had reached the age of ¹².

a reminder in the law that even if the child's consent is not required

¹⁰⁸LB II, p. 43.

when assessing the appropriateness of the adoption, the court shall take into account the views of the child, having regard to the child's age and maturity.

Another aspect that affects children's rights in adoption is the prohibition of compensation - remuneration - in connection with adoption. When rules on adoption were introduced into Swedish law, it was expressly stated that adoption could not be granted if compensation had been given or promised by any party. This principle has been included in the law ever since. Children should not be traded, but should be taken care of for their own sake.

3.4.3 The development of national adoptions

Soon after its introduction, the adoption institute acquired great social importance. It is estimated that some 50 000 national adoptions took place between 1918 and 1950.¹⁰⁹In practice, most of the adoptions that took place were aimed at permanently integrating the child into the adoptive family. In practice, a procedure of 'in blank' adoptions gradually developed, whereby the child's biological parents gave their consent to adoption without knowing the name and place of residence of the adopter. The adopters also had no knowledge of the child's origin. Despite some disadvantages, the procedure was considered to have significant advantages, including the fact that the adoptive parents' sense of security was increased by the fact that the child's relatives did not know their identity. Such security was considered to create better conditions for the adoptive parents to treat the child as their own, which in turn could benefit the child's development. This view was, however, questioned by the experts on the Arvdabalk, who in their 1954 report considered that a system that made it easier for the adoptive parents to refrain from telling the child about the adoption was not right, since the child was considered to have an ethically conditioned right to know his or her origins. The experts on the law of succession also considered that it could not be assumed that contact with the biological parents always meant something negative. On the contrary, concealing the child's origin could deprive both the child and the biological parents of "the value of the family link"¹¹⁰.

¹⁰⁹ SOU 1954:6 Arvdabalk, p. 165.

¹¹⁰ SOU 1954:6, p. 167.

In view of the fact that adoption had come to be used for the purpose of integrating the child more permanently into the adoptive family, it was considered urgent in the early 1950s to reform the legal effects of adoption in order to bring it into line with the way in which adoption had come to be used in practice. A reform also appeared to be called for as adoption under the 1917 Adoption Act had deliberately been given limited legal effects. Experience with adoption had proved positive and there was no longer considered to be any reason to be cautious about reform¹¹¹.

In 1958 the rules on adoption were therefore reformed.¹¹² Under the new rules, the adopted child was treated in the same way as the adopter's biological child for the purposes of inheritance if the adoption took place after July 1, 1959. The adoptive child's right of succession to the biological family thereby ceased. Such an adoption was called a strong adoption.

Adoptions completed before July 1, 1959 could be converted into strong adoptions by application to the court. If the application was not made before July 1, 1964, the adoption remained weak. In the case of conversion from weak to strong adoption, the adoption provisions of the Parental Code were applied. This meant that, if possible, the child's biological parents would be heard in the case and the child would give his or her consent. However, the courts were given quite wide powers to interfere with this.¹¹³ If the biological parents had not been in contact with the child and the adoptive home after the adoption, it could be assumed that at the time of the original adoption it was not intended that the child's biological parents would know who was adopting the child. In such a case, the biological parents did not need to be consulted.

It was emphasized in this context that the application of the transitional provisions by the courts would not be against the interests of the adopter.¹¹⁴ The conversion of weak adoptions into strong ones was carried out in relatively few cases.¹¹⁵ Many adoptive parents probably saw no reason to initiate a procedure that would not change the factual situation in any significant way; most adoptive parents and adoptees were of the opinion that the adoptive child had the same legal status as the adopter's own children.

¹¹¹ Prop. 1958 A:144, with proposals for an inheritance code etc., p. 109.

¹¹² Act (1958:640) amending the Parental Code.

¹¹³ Prop. 1958 A:144, p. 348.

¹¹⁴ Bet. LU 1958 B:14 p. 81.

¹¹⁵ Of the approximately 70,000 adoptions granted in Sweden between 1918 and 1959, only between 3,000 and 4,000 were converted into strong adoptions Ds 1970:5 p. 13. This figure differs from that given above in SOU 1954:6 p. 165.

Many adoptive parents also did not want the child's biological parents to be dragged back into the adoption procedure.¹¹⁶It was therefore felt that there was a case for making the rules on strong adoption generally applicable to all adoptions, irrespective of the circumstances in which they were granted. Such a reform was implemented in 1970¹¹⁷.

At the end of the 1950s, it is thus clear that it is the adopters' interest in becoming parents without being bothered by competition from the child's original parents that has had a clear impact on the regulation. The child's interest in being kept informed of his or her origins was not given decisive importance by the continued practice of in blanco adoptions, nor was the consent of the child or the original parents considered an indispensable requirement when weak adoptions were converted into strong adoptions, even though the original consent only applied to weak adoptions.

3.4.4 International adoptions - a different kind of adoption

However, a change in attitude towards children's interest in being adopted emerges in relation to the adoption of children born in Sweden already in the early 1960s. Adoption became a last resort to secure the rights of the child. Adoption was increasingly seen as too drastic a solution to secure the child's right to good care. Adoption has never been a child protection measure in Swedish law; foster care was always the first step in child protection measures, not adoption.

Great efforts were made and are still being made to ensure that children can be cared for by their original parents. The number of children born in Sweden given up for adoption decreased and the focus shifted to children born in other countries.

International adoptions increased in scale in the early 1960s. The emergence of international adoption gave rise to a wide-ranging debate on the attitude to be taken to the phenomenon.¹¹⁸Towards the end of the 1960s, however, the general view was that international adoption was something that could not be stopped and should not be opposed. On the other hand, this type of adoption should be regulated, which was done through the first law on international adoption from 1971.

¹¹⁶ Ds 1970:5, pp. 38-39.

¹¹⁷ Prop. 1970:186 with proposals for amendments to the adoption legislation.

¹¹⁸ See section 3.4.2 above.

Although the starting point for the Swedish regulation was to make it easier for Swedish citizens to adopt children from abroad, the underlying idea was ultimately to ensure the best interests of the child.¹¹⁹ However, no more detailed description of what this meant was given in the preparatory works of the Act. The starting points for the regulation were largely the same as those established for national adoption: to give the child a family, and thereby care, through adoption, something that was seen as crucial for a child. It was also important to prevent children from being trafficked and to ensure that they had good homes.

Other interests that the child might have were taken into account, but do not seem to have had any major impact on the assessment of whether adoption should be granted. The child was still seen primarily as the recipient of adult care and not as an independent legal subject with several different interests alongside the right to good care. The parents' desire to have children, combined with the child's right to a family, was in many ways the driving force behind developments. However, it was repeatedly emphasized that adoption is about a child's right to have parents, not the other way around¹²⁰

In the 1980s, however, many of the child's interests will be addressed in a completely different way than before. The child's right to know his or her origin was emphasized. The responsibility of adoptive parents to provide children with knowledge of their background was emphasized.¹²¹ It also gradually became apparent that internationally adopted persons had a special situation that needed special attention and measures. The well-being of internationally adopted children was highlighted by a number of studies in the 1980s. At the same time, it was emphasized that relatively few children had severe problems. Renewed studies in the mid-1990s showed that foreign-born adopted children had special needs for psychiatric care. However, the findings do not appear to have prompted any action. The compensatory abilities of the parents were highlighted and it was emphasized that most adoptees were doing well. A massive amount of information about the difficult aspects of adoption was assumed to pose risks to adoption activities. Requests from adoptees for special support remained unanswered. Studies on intercountry adoptees in the early 2000s confirmed earlier conclusions that

¹¹⁹SOU 1967:57, p. 94, Bill 1971:113 proposing a law on international legal relations concerning adoption, etc.

¹²⁰ See also section 3.4.3.

¹²¹NIA (1982), *International adoptions. Handbook for social welfare boards.*

internationally adopted children were at greater risk than the average population of developing mental health symptoms and substance abuse requiring hospitalization. However, such studies were seen as disrespecting and stigmatizing the group of adoptees by describing them as the worst off.

3.4.5 Children as independent legal subjects

It is only through the UN Convention on the Rights of the Child that the child as an independent legal subject is explicitly recognized. The best interests of the child thus acquire a more complex content; it is not just about care. Such a change in approach had, however, also been noticeable in Swedish law since the end of the 1970s.¹²² It was not until the 1989 Convention on the Rights of the Child, however, that the child's own rights, not just to care, were explicitly emphasized. Children have the right to have a wide range of interests taken into account in all decisions affecting them. The best interests of the child must be the objective. The Convention on the Rights of the Child makes it clear what these interests are and that they must be met as far as possible.

However, the Children's Convention is of relatively recent date. Intercountry adoption has existed in a Swedish context since the 1950s and then as a way of giving children a new legal family affiliation; a way of securing the child's need for care. Such an approach seems to have continued to characterize international adoption even after the advent of the Children's Convention. Other interests of the child, such as maintaining original family ties, sibling contacts, language and culture, are not given the same importance as in national adoption. Parents' rights to children continue to weigh heavily, combined with a desire to rescue children from what were in many cases very difficult childhood circumstances.

The view of children in need of legal parents through adoption did not in practice change significantly in a Swedish context with the advent of the UN Convention on the Rights of the Child. Article 21 of the Convention does indeed consider adoption to be a last resort when all other means of providing the child with a good upbringing are deemed exhausted. The possibilities to ensure that the various interests of a child, also alongside

¹²²See e.g. SOU 1978:10 *Barnets rätt*, SOU 1979:63 *Barnets rätt 2 - Om föräldransvar m.m.*, SOU 1986:20 *Barns behov och föräldrars rätt*.

care, must have been examined beforehand and found to be unacceptable.

Sweden ratified the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption in 1997. The Convention is based on the principle of the best interests of the child and aims to protect children and their families from the risks of illegal, premature and ill-prepared adoptions in accordance with Article 21 of the Convention on the Rights of the Child. The possibility of taking the child into care in their own country should be considered before the option of intercountry adoption. Responsibility for intercountry adoptions is shared between the country of origin and the receiving country. The State of origin is obliged to ensure that the conditions for adoption are met in respect of the child. This means, among other things, that the State of origin is responsible for ensuring that the necessary consents have been given by the persons and authorities concerned. The receiving State is responsible for ensuring that the prospective adoptive parents are suitable and have been counseled. A central authority in each country will be responsible for the adoptions. Adoptions under the 1993 Hague Convention are based on mutual trust, which means that the receiving country trusts the authorities to

in the child's country of origin has fulfilled its obligations. For example, if the child's documents do not contain the consent of the child's mother, the receiving country has generally assumed that such consent has nevertheless been given, even if not documented in the documents.

Article 17 of the Convention requires, inter alia, that the necessary consents have been given and that the central authorities in both countries agree that the adoption procedure may continue. The Convention's aim of ensuring that the best interests of the child are taken into account in every adoption is achieved through rules on how the process should be conducted. The substantive assessment of whether an adoption is in the best interests of the child is for the State of origin to decide and the receiving State has limited possibilities to control this. It may be noted that the child as a legal subject is not visible in the provisions of the Convention.

3.4.6 Concluding remarks

Although adoption has been in the best interests of the child, expressed in slightly different ways depending on the time, since the introduction of the adoption institute in Swedish law, the child as a legal subject is not

in the contexts in which adoption regulation is designed, discussed and applied.

For a long time, children were not seen as independent legal subjects with their own rights to be respected, but essentially as objects of adult care. The problems that have been identified in adoption activities over the years have rarely led to any action, perhaps for fear of stigmatizing adoptees and adoptive parents and limiting international adoption activities.

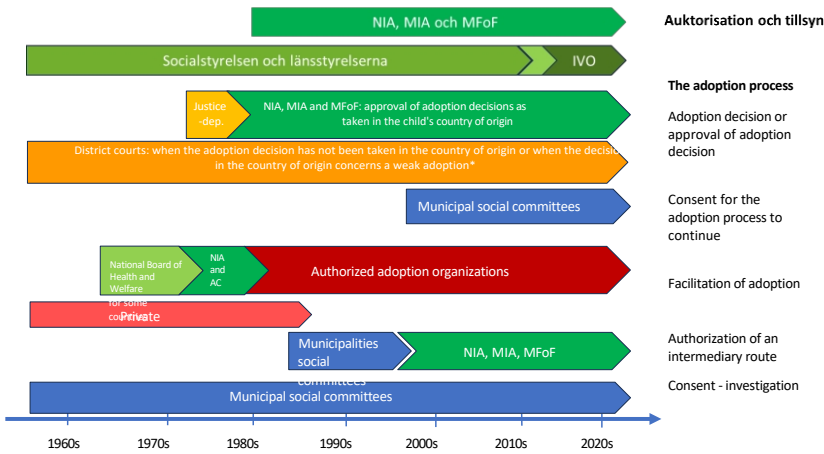
It is only now that questions have begun to be asked about the different interests that an individual child may have and how and whether these are met in intercountry adoption. The child has begun to take its place as an independent legal subject with its own needs and interests - rights - which must be taken into account, including in international adoption. The Convention on the Rights of the Child means that for an adoption decision to be in the best interests of the child, it must not violate any of the rights set out in the Convention if this can be avoided. The possibilities to verify whether the interests of the individual child are really served by the adoption are limited and it is not always asked whether it is in the best interests of the individual child to be adopted internationally. This is something that is important to bear in mind in the continued discussion on international adoption.

4 Actors in the Swedish international adoption business

4.1 Introduction

Several different actors have been involved in Swedish international adoption activities - state and municipal authorities, courts, non-profit adoption organizations and other private actors. In this section, we review the different Swedish actors and describe their roles and responsibilities over time.

Figure 4.1 Division of responsibilities in Swedish intercountry adoption activities over time



Source: own compilation.

4.2 National Board of Health and Welfare

Over the years, the National Board of Health and Welfare has had various assignments in the field of intercountry adoption: to mediate intercountry adoptions, to draw up guidelines for the social services and to supervise the social services' work with intercountry adoptions.

The National Board of Health and Welfare was the consulting body for the first guide to adoption for authorities and elected officials, published by Allmänna Barnhuset in 1955.¹ From the mid-1950s until 1965, the National Board of Health and Welfare was tasked with mediating contact between adoption applicants and foreign agencies, especially ISS.² From 1965, the National Board of Health and Welfare more actively assisted people wishing to adopt foreign children and thus took on a role as an intermediary between adoption applicants and the countries with which Sweden had cooperation agreements, i.e. Greece and South Korea and, from 1971, also the Philippines.³

In January 1972, the Ministry of Social Affairs set up an advisory board for matters concerning the adoption of foreign children at the National Board of Health and Welfare. The advisory board included representatives of the Ministry of Social Affairs, the Ministry of Justice, the Ministry of Foreign Affairs, the National Board of Health and Welfare, the Adoption Bureau at the Stockholm Child Welfare Board and the Adoption Center (AC). The chairman was a Member of Parliament.⁴ At the same time, the Government gave the National Board of Health and Welfare the task of facilitating the adoption of foreign children by gathering and disseminating information to the public and the authorities, drawing up advice and instructions, and exchanging experiences with authorities, institutions and persons in other countries.

On the proposal of the Advisory Board, the Government decided to establish the Board for International Adoptions (NIA) within the National Board of Health and Welfare from July 1, 1973. The advisory task towards the municipalities, which mainly involved the publication of manuals aimed at the social committees, was transferred to the NIA.

¹Public Children's Home (1955) *Adoption. A guide for authorities, officials and believers who have to deal with questions concerning adoption*. Stockholm: David Broberg.

²C. Lindgren (2010) *International adoption in Sweden. Politik och praktik från sextiotial till nittiotial*, MIA, pp. 24-25 and SOU 1967:57 *Adoption av utländska barn*, pp. 72-73.

³International adoptions. A report of the Advisory Board of the National Board of Health and Welfare on matters concerning the adoption of foreign children (1973).

⁴Adoption Board, Minutes of the meeting of the Advisory Board for matters concerning the adoption of foreign children on April 4, 1973.

⁵Advisory Board of the National Board of Health and Welfare on matters relating to the adoption of foreign children (1973).

Supervision of social services was shared between the National Board of Social Services and the county administrative boards. Supervision was to be advisory and comprehensive, but also included pointing out deviations from applicable statutes. The National Board of Health and Welfare supervised social services in the country and was responsible for monitoring and further developing social services. The county administrative boards supervised the social services provided by the municipalities in the county.

Among other things, the County Administrative Board was to provide information on adoption issues to individual adoption applicants, to caseworkers in the municipalities and to the social committees. The NIA was to consult with the National Board of Health and Welfare regarding information on the processing of adoption cases in the municipalities⁽⁶⁾.

When the NIA was disbanded and became the Swedish Intercountry Adoption Authority (MIA) on January 1, 2005, the National Board of Health and Welfare took over responsibility for guidance to social services in the processing of adoptions. The National Board of Health and Welfare's Legal Council⁷ was also given responsibility for opinions on the applicant's state of health.⁸ From 2010, the county administrative boards' supervisory activities over the municipalities' handling of adoption matters were transferred to the National Board of Health and Welfare.⁽⁹⁾ In 2013, this responsibility was transferred to the Swedish Inspectorate for Health and Social Care (IVO). Responsibility for advising municipal social services on international adoptions was transferred to the Swedish Agency for Family Law and Parental Support (MFoF) in 2017. The National Board of Health and Welfare continues to be responsible for issuing regulations and general advice on social service procedures and documentation.¹⁰ The National Board of Health and Welfare is also responsible for issues relating to national adoptions and has published a handbook for social services.¹¹

⁶ SOU 1996:137 *International adoption issues*, p. 69.

⁷ The National Board of Health and Welfare's Council for Certain Legal, Social and Medical Issues (the Legal Council) is an independent body with its own decision-making powers. Section 18 of the Ordinance (2015:284) with instructions for the National Board of Health and Welfare states that the Judicial Council is tasked, inter alia, with deciding cases concerning statements on a person's state of health in connection with the examination of a person's suitability to receive a child domiciled abroad for the purpose of adoption.

⁸ Prop. 2003/04: 131 *International Adoption Issues*, pp. 62 and 64 and National Board of Health and Welfare (2008). *Adoption. Handbook for social services*, p. 3.

⁹ Prop. 2008/09:160 *Coordinated and transparent supervision of social services*.

¹⁰ Mainly the National Board of Health and Welfare's regulations and general guidelines (SOSFS 2014:5) on documentation in activities conducted with the support of SoL, LVU, LVM and LSS and the National Board of Health and Welfare (2021). *Processing and documentation. Handbook for social services*.

¹¹ National Board of Health and Welfare (2020), National adoption. Handbook for social services.

4.3 National Board for Intercountry Adoption (NIA) 1973-2004

From 1973 to 1979, the NIA was responsible for arranging intercountry adoptions, but in 1979 it switched to authorizing and supervising the non-profit organizations that arranged intercountry adoptions. It has also been responsible for providing information to social services on international adoption issues. In 1997, the NIA became the Central Authority under the 1993 Hague Convention.

4.3.1 NIA - board within the National Board of Health and Welfare

The National Board for International Adoption (NIA) was established within the National Board of Health and Welfare on July 1, 1973.¹²The Board was initially given temporary instructions. In connection with the establishment of the NIA, the NIA concluded a temporary agreement with AC, which was approved by the National Board of Health and Welfare. The agreement regulated an experimental activity both in terms of cooperation contacts and mediation.

On July 1, 1974, the mission of the NIA was made permanent. According to the instructions, the task was to facilitate the adoption of foreign children in Sweden in an appropriate manner. This included, among other things, following international developments in the field and gathering information on the possibilities for adoption of foreign children, mediating applications for adoption of foreign children, negotiating agreements with organizations and authorities in other countries, and providing information and support to authorities, organizations and individuals.¹³In connection with the permanent assignment, the NIA also concluded a new agreement with AC in 1974. According to the agreement, the NIA would be responsible for official contacts with authorities and institutions in the countries concerned, while the AC would take care of the more informal contacts that could be established with institutions and individuals in the countries. The AC was to follow the Board's recommendations concerning the use of an institution or person abroad as a contact body¹⁴.

The formal responsibility for the direct placement of adopted children from abroad was gradually transferred from 1973 from the Social

¹² NIA (1980), Report on the activities of the Intermediary Committee 1973-1979.

¹³ Ministry of Social Affairs 1974-06-07, Instructions for the National Board of Health and Welfare's Board for International Adoption Issues.

¹⁴ NIA 1974-08-21, Cooperation agreement and memorandum on cooperation between the Board for International Adoption Issues and the Association Adoption Center, Bil § 7 NIA minutes 1974-09-16.

Board to the NIA. Placement went through the Placement Committee (FU) which, from 1974, made a selection of applicants with an advance decision in accordance with section 47, third paragraph of the Child Welfare Act (1960:97). Applicants could turn to both the NIA and the AC with their application. There was no right of appeal against the decisions of the FU or the NIA¹⁵.

From 1973, the NIA board consisted of nine members: a chairman who was a member of parliament and a representative of the Ministry of Social Affairs, the Ministry of Foreign Affairs, the Ministry of Justice, the Swedish Association of Local Authorities and Regions, the National Board of Health and Welfare and the Adoption Agency at the Stockholm Child Welfare Board, as well as two representatives from AC.¹⁶ Three of the members of the board - the member from NIA, AC and the Stockholm Child Welfare Board - were also members of the NIA's mediation committee (FU), which was responsible for mediation work.

The NIA office had nine employees including the head of office¹⁷

4.3.2 NIA gets new mission in 1979 organizational reform

On May 18, 1979, the government decided on a new organization for international adoptions, which meant that non-profit associations would handle the mediation work in international adoptions instead of the NIA, which was given the responsibility of authorizing and supervising the non-profit organizations.¹⁸

The NIA's task was still to facilitate the adoption of foreign children in Sweden, but now by preparing cases for authorization by the National Board of Health and Welfare, distributing state subsidies to the authorized organizations and supervising the organizations authorized by the National Board of Health and Welfare. The NIA was also to prepare guiding information for assessing the general suitability of homes as adoptive homes and to decide on placement cases where the organization or community representative did not want to provide adoption assistance. Several tasks also remained the same as before: monitoring international developments in the field, negotiating agreements with authorities and organizations in other countries and carrying out information activities. However, the NIA would no longer be involved in brokering activities⁽¹⁹⁾.

¹⁵ NIA (1980), Report on the activities of the Intermediary Committee 1973-1979.

¹⁶ International Adoptions, a report of the Advisory Board of the National Board of Health and Welfare on matters relating to the adoption of foreign children (1973) and NIA informs Dec 1973.

¹⁷ NIA (1980), Report on the activities of the Intermediary Committee 1973-1979.

¹⁸ Prop. 1978/79:109 *on the organization of international adoptions etc.*

¹⁹ NIA, Annual Report July 1, 1979 to December 31, 1980.

The Board continued to consist of nine members, with a Member of Parliament as chairman and, as before, members from the Ministry of Social Affairs, the Ministry of Foreign Affairs, the Ministry of Justice, the Board of Social Affairs, the Swedish Association of Local Authorities and the Adoption Agency at the Stockholm Child Welfare Board. The members from the AC had been replaced by a child psychologist and a pediatrician from the Academic Hospital in Uppsala.²⁰The number of employees at the NIA continued to be about nine, including the head of the office.

4.3.3 NIA becomes a separate authority in 1981

In 1981, the National Board of Health and Welfare was reorganized and in connection with this, the NIA became a separate authority on 1 July 1981 - the National Board for International Adoption (NIA).

The mission was largely the same as stated in the 1979 instruction. However, the NIA took over some of the National Board of Health and Welfare's previous tasks and some clarifications were made in the instructions. The NIA was to decide on authorization under section 2 of the Act (1979:552) on international adoption assistance, abbreviated LIA, and perform the tasks otherwise incumbent on the supervisory authority under the Act. The NIA was also to carry out the tasks specified in the ordinance on review of foreign adoption decisions. In addition, the NIA was to distribute government grants to authorized associations and negotiate and conclude agreements with authorities and organizations in other countries within the Board's field of activity. The NIA, in consultation with the National Board of Health and Welfare, was also to prepare the specific information needed to assess the suitability of homes to receive a child for adoption. The instructions also regulated the Board's handling of cases²¹.

As of January 1, 1985, the NIA was instructed to give advice to the social welfare boards on the reliability of the means of adoption indicated by the applicants. The aim was to increase control over private adoptions⁽²²⁾.

In connection with the introduction of a special adoption allowance for the adoption of foreign children in 1989, the NIA was given new tasks and a new

²⁰ NIA informs August 1979.

²¹ Ordinance (1981:681) with instructions for the State Board for International Adoptions.

²² Prop. 1984/85:16 on certain questions concerning international adoptions, p. 13.

instruction. In addition to the previous tasks, the NIA was to monitor the development of the costs of adoptions of foreign children. The NIA was also to determine the average cost for different countries of origin, which would be the basis for calculating the subsidy²³.

From 1993/94, an operational objective was formulated for the authority: "The NIA has the task of facilitating the adoption of foreign children in Sweden. In doing so, the NIA shall strive to ensure that adoptions take place in the best interests of the child and in accordance with the legislation in force in the child's country of origin and in Sweden".²⁴This objective was valid until 1998.

The Board consisted of nine members appointed for three years. Representation was similar to before.²⁵From 1985 the Board was increased to eleven members. Six of the members were politicians (MPs and, for a time, a local councillor) who represented the public interest. The other five members met the Board's need for expertise on various issues.²⁶The number of staff at the NIA remained at about nine, including the head of the office, with the number of FTEs varying between 8.6 and 9.1.

4.3.4 NIA becomes Central Authority under the 1993 Hague Convention in 1997

In 1997, Sweden ratified the 1993 Hague Convention. The NIA received in connection with this, the role of the central authority with the task of fulfilling the duties arising from the Act (1997:191) on Sweden's accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. The task continued to be to facilitate the adoption of foreign children in Sweden.²⁷The operational objective of the authority was to ensure that the activities relating to international adoptions were of a high ethical standard and that the rights and interests of the child were given priority.²⁸One of the tasks of the Central Authority under the Convention was, inter alia, to take all appropriate measures, directly or through public bodies, to promote the protection of children and their interests.

²³Ordinance (1988:1128) with instructions for the State Board for International Adoption Issues.

²⁴NIA Annual Report 1993/94.

²⁵NIA, Annual Report January 1, 1981-June 30, 1982.

²⁶NIA, Annual Report January 1, 1984 - June 30, 1985.

²⁷Ordinance (1988:1128) with instructions for the State Board for International Adoption Issues, amended SFS 1997:985.

²⁸NIA Annual Report 2000.

prevent undue financial or other gain in connection with an adoption and prevent practices contrary to the purposes of the Convention.²⁹In 1997, the NIA took over from the social welfare boards the task of examining whether the intermediation of an individual adoption was acceptable.

The Board continued to have 11 members, with six politicians and five experts. The NIA Secretariat had nine staff members, the number of FTEs varied between 7.3 and 8.6.³⁰

4.4 The Swedish Intercountry Adoption Authority (MIA) 2005-2015

On January 1, 2005, the Swedish Intercountry Adoption Authority (MIA) replaced the NIA as the central administrative authority for intercountry adoption mediation matters.

According to the instructions, the MIA's mission was to create a high quality of intercountry adoption activities in Sweden. The MIA had largely the same tasks as the NIA: to be the central authority under the 1993 Hague Convention, to distribute government grants, to monitor international developments in the field, to follow the development of costs, to negotiate with authorities and organizations in other countries and to conduct information activities. However, the supervisory task had been clarified. The MIA was to monitor that the Swedish authorized associations' work with international adoption mediation was carried out in accordance with the law and the principle of the best interests of the child in accordance with the UN Convention on the Rights of the Child and the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and in an ethically acceptable manner in general³¹.

The MIA as a one-tier authority was now headed by a Director-General. The former Board was replaced by a Transparency Board, whose role was to exercise transparency and advise the Head of the Agency. The Transparency Board was to consist of a maximum of six members, chaired by the Director-General. All NIA staff, except the former Director,

²⁹Act (1997:191) on Sweden's accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, Annex Chapter III Central Authorities and Authorized Associations, Article 8.

³⁰NIA Annual Report 2002.

³¹Ordinance (2004:1145) containing instructions for the Swedish Intercountry Adoption Authority.

were transferred to the new agency. MIA had between 10-13 employees, although the number of full-time equivalents is not stated³².

4.5 The Agency for Family Law and Parenting Support (MFoF) 2016-

On September 1, 2015, MIA took over certain child and family law issues from the National Board of Health and Welfare and the
On January 1, 2016, the MIA changed its name to the Agency for Family Law and Parental Support (MFoF).

In addition to the newly added tasks in family law matters concerning custody, housing and access within the social services and issues of preventive support, the tasks in international adoptions were the same. However, the MFoF took over the National Board of Health and Welfare's responsibility for issues relating to consent investigations and support for parents in connection with international adoption.

Like the MIA, the MFoF is the central authority under the 1993 Hague Convention and authorizes and supervises the adoption agencies. According to the instructions, MFoF shall in particular monitor that the Swedish authorized associations' work with international adoption mediation is carried out in accordance with the law and the 1993 Hague Convention and in an otherwise ethically acceptable manner. The authority is to monitor international developments and the costs of adopting foreign children and gather information on issues relating to the adoption of foreign children. MFoF is also responsible for the tasks incumbent on the authority under the 1993 Hague Convention, the Act (1997:192) on international adoption mediation, the Ordinance (2008:1239) on government grants to authorized adoption associations and to national organizations for adoptees, and the Ordinance (2018:1296) on adoption in international situations. MFoF is also responsible for knowledge dissemination in matters relating to the social committees' family law cases on parental preparation, consent investigation and support for children and parents in international adoption.³³ MFoF is the official statistical authority and, as of October 15, 2021, also has the right to issue regulations.³⁴

³² MIA annual reports.

³³ Ordinance (2017:292) with instructions for the Agency for Family Law and Parental Support .

³⁴ Ordinance (2021:845) amending the Social Services Ordinance (2001:937).

MFoF has, among other things, issued general advice to municipalities on the handling of international adoption cases³⁵

In June 2017, the Government decided that MFoF would be relocated to Skellefteå. The relocation was to be completed by 1 September 2018 at the latest. Only the Director General and an administrator went with the agency to Skellefteå, which meant a loss of competence and that the agency subsequently had to rebuild its competence in areas such as international adoptions. Today, around ten people work at MFoF on issues relating to international adoptions.

4.6 Government Offices and Foreign Service

Several ministries within the Government Offices of Sweden have and have had a role in international adoption activities. The Ministry of Social Affairs is and has been the ministry responsible for adoption issues and is responsible for governance in the area. The Ministry of Justice has had both an operational and advisory role, as has the Ministry for Foreign Affairs. The foreign representations through the embassies have been involved in various ways in the activities in the countries from which Sweden has adopted children.

4.6.1 Ministry of Social Affairs

The Ministry of Social Affairs is responsible for issues relating to people's well-being. One of the ministry's areas of responsibility is individual and family care. This includes the social services' work with national and international adoptions. The Ministry is also responsible for issues relating to children's rights⁽³⁶⁾.

The Ministry of Health and Social Affairs is responsible for the governance of the authorities that fall within its remit. The Ministry of Social Affairs has been responsible for the governance of NIA, MIA and MFoF. Governance takes place mainly through the Government's decisions on instructions for authorities and the annual appropriation directions in which the authorities' appropriations are allocated. The Government can also give special assignments to authorities.

³⁵The Agency for Family Law and Parental Support's general advice (HSLF-FS 2022:25) on the handling of intercountry adoption cases by the social welfare board.

⁽³⁶⁾ <https://www.regeringen.se/sveriges-regering/socialdepartementet/> retrieved 2025-03-16.

authorities. The authorities report on their activities in the annual report and their activities are followed up through dialogue with the authorities.

Representatives of the Ministry of Social Affairs have on some occasions participated in inspection trips to various countries of origin, but also in other types of trips that have concerned international adoption activities.

4.6.2 Ministry of Justice

The Ministry of Justice is responsible for legislation on constitutional and general administrative law, civil law, procedural law, criminal law and migration and asylum law. Within the Ministry of Justice there is also the so-called Central Authority, which has the task of providing information on the content of foreign law at the request of Swedish courts and certain authorities.

Up to and including 1977, it was the Ministry of Justice that examined whether an adoption decision issued abroad could be approved in Sweden. In 1977, the responsibility was transferred to the NIA³⁸.

4.6.3 Ministry of Foreign Affairs

The Ministry for Foreign Affairs (UD) is responsible for Sweden's relations with other countries and international organizations and for development aid and international trade policy. The UD is part of the Swedish Foreign Service, together with the diplomatic mission.³⁹

Until 1981, the Ministry for Foreign Affairs was responsible for providing information on the content of foreign law at the request of Swedish courts and certain authorities. The Ministry of Foreign Affairs also published compilations of information on the legislation of the countries from which Sweden adopted children.⁴⁰ The compilations were based on information obtained by Swedish embassies and consulates from authorities and lawyers in the country of operation.

³⁷Ordinance (1981:366) on the right to request information on the content of foreign law in certain cases.

³⁸ Ordinance (1976:834) on the review of foreign adoption decisions.

³⁹<https://www.regeringen.se/sveriges-regering/utrikesdepartementet/utrikesdepartementets-organization/> retrieved 2025-03-16.

⁴⁰Ministry of Foreign Affairs, *International Adoption Cases*, published in 1961, 1966, 1972 and 1975.

From 1986, the NIA compiled information on the adoption legislation of other countries, which was distributed in binders to district courts and courts of appeal⁴¹.

Officials at the Ministry for Foreign Affairs have been involved in various types of issues relating to international adoption activities, for example in connection with the discovery of irregularities or when there have been changes or ambiguities in foreign legislation or in other matters of principle.

4.6.4 Foreign representations

The Swedish Mission abroad consists of just over 100 agencies (embassies, representations, delegations and consulates). The mission of the missions abroad is to represent Sweden and to safeguard and promote Swedish interests. The tasks include, for example, conducting dialogues with public representatives and civil society, following and reporting on the country's political and economic development, promoting a positive image of Sweden and trade between Sweden and other countries⁴².

The foreign authorities have assisted the Ministry of Justice, the NIA, the MIA and subsequently the MFoF and Swedish courts with information on foreign adoption legislation. Where appropriate, the foreign authorities have also granted entry visas and temporary residence permits for children adopted to Sweden. In some cases, the foreign authorities have also been involved in individual adoption cases.

Since 2005, the Swedish Adoption Authority is obliged to consult with the Swedish expatriate authority in a country before deciding on authorization for that country. The purpose is for the adoption authority to have access to objective information about the conditions in a country of origin⁴³.

⁴¹ Domstolsverket, *Domstolsverket informerar 1986/6*.

⁴²<https://www.regeringen.se/sveriges-regering/utrikesdepartementet/utrikesrepresentationen/>
Retrieved 2025-03-16.

⁴³Section 6 a of the Act (1997:192) on international adoption mediation.

4.7 Municipalities

Sweden's municipalities have been responsible for the investigation and assessment of prospective adoptive parents and for continued support after an adoption. The municipalities have also been responsible for giving their opinion and carrying out an adoption investigation for the courts as a basis for the court's decision on the adoption of children under the age of 18 and, from 1997, for decisions on giving consent for the adoption procedure to continue. Between 1985 and 1997, the municipalities were responsible for approving the mediation route for individual adoptions in connection with consent investigations.

Before the intercountry adoption business was established in the late 1960s, municipal child welfare boards were responsible for conducting foster care assessments and submitting opinions to the court in connection with national adoption. The child welfare board was to form an opinion on the applicant's "personal suitability to care for and bring up the child".⁴⁴ From 1969, this responsibility also applied to intercountry adoption. The municipality was responsible for deciding on the prior approval of applicants wishing to adopt a foreign child and the child welfare board was to assess whether the applicants were suitable to receive a foster or adopted child. Once the board had given its consent and the applicants had found a child, the prospective adoptive parents applied to the municipality for a foster home permit before the child could be brought to Sweden. The application for adoption was then submitted to the District Court for consideration, where the Child Welfare Board was to issue an opinion with a summary assessment and recommendation to grant or refuse the adoption⁴⁵.

From 1979, special rules were introduced for the adoption of foreign children, which meant that consent from the Social Welfare Board had to be obtained before the child left its home country. This meant that there was no need for a new permission assessment by the social welfare board once the child had arrived in Sweden.⁴⁶ According to the Social Services Act, the social welfare board was also to help ensure that adopted children received good care and upbringing and otherwise favorable conditions for growing up. The Board was to provide guardians with advice, support and other help they needed⁴⁷.

⁴⁴ Public Children's Home (1955), p. 78 ff.

⁴⁵ The National Children's Society (1969), *Adoption. A Guide for Authorities, Officials and Trustees dealing with Adoption*, pp. 89 ff. National Board of Health and Welfare (1974), pp. 4-5.

⁴⁶ Prop. 1979/80:1 on social services, pp. 9 and 320.

⁴⁷ NIA (1982) *International adoptions. Handbook for Social Welfare Boards*, p. 60.

The recommendation was that the Child Welfare Board should have a relatively close contact with the adoptive parents during the initial period. The Board must also actively monitor the adoption of the child, i.e. the making of an adoption decision, as the child had no legal connection to his/her family as long as the adoption process was not finalized.⁴⁸ As of 1 January 1985, the Social Welfare Board was tasked with examining the reliability of the means of mediation the applicant intended to use to get in touch with a child for adoption. The Social Welfare Board could decide not to give consent to the adoption of a foreign child if it feared that the child had not been made available for adoption in a reliable manner. The opinion of the NIA would be sought on the reliability of the placement method. In the event of a positive decision on consent to adoption, it would be stated for which agency the consent was granted.⁴⁹

When Sweden ratified and implemented the 1993 Hague Convention in 1997, certain changes were made to the tasks of the municipalities. The NIA took over the responsibility of examining the mediation route for individual adoptions. The Social Welfare Board could revoke consent if the applicant reported that changes had occurred that affected the conditions for consent. Consent could only be given if the person or persons wishing to adopt had adequate knowledge of children and their needs and had been informed of the implications of the planned adoption. In accordance with the 1993 Hague Convention, the Social Welfare Board also had to give its consent to the continuation of the adoption procedure after the applicants had been designated as the parents of a child. In addition to assessing the competence and suitability of the applicants to adopt the proposed child, the examination would include a legal check that there were no inconsistencies between the laws of the States concerned which might prevent the adoption from going ahead, for example as regards the requirement of consent to adoption⁽⁵⁰⁾.

In 2005, new requirements were introduced for prospective adoptive parents and it was clarified that consent for intercountry adoption could only be given if the applicant was suitable to adopt. The Social Services Act specified the skills and characteristics that the social services board should take into account when assessing the applicant.

⁴⁸ NIA (1982), p. 50.

⁴⁹ NIA (1986) *International adoptions. Handbook for Social Welfare Boards*, p. 22.

⁵⁰ Prop. 1996/97:91 *International Adoption Issues*, p. 50 ff, p. 60-61, 67, 72-73 and 91-92.

Anyone wishing to adopt a child from another country should also have participated in parental training provided by the municipality⁵¹.

The latest legislative amendments concerning the social services' processing of applications for international adoption came into force on September 1, 2018 and clarify that the social welfare board must make an overall assessment of the applicant's suitability when granting adoption. In cases where the decision on adoption is made in a Swedish court, the social welfare board's investigation must be carried out in the same way as a care investigation. The court instructs the social welfare board to appoint someone to carry out the investigation. This means that the social welfare board has the main responsibility for the adoption investigation and is responsible for ensuring that an investigation is carried out in accordance with the court's request, but the social welfare board does not examine the content of the adoption investigation or submit its own opinion to the court. Instead, it is the investigator who reports directly to the court and submits a proposal for a decision⁵².

4.8 The courts

Swedish general courts can handle cases of international adoption for various reasons. In the case of international adoption, it is usually the authorities in the child's country of origin that make the adoption decision. There are various grounds on which a foreign adoption decision may be valid in Sweden. If no decision has been made in the child's home country, however, the Swedish court must decide on the adoption. The basic substantive provisions on adoption are contained in Chapter 4 of the Parental Code. These provisions shall be applied in all adoption cases in Swedish courts. This means that the same substantive rules apply regardless of whether it is a national or international adoption. The court that examines an application for adoption must ensure that the case is adequately investigated. If the application is for the adoption of a child, the court must instruct the social welfare committee to appoint someone to carry out an adoption investigation. The court's investigative responsibility in adoption cases where a Swedish adoption decision is required has been largely the same since international adoptions began in the 1960s. The court that examines an application for

⁵¹ Prop. 2003/04: 131 *International adoption issues*, pp. 17 and 57 et seq.

⁵² Bill 2017/18:121 *Modernizing adoption rules*, pp. 1, 18-19, 68 ff. and 99.

adoption must ensure that the matter is adequately investigated (Chapter 4, Section 13 of the Parental Code). In the case of adoption of a child, the obligation to investigate is largely fulfilled through the social services' adoption investigation.

In addition to the district courts, the administrative courts can also handle certain cases of international adoption, but they do not deal with questions about the adoption itself, but instead with appeals against, for example, a social committee's decision not to give consent to adoption or the MFOF's decision not to grant individual adoption.

4.9 Authorized associations (adoption organizations)

4.9.1 Role and responsibilities of associations

Since the organizational reform of 1979, non-profit associations (adoption agencies) have been responsible for the placement of children for international adoption. The adoption agencies have developed contacts and cooperation in the countries of origin where they have been authorized. Before 1979, only the AC, through the cooperation agreement with the NIA, had had a similar role.

Under the LIA, the NIA would grant authorization, through an authorization procedure, to non-profit associations wishing to provide intercountry adoption assistance. The NIA would also supervise the authorized associations. Only non-profit organizations authorized by the NIA could provide adoption assistance.

Intercountry adoption assistance referred to activities aimed at facilitating contact between the person wishing to adopt a foreign child and the authorities, organizations or individuals in the child's home country. Adoption assistance also included providing the help that applicants needed in order for an adoption to be carried out.

Authorization was granted to associations whose main purpose was to provide intercountry adoption assistance and which had statutes, a board of directors and auditors. The association had to provide intercountry adoption assistance in a prudent and professional manner, on a non-profit basis and with the best interests of the child as a primary consideration. To cover the costs of its activities, an authorized association was allowed to charge fees to applicants for intercountry adoption assistance. The associations also received state subsidies by decision of the NIA.

The authorization was limited in time and covered only the countries to which the association could operate. All authorized associations had to have a mediation committee that dealt with mediation matters. The NIA appointed one or two community representatives to participate in the mediation work of the authorized associations.

From 1997, the authorized associations were obliged to provide intercountry adoption mediation to applicants who had consent for adoption. This provision no longer allowed the organizations to carry out a further examination of the suitability of the applicants after such an examination had been carried out by the Social Welfare Board⁽⁵³⁾.

The requirements for the associations were tightened in 2005 when the MIA was established and given a stronger supervisory role and amendments were made to the LIA. The associations were granted authorization in two stages: authorization to act as an intermediary of international adoptions (so-called Sweden authorization) and authorization to operate in a single country (so-called country authorization). For country authorization, the association had to report costs and cost allocation for adoptions from each country. The associations were also not allowed to conduct other activities that could jeopardize confidence in adoption activities. Taking into account the costs and other circumstances, the MIA assessed whether it was appropriate for the association to initiate or continue adoption cooperation with the other country. An obligation was also introduced for the authorized associations to promptly notify the MIA of changes in the association's activities in Sweden and abroad, as well as such changes in political, legal or other conditions abroad that could be of significance to the mediation activities. Another requirement introduced was the so-called documentation requirement, which means that the associations must document their brokerage activities. The documentation must be kept for as long as it can be assumed to be of importance to the person placed for adoption by the association, or to persons close to him or her.⁵⁴

⁵³ Prop. 1996/97:91, s. 75.

⁵⁴ Law (1997:192) on international adoption mediation.

4.9.2 Authorized associations over time

The number of authorized associations has varied over time.

In the context of the 1979 reform, several new associations were set up to provide adoption assistance. Eight associations were authorized in 1979-1981, which is the highest number of associations in one period. At the end of the 1980s, only four associations were authorized, but they increased to seven in 1997. The number of authorized associations then decreased in number, but increased again to seven authorized associations in 2009. In 2014, FFIA ended its intermediation activities and La Casa ended its activities in 2015. This left three active organizations: AC, BFA and BV. In 2021, the annual meeting of BV decided to end its activities, which was implemented

In August 2024, the BFA Board decided to initiate the winding-up of the association and in September 2024, the BFA Annual General Meeting decided to initiate the winding-up process of the association. This leaves only one association: the AC.

Table 4.1 shows the associations that have been authorized, the period during which they have been mediating, the number of countries for which they have been authorized and the number of mediated adoptions. The table is sorted by the number of mediated adoptions.

Table 4.1 Authorized intercountry adoption associations and their intermediation activities from 1979 to date

Authorized association	Period of intermediation	Number of authorization countries	Number of mediated adoptions until 2024 (approximately)
Adoption Center (AC)	1979-	54	25 500
Family Federation for Intercountry Adoption (FFIA)	1980-2014	14	3 500
Children first (BFA)	1979-2024	19	3 300
Friends of the Children (FC)	1980-2022	7	2 300
The Swedish Association for Adoptive Children's Welfare (SAW)	1980-1988	2	290
Indo-Swedish Intercountry Adoption Association (ISIA)	1981-1988	1	165
La Casa	1997-2015	1	120
Adoption & Child Care Association (ACCA)	1994-2000	1	100
Adoption Group Skaraborg (AGS)	1992-2000	1	100
Swedish Association for Intercountry Adoptions (SAICA)	1981-1984	1	90
Association of All Children's Friends (FABV)	1980-1983	4	30
South Indian Adoption Association (FSA)	1979-1980	1	6
Frösunda Solidarity Foundation - International Adoptions	2003-2006	8	6
Children of the World Foundation - International Adoptions (SBIV)	2007-2008	1	0
African Hope Adoptions (AHA)	2008-2009	1	0

Source: Own compilation.

At the time of the first authorizations in 1979/80, AC had about 8,900 members and 5,600 applicants, compared to the other five newly formed organizations, which together had about 1,800 members and just under 1,200 applicants⁵⁵.

In addition to brokerage activities, several associations (e.g. AC, FFIA and BFA) have also worked on membership activities,

⁵⁵NIA, Annual Report 1979/80.

assistance and, in some cases, support and counseling for adoptees and adoptive parents. Since 1995, AC has offered help to adoptees through its Travel and Roots activities, including interpretation of adoption documents, support in finding a birth family and assistance in traveling back to the country of origin. This support is offered to members. BFA offers advice and support to adoptive parents and adult adoptees, for example on adoption documents. The FFIA was transformed in 2022 into the FFIA Foundation for International Adoptees, which distributes scholarships for return travel, grants for root searches and DNA searches primarily for those adopted through the FFIA and secondarily for other international adoptees in Sweden⁵⁶.

4.10 Private operators and intermediaries

In addition to authorities and authorized adoption organizations, private individuals and private intermediaries have also been active in Swedish international adoption activities, especially during the 1960s and up to and including the 1980s. There is no compilation of these actors and it is therefore difficult to know how many they were.

According to the 1960 Child Welfare Act, an individual or an association was not allowed to carry out brokerage activities concerning foster children without a permit from the National Board of Health and Welfare. According to the National Board of Health and Welfare, the legal effects of the provision were limited to Sweden. The National Board of Health and Welfare was thus unable to prevent persons resident abroad from placing foster children or prospective adoptive children with persons resident in Sweden without permission. However, this was remedied when the Act on International Adoption Assistance (1979:552) came into force. Private mediation was allowed to occur to a lesser extent. However, it was not unusual for children to be placed without permission. After 1985, the applicant was required to specify the route for adoption and for it to be approved by the Social Welfare Board after an opinion from the NIA.

Initially, individuals who lived or had lived abroad helped relatives and friends to adopt foreign children. Some worked or accompanied employees of Swedish companies abroad. In several countries, missionaries from different Christian

⁵⁶www.ac.se, www.bfa.se, www.ffia.se. Retrieved 2024-10-29.

faith communities helped to adopt children to Sweden. In Africa, and particularly in Ethiopia, adoption activities were initiated early on by Swedish missionaries working in the country. Some of these private individuals also collaborated with established Swedish adoption organizations such as AC. It could also be people originating from a particular country who helped with contacts for adoption from the country, such as Poland.

In the vast majority of cases, it was not a large-scale intermediation activity. In some cases, intermediation developed into a more organized activity through the formation of a non-profit association, such as AC. There are also examples of private individuals in Sweden who have acted as private intermediaries on a somewhat larger scale without being authorized. These persons often cooperated with a contact person abroad and were hired by persons in Sweden to help with the placement of a foreign child for adoption. Private Swedish intermediaries have, for example, placed children from Sri Lanka, Thailand and Vietnam.

5 Regulation, organization and processes in intercountry adoption

5.1 Introduction

5.1.1 The mission

According to the terms of reference, as part of the review of any irregularities, the investigation shall map and analyse how regulations, organization and processes within Sweden's international adoption activities have looked, developed and functioned over time and up to the present day, and what consequences they have had. The inquiry shall also investigate and clarify what responsibility and role the government, relevant state authorities, municipalities, authorized associations, non-profit organizations and other private actors have and have had in adoption activities. In particular, the historical development of adoption agencies and how their organization and working methods have worked in practice will be highlighted. Another issue to be analyzed is whether the various actors have had the right conditions to fulfill their responsibilities and roles. The investigation will also highlight the effects of Sweden's ratification of the 1993 Hague Convention in terms of regulations, organization and processes.

5.1.2 Our analysis

Intercountry adoption is an intrusive measure in a child's life. Adoptions must be carried out in a legally secure manner where no other interests are given more weight than the best interests of the child. International and national adoption

regulation, organization and division of roles and responsibilities, as well as processes in both receiving countries and countries of origin, set the principles and framework for how international adoptions should be carried out. In order to ensure legal certainty and the best interests of the child in every part of the adoption process, it is important that there is a clear division of roles and responsibilities in the Swedish intercountry adoption system. There must not be any gaps in responsibility or ambiguity in who is responsible. This also applies to the authorization and supervision process, where a central issue is to ensure that the Swedish associations that mediate adoptions comply with current regulations and cooperate with countries of origin that do the same.

In this section, we analyze the starting points for the establishment of intercountry adoption activities in Sweden, i.e. the principles and ideas that formed the basis for the activities, and whether they have changed over time. We also analyse the organization of Swedish intercountry adoption activities, i.e. the division of roles and responsibilities in the system as a whole and the factors and incentives behind the choice of organization. We make an in-depth analysis of the division of roles and responsibilities in the adoption process and in the authorization and supervision process. Finally, we analyze the conditions for the various actors to fulfill their roles and responsibilities.

5.2 Starting points for Swedish international adoption activities

The investigator's assessment: Three clear starting points for Swedish international adoption activities have been: the best interests of the child and family formation, facilitating adoptions (until 2005) and controlling but not completely stopping private and individual adoptions. These starting points have influenced the government's choice of regulation and organization of the activities as well as the responding authorities' choice of measures and solutions to problems. It has also influenced the conditions for international adoption activities, particularly with regard to supervision and control.

The starting points have meant that in some respects international adoption has not followed the requirements of national adoption. For example, the requirements for consent and the existence of

consideration. This has led to a difference in approach to ensuring the rights of the child in national and intercountry adoption.

5.2.1 Intercountry adoption activities were established to facilitate the adoption of foreign children

Government set up inquiry after pressure for society to facilitate adoption of foreign children

An important starting point for the establishment of Swedish international adoption activities was to facilitate the adoption of foreign children. The background was that national adoptions had declined during the 1960s, resulting in long waiting times for adoption. This led to an increased interest in foreign adoptions and authorities such as the National Board of Health and Welfare and the Ministry for Foreign Affairs received more and more requests for advice and assistance in the adoption of children from other countries. The perception among individuals but also several organizations was that the existing support was not sufficient and that there was a need for stronger societal support for international adoption.

When the issue of international adoption was first raised in an interpellation in the Riksdag in 1963, the questioner argued that adoption could be seen as a way of providing aid, that there was already a good attitude towards aid to developing countries and that Swedes who wanted to adopt children abroad should be supported by facilitating the administrative process for adoption. In appeals to the responsible government minister in 1964, several organizations suggested that the state, through some form of advice and mediation, should make it easier for Swedish parents who so wished to adopt foreign children. In another letter it was stated that:

Calls have been made for measures to be taken to facilitate adoptions from developing countries (--) Coordination of social services in the provision of advice and information on these matters seems necessary to ensure that individual initiative is not hampered by society's lack of resources to help with information and assistance¹

¹SOU 1967:57, *Adoption of foreign children*, p. 17.

A further letter called for urgent action to be taken to provide effective assistance to families wishing to adopt children from other countries².

As a result, the Government set up a government inquiry in 1964, the terms of reference of which stated that it would be important for "society, through its agencies, to provide advice and assistance to reduce the difficulties which now exist in adopting foreign children". According to the directives, support for foreign adoption was insufficient and, according to the Council of State, it needed to be expanded and practical obstacles reduced as far as possible. However, no large-scale activities were envisaged. It was not considered to be the task of the state to contribute to the adoption of children from foreign countries to Sweden "in large numbers"³.

National Board of Health and Welfare proposed as service body to support those wishing to adopt abroad

In its final report, which was published in 1967, the committee estimated that international adoptions would increase. The committee therefore proposed that the National Board of Health and Welfare should be the central service body for the adoption of foreign children. However, the National Board of Health and Welfare would not actively try to "procure children" for adoption, but would provide instructions and other assistance to individuals in carrying out foreign adoptions. The inquiry made it clear that it was important for the National Board of Health and Welfare to have the necessary staff resources to be able to manage the activities effectively, and this included, in addition to dealing with specific cases, expanding advisory activities and monitoring developments in the field of adoption abroad and taking new initiatives if and when opportunities for cooperation on adoptions arose ⁽⁴⁾.

² SOU 1967:57, p. 17.

³ SOU 1967:57, p. 7.

⁴ SOU 1967:57, p. 76.

Until 2005, the government tasked the NIA with facilitating the adoption of foreign children

The Government's mandate to the National Board of Health and Welfare and, from 1973, to the National Board for International Adoption (NIA) was that the authorities should facilitate the adoption of foreign children. The task was somewhat specified in the NIA's instructions from 1974, which stated that the authority should "in an appropriate manner facilitate the adoption in Sweden of foreign children". The NIA's mission to support and facilitate adoption was far-reaching. The agency was to mediate applications for the adoption of foreign children, but also to gather information about the possibilities of adopting foreign children, negotiate agreements with organizations and authorities in other countries and provide support to authorities, organizations and individuals.

From 1979 onwards, the NIA's mission changed, as it was no longer to place children but to authorize and supervise non-profit associations responsible for placing children. The authorization of associations and countries was an important tool for establishing cooperation with different countries and thus facilitating adoptions. The NIA would also continue to negotiate agreements for adoption with authorities and organizations in other countries and carry out information activities.

The mandate to facilitate adoptions did not change when Sweden ratified the 1993 Hague Convention in 1997 and the NIA became the Central Authority. The NIA was to facilitate adoptions and fulfill the tasks set out by law. In the bill, the government wrote that the NIA should ensure that the activities with international adoptions had a high ethical level and that the rights and interests of the child came first.⁵ However, this was not expressed in the NIA's instructions. In 1997, the NIA formulated its own overall objective for its activities, namely that the agency should strive to ensure that adoptions were in the best interests of the child and in accordance with the legislation in force in the child's country of origin and in Sweden.⁶ The objective was reformulated by the NIA in 1999 to correspond to what the Government had stated in the Bill

⁵ Prop. 1996/97:91, *International adoption issues*, p. 45.

⁶ NIA, Annual Report 1997, p. 6.

⁷ NIA Annual Report 1999, p. 9.

The mission to facilitate adoptions was in force until 2005 when the NIA was closed down and replaced by the Swedish Intercountry Adoption Authority (MIA) which was given new instructions and a new mission.

The government and the NIA have facilitated international adoptions in several ways

The government and the NIA have facilitated foreign adoptions in several ways.

The Government has proposed legislation aimed, inter alia, at facilitating adoptions. One example is the Act (1971:796) on international legal relations concerning adoption (abbreviated as the 1971 Act), which came into force on January 1, 1972, and which made it easier to adopt foreign children and enabled adoptions to take place from more countries. Another example is the organizational reform of 1979 and the Act (1979:552) on international adoption assistance (abbreviated as the 1979 Act), which meant that responsibility for adoption mediation was transferred from the NIA to non-profit associations. One of the aims of the change was to make the service more efficient so that it could deal with the large number of applicants and thus shorten waiting times for adoption. Another example is the introduction of the adoption cost subsidy in 1989 (from 2011 it is called adoption subsidy), which means that the state gives a financial contribution to those who want to adopt and thus relieves some of the applicants' costs for adoption. The amount of the grant was initially capped at SEK 20 000 and has been increased on several occasions. Today, the grant is SEK 75 000 per adoption.

The NIA has acted in various ways to facilitate adoptions. Authorization of associations and countries has primarily been an important monitoring tool to ensure that the adoption placement is carried out in a professional and judicious manner in the best interests of the child. But we have also seen the agency grant authorization for more countries when the number of children available for adoption from existing adopting countries has decreased. NIA has also undertaken various types of outreach to potential applicants to facilitate adoptions. At the end of the 1980s, the NIA issued information when the number of children decreased. The agency informed that there were still children who needed homes and that the communities were closing a

⁸From 1989 to 1992, the number of countries authorized by the NIA increased from 20 to 35, i.e. almost doubled.⁹When the number of applicants for adoption decreased after that, the NIA provided information to potential adoptive parents in 1994 in the bulletin board of Swedish Television. The message was "Children need parents", which also led to more people expressing an interest in adopting.¹⁰The examples show that the NIA has actively worked to facilitate adoption both by ensuring that there were children available for adoption and applicants who wanted to adopt foreign children.

A former employee of NIA and MIA says in an interview that it was a bit strange wording that the agency would "facilitate adoption". According to her, however, it did not mean that the authority would facilitate more children being adopted to Sweden, but rather to facilitate that the adoption organizations would function well.¹¹However, another former employee at MIA and MFoF perceived that it became clearer that MIA would not facilitate more children coming to Sweden when the wording was removed in 2005. There were more lawyers to review, the agency was given more resources to make inspection trips, there was more cooperation with other countries and they "tightened up from the child perspective". The MIA also had an increased dialogue with adoption organizations, which then ended some cooperation themselves. The change in activities was not only a consequence of the removal of the task of facilitating adoptions from the instructions, but was also a consequence of developments in society at large¹²

5.2.2 The best interests of the child have been central, but adoption as a family-building option has also been important

Best interests of the child

From an early stage, the best interests of the child were a central starting point for Swedish international adoption activities. The Chairman of the Advisory Board stated in 1973 that adoption was not a civil right.

⁸ NIA Informs No 2 1990.

⁹ NIA annual reports 1989-1992.

¹⁰ NIA Informs No 4 1994.

¹¹ Interview with a former NIA staff member, 2022-10-12.

¹² Interview with a former NIA staff member, 2022-10-12.

every adoption should be for the benefit of the individual child. The starting point for the activities must be that it is the child who is looking for parents and not the other way round.¹³ An important starting point for the NIA's mediation activities was also to ensure every child's right to the best possible conditions for growing up.

Since the 1917 Adoption Act, the starting point for Swedish rules on adoption has been the best interests of the child. In connection with the new organization of adoption activities, the 1979 Act also required authorized non-profit associations to have the best interests of the child as the primary benchmark. The participation of representatives of society in the associations' mediation committees was also intended to guarantee that the best interests of the child were given priority in the associations' activities.¹⁴ When Sweden ratified the 1990 Convention on the Rights of the Child and the 1993 Hague Convention in 1997, the requirements to take account of the best interests of the child in the activities were further strengthened. Both conventions are incorporated into Swedish law through the Act (2018:1197) on the United Nations Convention on the Rights of the Child and the Act (1997:191) on Sweden's accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. The requirement of the best interests of the child as a benchmark for the associations' activities continues to apply in the Act (1997:192) on International Adoption Intermediation, abbreviated as LIA.

Children seeking parents - parents seeking children or vice versa?

Adoption presupposes the existence of both children and potential adoptive parents, as AC's slogan "Children seeking parents - Parents seeking children" makes clear. Through AC's information activities, interest in adopting foreign children increased rapidly in the early 1970s. The fact that national adoptions had virtually ceased meant that more people saw an opportunity to have children through foreign adoption. There were several reasons for wanting to adopt, such as childlessness or an ideological desire to help poor children in the world.

Based on the principle of the best interests of the child, it was the children who sought parents and not the other way around. But in practice, there are examples that

¹³Advisory Board of the National Board of Health and Welfare on Adoption of Foreign Children (1973b). *Documentation from the Conference on International Adoption Issues, summer 19/3*, pp. 9-10.

¹⁴NIA, Annual Report 1993/94, p. 11.

shows that the interests and wishes of the applicants were also important. From 1974 until about 1980/81, the NIA had an application form for placement cases where applicants could tick the sex, age and skin color of the child they wanted. There were those who reacted to this and thought that it was reminiscent of a kind of status.¹⁵In the early 2000s, the NIA received signals from adoption organizations that they were receiving more and more applications from applicants who had received consent from the social welfare committee to receive "a healthy, white child who had not yet turned 1 year old". Many applicants wanted children under the age of six months. According to the adoption organizations, it had also become more difficult to find families for the older children. The NIA pointed out that a family making such demands could not be aware of what adoption meant and that it was not in the interests of either children or parents for the social services to give applicants consent in the form of an order.¹⁶These examples show the difficulty in practice of balancing the best interests of the child and the wishes of individual applicants for a child to adopt.

Adoption as a family-building option

Another important starting point for Swedish adoption activities is to see adoption as a family-building option.

One of the aims and objectives of the AC was to work to ensure that society perceived adoption as a natural way of forming a family and that various obstacles to adoption (e.g. economic and social) were eliminated.¹⁷On this basis, the AC pursued several issues aimed at achieving its objectives, such as parental allowances in the event of adoption.

When Sweden ratified the 1993 Hague Convention in 1997, common accounting principles were introduced for the associations. The preparatory works for the amendments show that the purpose of the new requirements was to enable "consumers", the applicants, to compare costs between different associations. This, too, shows that the Government saw adoption as a family-building option, where

¹⁵T. HübINETTE (2020), *Adopted. A book on Sweden's last racial debate*, pp. 75-76 and our review of adoption acts.

¹⁶NIA Informs No 3 2000, No 1 2001.

¹⁷Advisory Board (1973), *A Report of the Advisory Board of the National Board of Health and Welfare on the Adoption of Foreign Children*, June 1973.

consumers would be able to make cost comparisons just like in other consumer areas¹⁸

The 2003 Adoption Inquiry raised a fundamental question about intercountry adoption, family formation and the risks involved.

International adoption must be seen in a broader context than is often the case today, where international adoption is primarily seen as an alternative family formation. We consider it absolutely necessary that Sweden takes what "rules of the game" we can accept and how Sweden can act to reduce the risks of child trafficking in connection with international adoption¹⁹

The reaction to the report was strong, not least from adoption organizations. In the subsequent bill, in which the government proposed stricter requirements for adoption activities, the government begins the section on general starting points for international adoption activities with:

International adoption has long been an accepted and well-functioning means of family formation, fully equivalent to other forms of family formation.²⁰

AC continues to promote international adoptions as a legally safe and good option for family formation²¹.

5.2.3 Private and individual adoptions should be limited and controlled but not stopped

Views on private and individual adoptions

Another starting point for Swedish adoption activities has been to reduce the number of adoptions carried out outside the organized adoption activities, the so-called private and later individual adoptions²², and to increase the control of the private and individual adoptions that are nevertheless carried out.

¹⁸Prop. 1996/97:91, s. 55.

¹⁹SOU 2003:49 *Adoption at what price*, p. 22.

²⁰Prop. 2003/04:131, *International adoption issues*, p. 21.

²¹Adoption Center, Annual Report 2021, p. 25.

²²The term private adoption was mainly used until 1985 and referred to adoptions that took place alongside authorities or authorized organizations. The concept of private adoption was established in 1985 in connection with the introduction of a requirement for permission from the social welfare board to

During the 1970s, the number of private adoptions almost equaled the number of adoptions facilitated by the NIA in cooperation with the AC. Private adoptions could be done in different ways and some were seen as more problematic than others. According to the NIA, privately mediated adoptions through an intermediary where applicants paid an exorbitant amount of money and did not receive proper documentation were the most problematic. However, also "genuinely private adoptions" where the applicants had personal contact with a child's representative in the country of origin without an intermediary or adoptions where the applicants contacted an institution in the child's country of origin without an intermediary and carried out an adoption could be risky⁽²³⁾.

The NIA was not opposed to private adoptions per se, provided they were conducted in a proper and legal manner. However, there was a concern that inappropriate private adoptions could damage Sweden's reputation as an adoption country, which could lead to fewer countries wanting to adopt children to Sweden in an organized way²⁴.

Sweden differs from, for example, Denmark and Norway in its approach to private adoptions and the measures taken. While Denmark and Norway early on required applicants to adopt only through approved organizations, Sweden chose not to restrict the possibilities for applicants to adopt privately, despite the fact that Sweden had a significantly higher proportion of private adoptions compared to the other two countries and that problems and irregularities had come to light.²⁵ The Swedish government assessed in 1985 that many private adoptions took place under safe conditions and that there was therefore no reason to demand a ban.²⁶ According to historian Cecilia Lindgren, the government chose for a long time not to tighten up private adoptions due to strong pressure from adoptive parents.²⁷

to adopt a child without the assistance of an authorized association. From 1997, this responsibility was transferred to the supervisory authority. Until 1997, both terms were used and it is not always clear what is meant.

²³ NIA, Memorandum on adoptions brokered outside authorized organizations, 1981-11-05, p. 3.

²⁴ Dagens Nyheter, Vi kan aldrig "kräva" barn, 1977-01-26 and C. Lindgren (2010), *Inter- nationell adoption i Sverige. Politik och praktik från sextiotial till nittiotial*, pp. 42-43.

⁽²⁵⁾ K. E. Rosbjørn Eriksen (2024), *A Scandinavian Way of Adoption? A comparative historical study of transnational adoption in Denmark, Norway, and Sweden during the late half of the 20th century*, pp. 158 ff.

²⁶ Prop. 1984/85 :16 on certain questions concerning international adoptions, p. 11.

²⁷ Meeting with Cecilia Lindgren on 2022-02-22 and Adoption Commission expert group meeting on 2022-09-14.

Measures to reduce the number and increase the control of private and individual adoptions

The government and the NIA have taken several measures to reduce the number of private adoptions and to increase the control of the private and individual adoptions that have nevertheless taken place. The logic has been that if adoption services work well and there are children available for adoption, there will be less incentive to circumvent the system and adopt privately.

Effective and controlled brokerage activities and improved information will reduce interest in adopting on your own

The experience in the 1970s was that many of those who chose to adopt privately did so because of long waiting times for adoption through the NIA, because applicants found it expensive to go through the AC, or because they had been refused permission to adopt a child by the NIA or the social services.

The problems of uncontrolled private adoptions were considered so serious that in 1979 the government decided on a new organization for international adoption activities. This meant that responsibility for intermediation was transferred from the NIA to non-profit associations authorized by the NIA. The aim was to channel unlicensed intermediation activities to organizations under public supervision and control, and to provide greater opportunities for information and assistance so that the number of individuals seeking children abroad on their own was limited ²⁸.

Increased control of private and individual adoptions that do take place

However, the new organization did not have the impact on private adoptions that the government and the NIA had hoped for. During the 1980s, the number of private adoptions remained high. The NIA appealed to the Government, stating that the measures taken had not been sufficient to deal with the illegal and inappropriate implementation of the

²⁸Prop. 1978/79:108 on the organization of international adoptions, etc, s. 8-9.

conducted adoptions. Sweden had also been criticized by the Nordic countries but also by countries of origin for allowing adoptions without the involvement of a Swedish authority or authorized association²⁹.

Against this background, the Government proposed legislative amendments, which came into force in 1985, requiring local authority social welfare committees to assess the reliability of the adoption agency and to seek the opinion of the NIA in the assessment. Adoptions without the involvement of authorized associations would thus continue to be possible, but they would take place in a more controlled manner than before.³⁰ From 1997, the responsibility for examining and approving the intermediation route for individual adoptions was transferred to the NIA.

More authorized countries to reduce interest in private adoption

In the late 1980s, the number of children available for adoption through the authorized associations decreased. This led to an increase in private or individual adoptions.

For the NIA, the solution was to grant authorization for more countries and thus increase the number of children available for adoption by Swedish applicants. From 1989 to 1990, the number of authorized countries increased from 20 to 32 and by 1993, 35 countries were authorized. The measure had an effect. Private and individual adoptions were already declining in 1992.

The possibility of private adoption was restricted in 1997 and since then the government has not wanted to make further restrictions

Amendments to the LIA 1997 limited the possibility of separate adoption to special cases. Special cases were defined as adoptions where the adoptive parents and the child were related or had a special relationship already before the adoption. Separate adoption could also be granted if the applicants had special ties to a particular country and thus special reasons to want to adopt from there. For example, the applicant could have lived, worked or originated in the country³¹.

²⁹ NIA, Memorandum on adoptions brokered outside authorized organizations, 1981-11-05.

³⁰ Prop. 1984/85:16, s. 10.

³¹ Prop. 1996/97:91, pp. 64, 78 and 79.

In 2007, the Government appointed an inquiry to carry out a general review of the rules on adoption in Chapter 4. FB and also investigate certain issues relating to international adoption, including the need for measures to ensure the best interests of the child in individual adoptions. In its final report in 2009, the committee proposed that the regulations for private adoption should be tightened up.³² However, in the bill that first came in 2018, the government rejected the committee's proposal because it would limit the possibility of adopting children from the countries in which the authorized associations did not operate. Private adoption was considered a valuable complement to enable more children to find a new family. The Government noted that the Committee's proposal was not justified by the fact that it had emerged that children who had come to Sweden through private adoption had actually suffered harm. The Government declined to return to the issue of international adoption and, against this background, the Committee's proposal to restrict the possibility of private adoption would not be implemented³³.

5.3 The organization of adoption activities has aimed to both facilitate adoptions and ensure government control

The investigator's assessment: Swedish international adoption activities have been organized in two ways. Until 1979, the state, through the NIA, was responsible for mediation in cooperation with AC. From 1979 and still today, non-profit associations have been responsible for adoption mediation while the state authorizes and supervises the associations. Both organizational options have aimed to facilitate adoptions and to ensure state control. The Government has stated on several occasions that it considers the organization and division of responsibilities through non-profit organizations to work well. Despite the supervisory authority highlighting the need to review the organization, the Government did not take the initiative for such a review until 2021.

³² SOU 2009:61 *Modernizing Adoption Rules* p. 20.

³³ Bill 2017/18:121, *Modernizing adoption rules*, p. 111.

5.3.1 Introduction

Intercountry adoption in Sweden has been organized in two different ways: until 1979, the municipalities were responsible for assessing and deciding on consent to adoptive parents. The State, through the National Board of Health and Welfare, and subsequently the NIA, was responsible for adoption mediation. From 1979, responsibility for consent continued to lie with the municipalities, while responsibility for the mediation of adoptions was transferred to non-profit associations and the state, through the NIA followed by the MIA and then the MFoF, was given responsibility for authorizing and supervising the authorized adoption organizations. This is still the case today.

5.3.2 Until 1979: The state should facilitate adoptions and be responsible for adoption agencies

National Board of Health and Welfare becomes the first coordinating body for international adoptions

The study that formed the basis for the establishment of intercountry adoption activities at the end of the 1960s noted that there were no special agencies for adoption mediation. Local child welfare authorities were responsible for arranging adoptions within the country and they also participated in intercountry adoptions through pre-approval of foster homes and some information activities. Since the mid-1950s, the National Board of Health and Welfare had undertaken to mediate contacts between Swedish adoption applicants and foreign agencies such as ISS. From 1965, the National Board of Health and Welfare was also responsible for the placement of children from Greece and South Korea. The inquiry found that:

From an organizational point of view, the procedure provided for in the agreements on the adoption of children from Greece and Korea is, in the opinion of the Committee, an acceptable solution to the problem of simultaneously facilitating the placing of children for adoption by applicants and supervising the placement of children in suitable homes in the interests of child welfare. The system applied in these countries should therefore also serve as a guide in determining an organizationally appropriate procedure for the adoption of children from distant countries in general³⁴.

³⁴SOU 1967:57, p. 72.

The National Board of Health and Welfare was therefore proposed as the central service body for the adoption of foreign children. This solution would make it possible to build on the competence that existed within the National Board of Health and Welfare with regard to foreign adoptions. The inquiry emphasized that the foster care assessment for foreign children should not differ from that for the adoption of Swedish children. As the National Board of Health and Welfare had the task of advising the child welfare boards on foster care assessment, advice on the adoption process could also be ensured for foreign adoptions. The competence of local child welfare authorities in foreign adoptions also needed to be strengthened through training and conferences. With this organization, the state could both facilitate the adoption process and ensure that children were placed with families that had been carefully screened⁽³⁵⁾.

The high interest in foreign adoptions leads to the creation of the NIA

Interest in foreign adoptions grew rapidly in the late 1960s and early 1970s, not least after the two non-profit organizations Adoptionscentrum (AC) and Indo-Swedish Association were formed in 1969. The organizations merged in 1972. AC's aims and objectives included promoting the adoption of children who could not be cared for by their biological parents, raising awareness of intercountry adoption and promoting a positive attitude towards intercountry adoption in society³⁶.

As a central service body, the National Board of Health and Welfare would initiate new cooperation abroad whenever possible. However, it would not be "actively engaged in procuring children suitable for adoption" from countries where there were no established cooperation arrangements. The National Board of Health and Welfare noted that it was difficult to establish cooperation in new countries. The only adoption agreements concluded were with Greece in 1965, South Korea in 1966 and the Philippines in 1971.³⁷The consequence was that the number of applicants was considerably greater than the number of children available for adoption. The National Board of Health and Welfare noted

³⁵ SOU 1967:57, p. 72 ff.

³⁶ Advisory Committee (1973) pp. 28-29.

³⁷Advisory Board of the National Board of Health and Welfare on the Adoption of Foreign Children (1973b).
s. 15-16.

also already in 1971 that they did not have sufficient resources to deal with the increasing number of applicants for foreign adoptions.

To remedy this, the Ministry of Social Affairs set up an advisory board within the National Board of Health and Welfare with representatives from the Ministry of Social Affairs, the Ministry of Justice, the Ministry for Foreign Affairs, the National Board of Health and Welfare, the Adoption Bureau at the Stockholm Child Welfare Board and the AC, and with a member of parliament as chairman. Among other things, the advisory board was to propose which body should mediate adoptions and how cooperation with other countries should be organized in the future.

The Board proposed the establishment of a central board to ensure public control over intercountry adoption activities in the best interests of children³⁸.

In 1973, the Government established the NIA within the National Board of Health and Welfare with the task of facilitating the adoption of foreign children. This included the task of mediating applications for the adoption of foreign children.

The Board included representatives of the stakeholders who previously sat on the Advisory Board.

To gain access to more adoption countries, a cooperation agreement is signed with AC

In order to benefit from the contacts established by AC in different countries, a cooperation agreement was concluded between NIA and AC in 1973, which was approved by the National Board of Health and Welfare.³⁹The agreement with AC gave NIA access to more cooperation contacts and thus increased the possibility of more children for adoption. According to the agreement, the NIA was to be responsible for contacts with the countries with which Sweden had cooperation agreements, i.e.

Greece, South Korea, and the Philippines. Sweden also concluded an agreement with Ecuador in 1976. The AC handled contacts with the 20 or so countries with which the association had established informal cooperation. In practice, this meant that the vast majority of countries were handled through AC and that, although NIA was responsible for mediation, AC had a very central role in mediation activities.

The AC's activities included providing general information and advice to those who approached the association for advice and information on intercountry adoptions, and

³⁸ Advisory Committee (1973).

³⁹NIA, Cooperation Agreement between the National Board of Health and Welfare for International Adoption and the Adoption Center Association, 1 July 1974.

establish unofficial contacts, mainly in non-European countries, with institutions or individuals who wished to help place children in adoptive homes. One of the most important tasks, according to the AC's own description, was to visit, further develop and deepen contacts with agencies in different countries in order to pave the way for new or continued activities. This included informing the agencies and the authorities abroad about Swedish conditions and Swedish legislation and obtaining information about other countries' laws, regulations and practices in international adoptions⁴⁰.

Through active information activities in society, the AC helped to increase interest in international adoptions, which in itself increased the pressure on the National Board of Health and Welfare and subsequently the NIA. The government's statement that it was not the state's task to contribute to children from foreign countries being adopted to Sweden "in large numbers" thus became difficult to uphold. By taking responsibility for the mediation activities, the state also had to deal with the increasing pressure and the large number of applications.

AC was a member of the NIA board and of the intermediary activities

In addition to the operational work based on the cooperation agreement, AC was also given a more formal role in NIA's decision-making and in the mediation work. AC was represented by a member of the advisory board 1971-1973 and was thus involved in developing the proposal for how the mediation activities should be organized in the future and where AC was given a clear role. When the NIA was established in 1973, two members of the AC were included in the NIA's board together with representatives of the Ministry of Justice, the Ministry of Foreign Affairs, the National Board of Health and Welfare and the Swedish Association of Local Authorities. The AC thus participated in discussions and decisions in individual and fundamental cases, including when it came to measures in the event of irregularities. An example of this is when the NIA Board in 1975 dealt with a case of irregularities in Thailand, in which one of AC's partners in the country was involved. Following the Board's decision, AC was recommended to terminate its cooperation with the partner in question. The AC was also one of three members of the NIA's Mediation Committee that decided on individual mediation cases.

This was the case until the new organization on 1 July 1979.

⁴⁰Advisory Committee (1973), pp. 29-30.

5.3.3 From 1979: Non-profit associations mediate adoptions while the state authorizes and supervises

Need for reorganization due to long waiting times for adoption and problems with private adoptions

During the 1970s, interest in international adoptions increased further, as did the number of applicants to the NIA and AC. The processing times at the NIA and the mediation committee were long and the waiting time for an adoption was at least three years. Many applicants therefore chose to look for children on their own or through private agencies in Sweden or abroad. The Government noted that the demand for children from other countries had increased at such a rate that the NIA, with its existing organization and resources, could not meet the demands. Nor did the NIA have an overview of and control over the private adoptions, which the Government saw as problematic.

Against this background, the Government decided to review the organization of international adoption activities. A working group was set up with the task of reviewing the NIA's activities, its organization and tasks without preconceptions and to submit proposals for changes that could help to reduce the problems with, among other things, private adoptions that existed in international adoption activities. The working group presented three organizational proposals: One alternative was that the state would continue to have a brokerage responsibility for countries where there was a cooperation agreement, another was that more non-profit associations would be linked to the NIA through cooperation agreements in the same way as the AC and a third alternative was that the state, through the National Board of Health and Welfare, would grant permission to non-profit associations to broker adoptions while the NIA would have an overarching role with responsibility for information, supervision, control and contact-making activities. The group favored the third option⁴¹.

In the bill, the Government wrote that the working group had examined the alternative of allowing public bodies to be responsible for all international adoption activities. The argument against this was that Swedish public bodies could not take responsibility for ensuring that everyone who wished to adopt a child had the opportunity to do so. The Government therefore proposed that non-profit organizations should be given a much more active role in the mediation work, while the State should be given greater control over the adoption process.

⁴¹Ds 1978:6 *International adoptions. Guidelines and organizational proposals.*

and supervision of non-profit organizations. The aim was to channel unlicensed placement activities to organizations subject to public scrutiny and control, and to provide greater opportunities for information and assistance so that the number of individuals seeking children abroad on their own was limited. The NIA would have an overarching function with tasks such as information, supervision, control and contact-making. However, the NIA would not deal with individual application cases. The new organization took effect from 1 July 1979.⁴²

The Swedish organization of non-profit associations is not unique

Sweden's 1979 choice of organization, in which non-profit associations authorized by the state have the responsibility of mediation, is not unique to Sweden.

The Advisory Board noted in 1973 that both Denmark and Norway had entrusted intercountry contacts for adoption to private organizations. In Denmark, the responsible actors had only positive experiences with intercountry contacts being handled by private organizations. Three organizations were authorized by the Ministry of Justice and the authorization was subject to specific conditions⁴³.

According to a comparative historical study of intercountry adoption activities in Denmark, Norway and Sweden, the three countries have followed similar developments in terms of choice of organization and regulation of the activities. There are some differences but basically the development looks similar. In all three countries, the early actions of individuals have driven the need to regulate and organize intercountry adoption activities. In Denmark, it was private adoptions from Germany that formed the basis for the need for regulation and organization, in Norway it was the actions of a private intermediary in adoptions from Vietnam, while in Sweden it was adoptions from several countries and pressure from individuals and organizations that led to the state seeing reason to regulate and organize the activity. The Swedish NIA became a kind of forerunner for how the state could act

⁴² Prop. 1978/79:108.

⁴³ Advisory Committee (1973), pp. 20 and 80.

and take responsibility for intercountry adoptions, although the Danish and Norwegian counterparts did not go quite as far as the NIA in developing contacts and cooperation in the countries of origin to facilitate and support adoption activities. What the three countries have in common is that authorized organizations were given responsibility for placing foreign children with applicant families at an early stage and have had this responsibility ever since. What they also have in common is that the state chose to take responsibility for what was actually a private matter - family formation - and to actively contribute with various measures to ensure that foreign children were available for adoption. Another common feature is the dissatisfaction of applicants with long waiting times and the way the system worked, and that the state then took responsibility for further facilitating the processes. However, Sweden differs from the other two countries in that it does not regulate private and individual adoptions to the same extent (see section 5.2.3)⁴⁴.

5.3.4 No changes have been made to the organization since 1979

The organization established in 1979 still applies today. The municipal social committees are responsible for examining applicants and deciding on consent to adoption, non-profit associations are responsible for mediation work in international adoption and the state is responsible for authorization and supervision of the associations. The question of organization has been dealt with by a number of investigations but has not led to any major changes. On the other hand, the conditions in terms of regulation, requirements and powers have changed.

Several studies on adoption but no proposals for changes in the organization

The Adoption Legislation Commission appointed by the Government in 1992 was tasked with reviewing the organization of international adoptions. The main issue was to consider the need for legislative changes in the light of the UN Convention on the Rights of the Child and the 1993 Hague Convention.⁴⁵In the subsequent 1997 Bill, the Government stated that:

⁴⁴ K. E. Rosbjørn Eriksen (2024).

⁴⁵SOU 1994:137 *International adoption issues, 1993 Hague Convention etc.*

Adoption activities essentially function well in Sweden. The division of work between the NIA, the National Board of Health and Welfare, the county administrative boards, the municipalities and the adoption organizations should, with some exceptions, remain as it is. The adoption organizations do a commendable job.

Their autonomy and integrity are important to preserve⁴⁶

The changes made were that the 1979 Act was replaced by the LIA in 1997 and that Sweden ratified the 1993 Hague Convention and incorporated the Convention into Swedish law.⁴⁷The NIA became the central authority under the Convention and was given the responsibility to approve the route of intermediation in connection with individual adoptions. No other organizational changes were made.

The adoption inquiry appointed by the government in 2003 was tasked, among other things, with reviewing the organization of the NIA and analyzing the process of authorization of adoption organizations and, if necessary, proposing changes to the system. The inquiry proposed that the NIA should be abolished and replaced by the Swedish Intercountry Adoption Authority (MIA), which was given a clearer mandate and stronger authorization and supervision tools. However, the organization as a whole was not examined⁴⁸.

In connection with a major review of authorities in the health and social care sector commissioned by the Government in 2012, the Ministry of Social Affairs produced a proposal for coordinated responsibility for certain family issues, in which the MIA was proposed to become the authority responsible for family issues under the name of the Agency for Family Law and Adoption. The proposal was accepted and from January 1, 2016, the Agency for Family Law and Parental Support (MFoF) became the responsible authority for international adoption issues. However, this did not mean any reorganization of international adoption activities.

MIA highlights the need for a review of the whole adoption business

In 2012-2014, the MIA raised the need for a review of Swedish intercountry adoption activities with the government. The reason was that the number of intercountry adoptions had decreased by 65% in ten years, while adoption processes were becoming increasingly complicated.

⁴⁶ Prop. 1996/97:91, s. 48.

⁴⁷ Act (1997:191) on Sweden's accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

⁴⁸ SOU 2003:49.

and took longer and longer. More children adopted internationally had some form of disability and difficult social backgrounds, which placed greater demands on those seeking adoption and made it more difficult for the associations to find families for the children. The demands on the authorized associations and on the municipalities increased, while it was difficult to maintain competence with a decreasing number of adoptions. MIA's activities were also affected by more extensive work on authorization, supervision and information. The MIA referred to an ongoing investigation in Denmark that analyzed the entire international adoption business including the organization of the adoption agency and supervision⁴⁹.

In the 2014 annual report, MIA wrote:

The organizational basis for Swedish intercountry adoption mediation, with non-profit member organizations whose finances are dependent on the number of adoptions, was laid several decades ago. There is reason to consider whether the current system is designed in such a way that it enables the high quality to be maintained. The same applies to the activities of municipalities⁵⁰

However, no review was carried out.

The State Treasury is tasked with conducting a review but does not propose any changes in the organization

It was not until 2021 that the Government decided to carry out a review and tasked the State Office with reviewing intercountry adoption activities in Sweden, particularly from an efficiency perspective. The State Office was to consider whether the organization of intercountry adoption activities should be changed, and if so, propose alternative organizational models to ensure that intercountry adoption activities in an effective and cost-effective way ensured the child rights perspective, legal certainty, relevant competence and reasonable and sustainable costs for the mediation activities. The proposal must not lead to increased public financial costs. The child rights perspective was to permeate the analysis and proposed measures.

⁴⁹ MIA Annual Report 2012 and MIA Annual Report 2013, p. 4 ff.

⁵⁰ MIA Annual Report 2014, p. 5.

The State Treasury's assessment was that the existing organization of adoption activities provided the best conditions for ensuring the child rights perspective and legal certainty in international adoption activities. Other organizational alternatives, such as the state taking over responsibility for mediation, would provide legal certainty and a child rights perspective to a lesser extent, while the costs of the activities would be higher. The reason for this, according to the State Treasury, was that only the state would control the adoption agency if they took over responsibility, unlike the current system where both the authorized adoption organizations and the state controlled the agency. The competence of the adoption agencies would disappear without an intermediary responsibility, while the supervisory authority would have to build up new competence in the field. With the state as the agency responsible, the costs of the agency work would increase and be transferred entirely to the state. The conclusion was therefore that the existing organization was appropriate and should therefore be retained.⁵¹

5.4 Roles and responsibilities in the adoption process

The investigator's assessment: The best interests of the child must characterize the adoption process at all stages and ensure that children become available for adoption in a legally secure manner. There must be no ambiguity in responsibilities either between actors in Sweden or between Sweden and the countries of origin. The adoption process has been strengthened over time and the best interests of the child permeate the process to a greater extent today compared to when the mediation activities started. However, there are ambiguities and shortcomings in several parts of the adoption process.

- The supervisory authority has not imposed clear requirements on the adoption organizations regarding the documents to be requested from the children's countries of origin in order to ensure the best interests of the child and that the child has been made available for adoption in the right way. Nor have the adoption organizations ensured that the necessary documentation, such as consent documents, was included in the children's adoption files. The adoption agencies and the supervisory authority have interpreted Article 16 of the 1993 Hague Convention as meaning that it is sufficient to certify that consent

⁵¹State Treasury (2021), *Organization of international adoption activities*.

provided. This does not meet the requirements of legal certainty and ensuring the best interests of the child in the adoption process and has contributed to an increased risk of irregularities.

– The government has been slow to regulate and control private adoptions, despite an awareness of problems and irregularities in these adoptions. Even today, there are problems with checking the best interests of the child in private adoptions.

– There are ambiguities in the responsibility of the social welfare committee for examining continued consent in accordance with the 1993 Hague Convention. As a rule, the social welfare boards have not included new facts in the examination, which in practice has meant that the examination of the legal prerequisites for adoption has been carried out by the adoption organizations. The introduction of continued consent has thus not led to increased legal certainty and strengthened consideration of the best interests of the child, which was the aim.

– There are major risks in the process of approving foreign adoption decisions and adoption decisions in Swedish courts. Both the supervisory authority and the court have based their examination on the documentation available in the case. Representatives of both the supervisory authority and district courts believe that it is difficult to identify irregularities and to assess and ensure the best interests of the child at a late stage of the adoption process.

– Unclear requirements for adoption organizations to document their mediation activities have seriously impaired the conditions and opportunities for adoptees to trace their origins. Documentation requirements have existed since 1981, but were not established by law until 2005. The documentation requirements are still unclear today.

5.4.1 Introduction

Roles and responsibilities in the adoption process for international adoptions

Municipalities have been responsible for consent investigations for intercountry adoption ever since intercountry adoptions started in the early 1960s. Initially, it was the child welfare board that was responsible for handling consent investigations, later the social welfare board. The Social Welfare Board is and has been responsible for consent investigations both in the adoptions mediated

through authorized associations and those adoptions carried out privately or as individual adoptions.

Responsibility for the actual mediation of adoptions initially lay with the National Board of Health and Welfare, but was transferred from 1973 to the NIA, which cooperated with the AC. However, AC had no responsibility for the mediation of adoptions during this period. The NIA was responsible for placement until 1979, when responsibility was transferred to non-profit associations authorized by the NIA. The responsibility for mediation still lies today with the authorized adoption organizations.

In 1985, the Social Welfare Boards were given the responsibility to approve the placement route for private adoption after receiving the opinion of the NIA. From 1997, responsibility was transferred to the NIA and then the MIA. Today, the MFoF is responsible for examining the acceptability of the placement route for private adoptions.

When Sweden ratified the 1993 Hague Convention in 1997, a new element was introduced into the adoption process after the applicants have been designated as parents of a child: consent to the continuation of the adoption procedure. The responsibility lies with the Social Welfare Board and applies to both adoptions through authorized associations and individual adoptions and irrespective of whether the child proposed for adoption originates from a country that is a party to the 1993 Hague Convention or not⁵².

Different actors have and have had responsibility for adoption decisions and approval of foreign adoption decisions. In cases where no adoption decision has been taken in the child's country of origin or where the decision concerned a weak adoption⁵³, the Swedish court has taken the adoption decision. This applies to both adoptions mediated by authorized associations and individual adoptions. Where there is an adoption decision from the child's country of origin, that decision may be recognized automatically or approved by the actor designated by the government as responsible. Initially, the responsibility for approving foreign adoption decisions lay with the Ministry of Justice, which was transferred to the NIA in 1976, to the MIA in 2005 and to the MFoF in 2016. Since Sweden ratified the 1993 Hague Convention in 1997, adoption decisions from Hague countries are automatically recognized in Sweden, i.e. no approval by the supervisory authority is required. Adoptions granted in another Nordic country are also

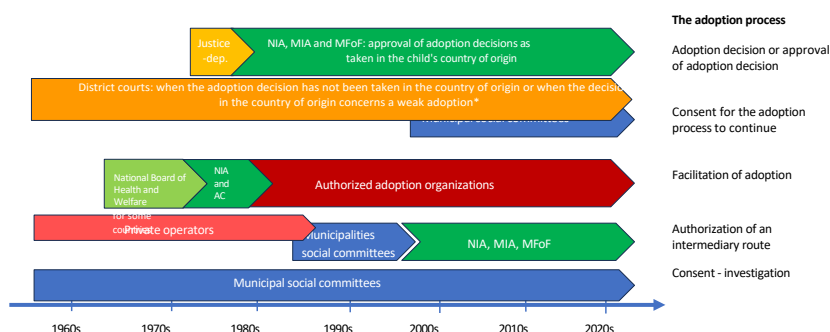
⁵² Prop. 1996/97:91 p. 61 and Prop. 2017/18:121 p. 103.

⁵³During the period 1982-2018, the Adoption Authority has not approved foreign adoption decisions concerning weak adoptions.

is automatically recognized under the Ordinance (1931:429) on certain international legal relationships concerning marriage, adoption and guardianship. Since 2018, if the person who has been adopted was a Swedish citizen or was domiciled in Sweden when the adoption procedure was initiated, the MfOF must approve the foreign adoption decision for the decision to be valid in Sweden.

The changes in responsibilities in the adoption process from the 1960s until today are shown in Figure 5.1.

Figure 5.1 Roles and responsibilities in the adoption process for intercountry adoptions from the 1960s to the present



* During the period 1982-2018, Swedish courts decided on adoptions in cases where a weak adoption decision had been made in the country of origin, instead of the adoption authority approving the foreign adoption decision.

Source: Own compilation.

5.4.2 The state has the responsibility of intermediary until 1979

The National Board of Health and Welfare is responsible for the agency until 1973

Until 1965, the National Board of Health and Welfare had the task of acting as an intermediary between applicants wishing to adopt a foreign child and the international body ISS. In 1965, the National Board of Health and Welfare concluded an adoption agreement with the Metera orphanage in Greece and in 1966 with the Child Placement Service (CPS) in South Korea. Under the agreements, applications for adoption were to be made to the National Board of Health and Welfare, and the country of origin was responsible for indicating which child could be

for adoption. Through the agreements, routines were established for the application procedure, the mediation, the adoption procedure, and how the child's journey to Sweden would be carried out.⁵⁴ The investigation of the applicant continued to be carried out by the child welfare committee in the applicant's home municipality. From 1965 onwards, the National Board of Health and Welfare assumed responsibility for actively assisting Swedes who wished to adopt abroad, thereby assuming a role as an intermediary between adoption applicants and the contacts established abroad. In 1971, the National Board of Health and Welfare concluded an agreement on adoption with the Philippines⁵⁵.

The National Board of Health and Welfare's handling of referral cases for the agreement countries differed slightly between countries. In the case of South Korea and the Philippines, applicants sent documents to the National Board of Health and Welfare, which translated them and sent them to the relevant institutions in the countries. The institution proposed the placement of a particular child to a particular couple and the National Board of Health and Welfare forwarded the request if the applicants wished to receive the child. The request was accompanied by a photo of the child, personal data, results of the medical examination, information on social background and comments of the social worker. The applicants and the National Board of Health and Welfare contacted the local child welfare authority to request a foster care permit for the proposed child. The permit was sent to the CPS institution in South Korea, together with information that the applicants were willing to accept the child. When the child arrived in Sweden, the local child welfare authority was informed that the child had arrived and was under foster care. Until 1973, adoption decisions were made in South Korea and from 1973 until 2012 in Swedish courts. In the case of adoptions from Greece, applicants who had been provisionally approved by the Greek contact body were invited to Greece. The applicants were then authorized by the King to adopt the child who might be placed with them. If, after a period of stay, they were finally approved, a child was selected for them there. The adoption was decided by a Greek court while the adoptive parents remained in Greece⁵⁶.

There are no fully reliable statistics on how many adoptions were mediated through the National Board of Health and Welfare. One figure states that up to 1972 the National Board of Health and Welfare arranged 2,200 adoptions from the contracting countries South Korea, Greece and the Philippines⁵⁷.

⁵⁴ C. Lindgren (2010), pp. 30-31 and SOU 1967:57, pp. 101 ff.

⁵⁵ Advisory Committee (1973), p. 5.

⁵⁶ Advisory Committee (1973), pp. 8-9.

⁵⁷ Advisory Board of the National Board of Health and Welfare on the Adoption of Foreign Children (1973b). p. 9.

NIA has the responsibility of intermediary 1973-1979

The NIA was established within the National Board of Health and Welfare on July 1, 1973. The NIA's tasks included the responsibility of mediating applications for the adoption of foreign children. According to the instructions, the NIA was to appoint a working committee with three members who were to be responsible for the work of mediating applications for the adoption of foreign children through the selection of applicants with an advance decision under section 47 of the Child Welfare Act (1960:97). The working committee adopted the name Förmedlingsutskottet (FU) (Mediation Committee). The committee included one representative from the NIA, one from the AC and one from the adoption agency at the Stockholm Child Welfare Board. The FU could call on medical and psychological expertise if necessary. There was no right of appeal against the decisions of the Mediation Committee or the NIA⁵⁸.

AC is given a central role in NIA's brokering activities

In 1970, AC applied for permission to place foster children for adoption purposes in accordance with the requirements of section 54 of the Child Welfare Act, but the National Board of Health and Welfare was reluctant to grant permission. The solution was instead, based on a proposal from the National Board of Health and Welfare's advisory board, of which AC was a member, that a cooperation agreement between NIA and AC should be established. This would enable the state to benefit from the extensive network of contacts that AC had built up abroad. This meant that the AC was responsible for all countries except the three with which Sweden had a cooperation agreement.

In addition to contacts with different countries, AC was part of the NIA's mediation activities. The responsibility for mediation lay with the NIA, but the actual mediation activities were handled by the NIA in cooperation with AC. The AC was a member of the NIA's mediation committee and thus had insight into and participated in decisions in individual mediation cases.

NIA's mediation work in cooperation with AC

Cooperation in mediation cases was not regulated in the cooperation agreement between NIA and AC, but in a memorandum on procedures for cooperation⁵⁹.

Applicants wishing to adopt a foreign child could apply to both the NIA and the AC. The applications

⁵⁸ NIA (1980), *Report on the activities of the Intermediation Committee 19/3-19/9*.

⁵⁹ NIA, Memorandum on procedures for cooperation between the Board for International Adoption and the Adoption Center Association 1974-08-21.

was handled by the FU, which had to make a selection from among several possible applicants for children from a particular country or for a particular child. The FU therefore recommended that the AC present a larger number of application documents, preferably twice as many, than the number of children to be placed. In this way, the placement of foreign children would be handled in the same way as with Swedish adoptive children and give the foreign children the same right to be placed in the most satisfactory conditions possible.

An initial selection was made at the AC or NIA based on the country's requirements, the applicant's preferences and the timeliness of the application submitted to the AC or NIA. The AC then sent a written application to the FU. The FU made a selection based on the age and health of the applicants, family composition, wishes for the child and based on the requirements and information about the child in different countries (background, health status, etc.). The JHA then recommended a certain number of applicants for a given country and, where children were known, the JHA recommended a family. However, the vast majority of cases concerned the recommendation of families for children from a particular country or a particular contact in a country without having individual information on any children. Most often, it was the child's country of origin that decided the question of which family in Sweden should be offered to take in a particular child.

Decisions on which documents should be sent to which country and which family should be proposed for which child were made by the FI. The wording of the decision was adapted depending on whether the choice of adoptive parents for a particular child was made in Sweden or in the child's home country. If the choice was made in the child's home country, the decision was worded as follows: "The FD recommends to the AC that the documents for the families X, Y, Z be sent to the AC's representative in country X". If the choice was made in Sweden, the decision read "The FD decides to recommend to the AC to propose to the family X to apply to the local child welfare authority for permission in accordance with § 47 1 and 2 st. of the Child Welfare Act to receive child Y as a foster child for future adoption."

In cases where the FU requested supplements, the AC was initially responsible for supplements for its applicants and the NIA's office for those who applied via the NIA. This was gradually changed so that the NIA's office handled all supplementary cases. The NIA office and the AC then forwarded the selected applications for final selection in the children's respective home countries. In cases where the JHA has concluded that

that an applicant would not be selected and placed with a child, the applicant was contacted and informed of this.

The processing procedures for FU were adapted over time and based on changing requirements and conditions in the countries of origin. In 1975, for example, the notification procedures for applications for children via the NIA were simplified. This meant, among other things, that an application to the NIA would apply to all countries with which the NIA and AC had contact or would have contact.

During the period 1973-1979, approximately 9,000 applications were processed by the NIA Placement Committee and approximately 5,400 children were placed by the NIA.⁶⁰

NIA focused on children's right to the best possible living conditions

A starting point for the JRC's work was the right of every child to the best possible conditions for growing up. The FI therefore looked at the health and age of the applicants, how they lived and whether they belonged to any extreme groups. The JRC also had the possibility to seek the opinion of medical and psychological experts, if necessary, to assess the suitability of the applicants to adopt a child. The Committee had found a number of cases where they considered that the Child Welfare Board should not have given a positive preliminary decision to the applicants. In some cases, the expert opinions led the Child Welfare Board to reconsider its decision on the advance decision⁶¹.

The FU's final report for 1973-1979 shows that in the vast majority of placement cases there was no individual information on children. In these cases, the FI recommended families for children from a certain country or certain contacts in a country and sent them to the country in question without having any information about the children. Most often, the matching of children and applicants was done in the children's home countries⁽⁶²⁾.

⁶⁰NIA 1974-08-21 NIA (1980), Report on the activities of the Mediation Committee 1973-1979. NIA 1974-08-21, PM om rutiner för samverkan mellan Nämnden för internationella adoptionsfrågor och föreningen Adoptionscentrum, Bil. § 7 NIA-protokoll 1974-09-16.

⁶¹NIA, Report of the Intermediary Committee 1974-1975, 1975-76 and 1976-1977. NIA (1980), Report on the activities of the Mediation Committee 1973-1979.

⁶²NIA 1974-08-21 NIA (1980), Report on the activities of the Intermediary Committee 1973-1979.

5.4.3 Authorized non-profit associations become responsible for intercountry adoption services in 1979

New responsibilities set out in the law on international adoption assistance

In 1979, the Government decided on a new division of responsibilities for international adoption activities, which meant that responsibility for international adoption mediation was transferred from the NIA to authorized non-profit associations. The NIA was given responsibility for examining and deciding which associations should be authorized to mediate foreign adoptions.

The new responsibilities and requirements for the associations were set out in the 1979 Act, which came into force on July 1, 1979.

The Act defined what was meant by international adoption assistance. It was an activity aimed at mediating contact between a person wishing to adopt a foreign child and the authorities, organizations or individuals in the child's country of origin, as well as otherwise providing the assistance needed for an adoption to be carried out. Under the Act, authorization was to be granted to associations whose main purpose was to provide intercountry adoption assistance and which could provide that assistance in an expert and judicious manner, without profit motive and with the best interests of the child as the primary consideration⁽⁶³⁾.

Decisions by the associations to provide adoption assistance must be made in mediation committees that include a community representative

In 1983, the NIA published a handbook for adoption agencies, which described the requirements for their activities and how the placement of foreign adopted children should be carried out. It also provided practical advice.

The Handbook stated that authorization meant that the adoption agency could forward applications for adoptive children to the overseas contacts indicated by the agency in its application for authorization or subsequently notified to the NIA. By obtaining authorization, the organization had assumed and been recognized by society as having a certain public law function and would comply with laws

⁶³Prop. 1978/79:108.

and regulations. Society would be given full transparency in the work of the adoption agency.

According to the handbook, the adoption agencies' mediation of applications for foreign adoptive children should take place in special committees, so-called mediation committees (MC). The NIA should appoint 1-2 community representatives to participate in each individual decision to provide adoption assistance. Otherwise, according to the manual, at least two members from the adoption organization should be included in the FU. The adoption organization was only allowed to provide adoption assistance to applicants who had the consent of the socialnämnd. If a community representative had a different opinion than the organization on the issue of adoption assistance, the matter would be referred to the supervisory authority for a decision.

According to the Handbook, the adoption organization should designate a person to be responsible for the handling of placement cases. This should be a person with experience in social work and with a thorough knowledge of issues related to the adoption of foreign children. The caseworker should also have a thorough knowledge of the requirements of overseas contacts for applicants⁽⁶⁴⁾.

Requirement of the best interests of the child and that there are documents allowing the adoption to be finalized in Sweden

According to the law, the best interests of the children should be the main benchmark for the activities of the associations. The 1983 NIA Handbook required adoption agencies to comply with the laws and regulations of the countries from which the children came and to take into account the requirements and wishes of the intercountry contact. If an operation in a country changed so that it no longer met the requirements set out in the application for authorization, it would be closed down. The adoption agency was responsible for deciding whether and when to terminate any cooperation with a foreign contact.

The Handbook also clearly required that the identity of the child be established before applicants traveled to the country to pick up a child. Applicants were only allowed to collect the child they had accepted in writing. According to the Handbook, there should be no possibility of exchanging a child for another child or receiving an additional child, and adoption agencies should inform their intercountry contacts and

⁶⁴NIA (1983) *International adoptions. Handbook for adoption organizations*, pp. 12-13.

the applicants. According to the NIA Handbook, the organizations should also work to obtain as much knowledge as possible about the children's origins and previous circumstances and pass this information on to the adoptive parents and the social welfare authorities. As to what adoption documents should be available from the country of origin, it only states that the association shall ensure that the applicants receive such documents from the child's country of origin that the adoption can be finalized in Sweden.⁶⁵ It is therefore unclear what documents should be included in an adoption case.

The AC describes that there was often a lack of detailed information about the child's background in early adoptions, for example from Colombia. Most often, the AC only received a brief description of the reasons for the adoption. What was requested was a decision from an authority or court in the country of origin establishing that the child was available for adoption. According to the AC, there was a lack of regulations and guidelines both in Sweden and in the countries of origin regarding which documents should be included in an adoption procedure, and which documents the adoption organization should request in the countries of origin⁶⁶.

The 1993 Hague Convention sets out clearer requirements for information and documents about the child, but it is unclear which documents should and have been requested

When Sweden ratified the 1993 Hague Convention in 1997, the 1979 Act was replaced by the LIA. It did not make any major changes to the requirements for adoption mediation by associations. The definition of adoption mediation was similar to that of adoption assistance. Intercountry adoption mediation was defined as "activities aimed at establishing contact between the person or persons wishing to adopt and the authorities, organizations, institutions or individuals in the country where the child is domiciled, as well as providing other assistance needed for an adoption to be carried out." One change that was made was the removal of the possibility for the associations to carry out their own suitability assessment of applicants.⁶⁷ As a consequence, the participation of community representatives in the associations was discontinued.

⁶⁵ NIA. *International Adoptions. Handbook for Adoption Organizations*, 1983, pp. 5, 8, 18-19.

⁶⁶ Written reply from AC 2025-02-04.

⁶⁷ Prop. 1996/97:91, s. 53.

from 2000.⁶⁸ A duty of confidentiality was also introduced for the associations.⁶⁹

The NIA published a revised handbook for adoption agencies in 1997. Much of the handbook was the same as the 1983 handbook. However, the requirements for the organizations' knowledge and competence were somewhat clearer. In addition to the requirement that adoption agency activities must be conducted in a professional manner, the adoption agency had to have in-depth knowledge of laws, regulations and policies on adoption both in Sweden and in the countries where the agency was authorized. Within the adoption organization, there must also be such financial competence that bookkeeping and accounting were done in a professional manner. There also had to be knowledge of cultural differences and what this might mean for the applicants in terms of mutual respect requirements. While the organization must respect the laws of the other country, it must also be clear about Swedish laws and regulations and demand that these are respected in the same way by the cooperation contacts in the other country⁷⁰.

With regard to information and documents about the child, it states, among other things, that when applicants are notified of a child, the adoption organization must ensure that the applicants receive all available information about the child.

The information to be made available is not specified. It does, however, in the case of Convention adoptions, i.e. adoptions from Hague countries. In accordance with Article 16 of the 1993 Hague Convention, such adoptions must be accompanied by a report containing information on the child's identity, availability for adoption, background, social environment and family history, as well as on the medical history and special needs of the child and his or her family. The country of origin should also provide evidence that the necessary consents have been obtained and the reasons for the placement decision. The documents do not need to include information on the identity of the biological parents, as some countries prohibit the disclosure of such information. According to the Handbook, adoption agencies should ensure that the required documents are available before sending information about the child to the applicants. If there are any gaps, the organization should request additional documents from the country of origin. If the country of

⁶⁸ Prop. 2000/01:80, *New Social Services Act*, p. 107.

⁶⁹ Prop. 1996/97:91, s. 75.

⁷⁰NIA. *International Adoption Intermediation. Handbook for adoption agencies*. Revised 1997, p. 8.

the country has indicated in the adoption documents that all the required consents have been given, this should be accepted. As regards the mother's consent, the Handbook shows that there is a difference between the requirements of the Hague Convention and the Parental Code. Depending on whether the adoption is from a Convention country or not, it affects the requirements for the mother's consent⁽⁷¹⁾.

According to the AC, Sweden's accession to the 1993 Hague Convention meant that rules and guidelines were added gradually, and the countries that acceded to the Convention adapted to the requirements set by the Convention.

2005 documentation requirements for associations tightened but still unclear which documents to request from countries of origin

With the amendments to the LIA and the establishment of the MIA in 2005, the requirements for the associations were tightened in several ways, not least through the introduction of two-stage authorization where authorization was given for Sweden and for the individual countries where the associations wanted to operate.

According to the AC, from 2005 they received directives from the MIA on what the AC as an organization should request in terms of information from the countries of origin and what they should document and archive.

A former employee of NIA and MIA says that MIA chose to control the adoption organizations through conditions instead of, as previously, NIA through a handbook for the adoption organizations and conditions. The conditions for Sweden authorization were general and they were updated every five years when the Sweden authorizations were to be renewed. The previous handbook from 1997 was no longer valid.

The MIA's so-called general requirements for associations seeking authorization from 2005 state that the association must document all brokerage activities in accordance with the law and the MIA's conditions (the so-called documentation requirement, see section 5.4.8). The conditions for authorized associations from the same year set out a number of requirements for documentation of brokerage work. Most of these are general documentation and archiving requirements. There are no more explicit requirements on what documents to request from the agency.

⁷¹NIA. *International Adoption Intermediation. Handbook for Adoption Organizations*. Revised 1997, pp. 19-20.

⁷²Written reply from AC 250204.

In the countries of origin, it is stated that "All processing of cases involving individuals shall be documented" and "The documentation shall contain sufficient, essential and correct information as well as information on who made a particular entry and when the entry was made" and "The information pertaining to each placement case shall be documented and collected separately". It also states that "The association shall, as soon as a particular child is proposed for adoption, notify the applicants of this and provide them with the documentation needed for their position and for the social welfare committee to consider whether the adoption procedure may continue. The association is responsible for ensuring that the applicants receive the necessary documents from abroad to be able to complete the adoption in Sweden."⁷³

This is also confirmed by a former employee of NIA and MIA who says that the conditions stated that the associations were responsible for the documentation in the files, but NIA and MIA did not specify which documents should be requested or included in an adoption file. One reason was that it was difficult to set general requirements because it could differ between different countries and in individual cases, what documents should exist.⁷⁴

The requirements for associations today

According to the current conditions for the associations issued by the MFoF in 2021, in addition to providing information about adoption mediation, the associations must also provide information about the risks associated with international adoption mediation. Under the heading of mediation of documents to and from abroad, it is stated, as before, that "The organization is responsible for ensuring that applicants receive the documents from abroad that are required to be able to complete an adoption in Sweden." Here, too, it is not made clear which documents are meant⁷⁵.

AC states that they have developed procedures in dialog with MFoF on what documentation should be requested from the countries of origin and how it should be documented and archived. This dialog is held continuously. However, according to AC, there are still differences in the extent to which

⁷³MIA (2005), General requirements for associations seeking authorization and Conditions for associations authorized under the Act (1997:192) on international adoption mediation.

⁷⁴ Interview with a former employee of NIA and MIA 2025-02-04.

⁷⁵MFoF, Terms and conditions for the mediation activities of adoption organizations, 22 April 2021.

information about the background of the children, which is related to the legislation and possible confidentiality of the countries of origin. The AC points out that the countries with which it currently cooperates work on the basis of the principles of the Hague Convention and have laws and regulations that ensure that children who are adopted internationally have become available for adoption on the correct grounds⁷⁶.

The question of what documentation should be included in an agency case is still relevant today. According to MFoF, it is difficult to set general requirements because it depends on how the child became available for adoption and which country the child was adopted from. This is also stated by the AC.

5.4.4 Responsibility for examining and controlling private and individual adoptions

Until 1985, no agency was responsible for examining or controlling private adoptions

In addition to the NIA and then the authorized associations, a large number of private adoptions took place in the 1970s and 1980s. In 1976, the NIA placed just over 800 children, while 900 children came to Sweden privately.

People who wanted to adopt on their own could apply for consent (or pre-approval as it was then called) from the Social Welfare Department. In the case of private adoptions, there were no such requirements and it was therefore not uncommon for people to adopt privately abroad without having consent. The child was then brought to Sweden and once here, the adopters applied for adoption in the Swedish district court without their parental eligibility being examined.

The NIA had no overview of private adoptions and had little ability to control or stop them. What the NIA could do was to gather information from, among others, the social welfare boards on the extent, from which countries private adoptions were carried out, the existence of private intermediaries in Sweden and abroad and any irregularities. The NIA could report to the police persons who provided international adoption assistance without permission (Section 9 of the 1979 Act).

⁷⁶Written reply from AC 2025-02-04.

The NIA issued recommendations to social welfare boards to discourage adoption outside the authorized associations. The 1982 NIA Handbook for Social Welfare Boards states that applicants should always be referred to adoption agencies authorized by the NIA.

Seeking children for adoption on your own, without the involvement of a Swedish authorized organization, is dangerous and should nowadays be generally discouraged. Developments since the late 1970s have meant that lawyers and others - with no particular expertise in the field - have discovered that it is possible to make money out of Westerners' desire for children. Adoptions can be done properly - but there has been an apparent increase in the falsification of documents and the use of routes that cannot be approved by the authorities⁷⁷

The NIA handbook also states that the social welfare committee should provide information about the guarantees that applicants receive by adopting through an authorized adoption organization. Among other things, it is emphasized that an organization always goes through a body that has assessed that an adoption is in the best interests of the child. The organizations know where the children come from and are familiar with the legal procedure in each country. They also carry out careful audits of what money is paid for what purpose in the child's home country. Agencies can monitor the cost of services in each country and negotiate or withdraw from further cooperation if cost increases seem unreasonable⁽⁷⁸⁾.

Former staff at the NIA describe that if there was one issue that the agency was pushing, it was the issue that private adoptions should be restricted.

There were no defenders of private adoptions within the agency. Adoption organizations constantly pointed out the problem of private adoptions. It was in these contexts that irregularities or the risk of irregularities were pointed out.

⁷⁷ NIA (1982), *International Adoptions. Handbook for Social Welfare Boards*, pp. 25-26.

⁷⁸ NIA (1982), *International adoptions. Handbook for Social Welfare Boards*, p. 26.

In 1985, social welfare boards are given responsibility for approving the route of adoption

The new organization in 1979 aimed to bring unauthorized placement under state control through the NIA. However, individuals with contacts abroad were still allowed to place adopted children without authorization in individual cases.

The NIA noted that private adoptions were not decreasing and on several occasions expressed to the government that a tightening of the regulatory framework was needed to address the problem.

In 1984, the Government presented a bill proposing amendments to the 1979 Act and the Social Services Act (1980:620) (SoL), which meant that the social committees, when considering consent to adoption, would also approve the agency route to be used for the adoption. The amendments came into force on January 1, 1985. Under the Act, the municipal social welfare committees were required to examine the reliability of the means by which the applicant intended to come into contact with a child for adoption. The aim was to make adoptions that took place without the involvement of an authorized association safer. The Social Welfare Board was given the possibility to refuse consent to receive a foreign child for adoption if they feared that the child had not been made available for adoption in a reliable manner. The requirement for consent also applied when the adoption was mediated by an adoption organization. On the question of the reliability of the method of mediation, the social welfare committee was to obtain the opinion of the NIA unless it was clearly unnecessary. In its decision on consent, the social welfare committee was to specify the method of mediation to which the decision applied. In the case of a private adoption, the name of the intermediary body was to be stated in the decision. The Social Welfare Board was obliged to indicate in its decision on consent the mode of mediation to which the decision applied⁽⁷⁹⁾.

The SoL does not specify what should form the basis for the assessment of the reliability of the method of mediation. The NIA's handbook for social committees from 1986 describes how an assessment of the method of mediation in adoption should be made. Among other things, it states that the NIA should be asked for its opinion at an early stage. The application documents should indicate how the children are made available for adoption in the institution concerned. If the application concerns a specific child

⁷⁹Prop. 1984/85:16, pp. 1 and 13.

there is a description of why that particular child was given up for adoption.⁸⁰

During the period 1985-1997, the NIA issued opinions on a large number of cases concerning the reliability of the intermediation method. More fundamental cases were referred to the Board for decision, while others were decided by delegation. During the 1980s, the NIA dealt with an average of just over 200 cases per year. In the early 1990s, the number of cases increased to between 300 and 500 per year, but fell from 1995 to around 100 per year. The NIA's annual reports show that the number of refusals was not very high, which the agency explains by saying that applicants received advice and information from the NIA which made them choose another means of mediation even before the case went to formal examination⁸¹.

In 1997, the NIA took over responsibility for examining the acceptability of the intermediation method for private adoption

In subsequent years, the NIA noted that there were shortcomings in the social welfare committees' approval of the intermediation route. Among other things, social welfare boards had not sought the NIA's opinion on individual adoptions and had not examined contacts despite changes in the contact or requirements in the country of origin. Social welfare boards had also given unclear consent on the grounds that the NIA had approved the contact or had given consent for a method of mediation that the NIA had rejected. There were also cases where applicants adopted privately with the consent of an authorized organization. The NIA reported one suspected case of illegal brokering to the police⁸².

When Sweden ratified the 1993 Hague Convention in 1997, the NIA took over the responsibility of the Social Welfare Board for examining the acceptability of the mediation route for individual adoptions. The examination was removed for adoptions mediated by an authorized association. Individual adoptions were also limited to adoptions by relatives and adoptions where the applicant had special ties to a particular country and thus special reasons to want to adopt from there. By this time, the number of individual adoptions had decreased to around 10% of the total number of adoptions.

⁸⁰ NIA (1986), *International Adoptions. Handbook for Social Welfare Boards*, pp. 22-23.

⁸¹ NIA, Annual Report 1990/91, p. 10 and Annual Report 1997, p. 14.

⁸² NIA Informs No 2 1991.

During the period 1997-2023, the supervisory authority dealt with approximately 30-50 cases per year on the intermediation route. From 2020, the number of cases has remained at 20-30 cases per year.

Still no overview of the number of individual adoptions

The MFoF is currently responsible for examining whether the procedure for private adoption is acceptable. In order for an individual adoption to be permitted, it is required that the adoption concerns a relative's child or that there are otherwise special reasons to adopt without the mediation of an authorized adoption organization and that the authority has approved the procedure. Acceptable procedure means that the method of mediation must be reliable and the process must be carried out in an ethically acceptable manner. There must be no risk of child trafficking, for example. The authority's assessment must be carried out before the child leaves the country. In the application, the applicant must provide information about the costs that will be paid abroad, such as compensation to the court, lawyer, orphanage or organizations. The MFoF decides whether the applicant may or may not carry out an individual adoption. The decision can be appealed to the administrative court⁸³.

MFoF describes that there are still no statistics on how many individual adoptions are carried out per year. The reason for this is that some adoptions are decided in court without a review by the MFoF or mediated through an association. The majority of individual adoptions today concern the adoption of a relative's child. It also happens that people who have lived for a period in a certain country want to adopt a child from there. Individual adoptions also take place from countries for which no association is authorized. MFoF states that they do not know how many of the applications for individual adoption are completed. Nor does MFoF have statistics or knowledge of how many adoptions from Hague-affiliated countries are actually carried out. It is unusual for the authority to receive the adoption decision after it has been made abroad. In most cases, the continued consent of the social welfare committee under Article 17(c) is the last document handled by the authority. The MFoF has emphasized in various contexts that there are particular difficulties in establishing

⁸³ <https://mfof.se/internationella-adoptioner/stod-och-vagledning/att-adoptera/enskild-adoption.html>, retrieved 2025-02-11.

maintain legal certainty and the child rights perspective in individual adoptions. The regulations on individual adoptions provide little guidance on the assessment to be made by the authority and also lack safeguards to ensure a legally secure adoption process. In a final report to the Government in 2024, MFoF highlighted several proposals aimed at strengthening legal certainty in individual adoptions⁸⁴

5.4.5 Responsibility of social committees for assessing continued consent

Examination of continuing consent - a requirement under the 1993 Hague Convention

When Sweden ratified the 1993 Hague Convention in 1997, a new stage in the adoption process was introduced - the examination and decision on consent to continue the adoption procedure. Continued consent is considered after the applicants have received a child record from the country of origin in question and concerns a specific child. According to Article 17(c) of the Convention, a child cannot be handed over to the prospective adoptive parents until the Central Authorities of both States have given their consent to the continuation of the adoption procedure.

The responsibility for examining and deciding on continued consent lies with the municipal social committees. According to Chapter 6, Section 14 of the Social Services Act ⁽⁸⁵⁾the social welfare board shall consider whether consent should be given to continue the adoption procedure when a particular child has been proposed for adoption. The examination shall be carried out expeditiously and at the latest within two weeks of notification by the prospective adoptive parents.

⁸⁴MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process. Final report for government assignment S2023/02122*, dnr 2023-998, p. 11 ff.

⁸⁵Chapter 24. Section 5 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

It is unclear to the social committees what responsibility they have for assessing continued consent

A number of family law secretaries at the social welfare board who process applications for continued consent express in an interview⁸⁶ that it is unclear what the social welfare board's examination of continued consent should include, especially regarding which adoption documents should be checked. The family court secretaries describe that it was initially clearly stated that the social welfare committee had the responsibility to ensure that the necessary adoption documents were in the case. In their examination, they went through and examined all documents and asked questions to the adoption organization that mediated the adoption. The focus of the assessment was on the eligibility and suitability of the applicant to adopt the specific child for whom the applicant was proposed as an adoptive parent. However, the family law secretaries believe that the trend over the last 10-15 years has been that it is in practice the adoption organizations that check the adoption documents, such as the child's identity, consent, the child's adoptability and what considerations have been made regarding the principle of subsidiarity. One explanation for this, according to the family law secretaries, is that it is unclear in the manual for social committees what responsibility lies with the social committee and the authorized adoption organizations. The social services sometimes ask additional questions to the adoption organizations, for example whether the adoption organization has talked to the child's biological mother about what a Swedish adoption means and whether there is any written consent to the adoption. The recurring answer from the adoption organizations is that they have no more information than what has been provided and that this is the only documentation available about the child. The adoption organizations consider that the task of the social services is to go through the child's documents with the prospective adoptive parents, focusing mainly on the child's need for special support, age, etc. After dialog with the prospective adoptive parents, the documents are often signed without the social welfare committee having had the opportunity to review the relevant documents⁸⁷.

This description is confirmed by a survey of social committees commissioned by the Modernizing Adoption Rules inquiry in 2009. The survey was answered by administrators at social committees in 59 of a total of 69 selected

⁸⁶Meeting with family law secretaries from Kalmar municipality and two districts in Stockholm stad 2024-12-03.

⁸⁷Information from the City of Stockholm, October 20, 2024.

municipalities and included questions concerning both intercountry adoptions carried out through an authorized association and individual adoptions. The responses showed that 90 percent of the social welfare boards considered that they had not needed to request additional information about the child's home conditions in the country of origin from the associations. The few social welfare committees that had requested additional information from the association had requested supplementary information because the child had been given the wrong date of birth, the information on the child's state of health was insufficient or the child's current situation or health examination was not complete. The social welfare committees found it difficult to obtain information on the child's home situation in adoptions mediated by an authorized association. The reason was that the children were often abandoned and the child's country of origin might have criminalized parents who abandoned their children with the result that no one knew where the parents were. Many social welfare boards also replied that they did not investigate the child's home situation but assumed that the child's social background and legal situation had been investigated by the authorized association. Only one social welfare board replied that they had contacted the child's parents or other relatives in the child's home country and this was done through the embassy. This social welfare board had also obtained the consent of the child's parents via the embassy. In the questionnaire, one social welfare board had replied that consent should be obtained and that it was beyond the competence of the social welfare board to obtain consent from the parents in another country.

In individual adoptions, the social welfare boards obtained information on the child's home conditions to a somewhat greater extent. 30% of the social welfare boards responded that they often requested such information. In most cases, this was done through the MIA, but they also contacted the Swedish embassy in the country of origin or, in some cases, the foreign competent authority. Even in individual adoptions, the social welfare boards stated that it was difficult to obtain information about the child's environment of origin and home conditions. They stated that it could be difficult to establish contact with the biological parents in the country of origin and difficult to obtain death certificates from abroad if the biological parents were deceased. It could also be difficult to clarify the child's situation in the country of origin and to find out what alternatives to adoption might be available in the country of origin. The social welfare committees stated that it could be problematic to assess whether

there were reasons for adoption or not and whether the adoption was in the best interests of the child. They also stated that sometimes the biological parents wanted the child to have a better life in Sweden in terms of education, housing and health care. In the case of older children, it could be difficult to assess adaptation and attachment. Many social welfare boards found it difficult to know what was required of them and that the regulatory framework was unclear. More than 80% of social welfare boards responded that they did not contact the child's parents in the child's home country or take the initiative to obtain consent from the child's parents in individual adoptions. The few social welfare boards that had obtained consent had asked the applicants to present a consent ^{form(88)}.

According to the handbook, it is unclear what social committees should consider in terms of continued consent

According to the family law secretaries at the social welfare board we interviewed, it is therefore not clear what responsibility the social welfare board has in terms of examining continued consent and that the handbook for social welfare boards does not provide any guidance.

The NIA's handbook for social committees, which was published in 1997, had been supplemented to take account of Sweden's accession to the 1993 Hague Convention and describes the social committee's responsibility for examining continued consent. According to the manual, the examination of continued consent must ensure that there are no legal obstacles in Sweden to carrying out the adoption. A corresponding decision is made in the child's country of origin, which is why the social welfare committee did not need to consider the legislation of the country of origin. The social welfare committee must also check that the proposed child is consistent with the consent of the applicants. This applies primarily to the child's age, but it may also apply to other circumstances. The applicants themselves must have decided whether they want to adopt the proposed child and the social welfare secretary must be satisfied that this is the case before giving consent for the adoption procedure to continue. To support the decision, applicants must submit an application for a decision on the need for continued consent and attach the documents relating to the child and other evidence from the child's country of origin obtained through the association

⁸⁸SOU 2009:61, Annex 2, p. 327 et seq.

who facilitated the adoption. In the Handbook, the MIA describes the documents required under the 1993 Hague Convention that applicants should attach to the application (see section 5.4.3). If further consent is not given, the social welfare board or competent committee should take the decision. This should result in the child in question having to be proposed to another family⁸⁹.

The 2008 edition of the handbook, published by the National Board of Health and Welfare, states, as in the 1997 handbook, that an assessment must be made of the applicant's eligibility and suitability to adopt the specific child proposed by the applicant. This involves checking, among other things, whether the applicant's consent is consistent with the specific child. With regard to the legal check, it is stated that it must be checked that there are no inconsistencies between the laws of the States concerned that might prevent the adoption from being carried out. For example, it is stated that children over the age of 12 may not be adopted without their own consent. The National Board of Health and Welfare also writes that if the investigator or the social welfare board has doubts about the legal conditions, it is proposed, in accordance with the preparatory works to the Act, that the social welfare board contact the intermediary adoption organization or MIA. In a note, it is stated that the preparatory works do not provide any further details on what assessment the social welfare board should make at this stage of the adoption procedure. The National Board of Health and Welfare refers to the fact that a government investigator has been commissioned to consider whether clearer guidance is needed for this type of assessment when a previously unknown child is proposed for adoption and that the investigation will report on its assignment in 2009.⁹⁰The 2008 handbook is thus less clear than the previous handbook as to which documents should be checked and who the social welfare board should ask if something is unclear.

A new version of the handbook from 2014 contains the same description as in the 2008 handbook, with the difference that the National Board of Health and Welfare only notes in a note that the preparatory work does not provide further details on what assessment the social welfare board should make with regard to continued consent.

The preparatory works to the amendments to the LIA show that the Legislative Council stated that it was not entirely clear what a review under Article 17 c (continued consent) would entail. It also states that the NIA

⁸⁹NIA (1997), *International adoptions. Handbook for Social Services Boards. Revised edition 1997*, p. 69 f.

⁹⁰Socialstyrelsen (2008), *Internationella adoptioner. Handbook for social services*, p. 119 f.

⁹¹National Board of Health and Welfare (2014), *Adoption. Handbok för socialtjänstens handläggning av internationella och nationella adoptioner*, p. 119 f.

and the Association of Finnish Local and Regional Authorities in their comments supported the proposal to make the social welfare committees responsible for examining and deciding on continued consent, while the adoption organizations argued that they should be responsible instead. As reasons for their position, the adoption organizations stated, inter alia, that it would take too long if the social committees were given responsibility for making the decisions.

The AC also stated that the examination only concerned the question of whether there were legal obstacles to the proposed adoption and that it could not be requested that the municipalities' social secretaries could check whether there were such obstacles. Any delay in a decision would, according to AC, be detrimental to the child abroad. The BFA expressed similar views⁹²

In the latest handbook published by the MFoF in 2021, the content regarding continued consent is largely the same as in 2008. However, it clarifies that the assessment is the same regardless of whether the child proposed for adoption originates from a Hague Convention country or not. Another difference is that it no longer states that the social welfare committee should contact the adoption organizations in case of doubt regarding the legal requirements for adoption. Contact should be made with the MFoF.⁹³ The family law secretaries we have interviewed state that if they are to take greater responsibility for securing adoption documents, they must be given clear instructions on what documents should be included and how they should review these documents.⁹⁴

MFoF proposed in 2024 that the responsibility for assessing and deciding on continued consent should be placed on MFoF and also include consideration of the best interests of the child

In 2024, MFoF submitted a final report on a government assignment aimed at strengthening legal certainty and ensuring the best interests of the child in the adoption process. This report contains a more developed interpretation of what is to be included in the examination of continued consent than what is stated in the handbook. Among other things, MFoF writes that Sweden, as a convention country, has a responsibility to carefully

⁹² Prop. 1996/97:91, Annex 4, pp. 106-107.

⁹³ MFoF (2021), *International adoption - Handbook for social services*, pp. 95-96.

⁹⁴ Meeting with family law secretaries from Kalmar municipality and two districts in Stockholm city 2024-12-03.

review all adoption documents, in particular as regards, inter alia, the identity of the child, the child's adoptability and the considerations made regarding the principle of subsidiarity. If there are ambiguities in the child's documentation, further consent should not be given without further investigation.

In the report, MFoF writes that they have identified shortcomings in the organization of the examination of continued consent and that the shortcomings can have negative consequences for the assessment of the child's best interests. MFoF proposes to the Government that it should be investigated whether the responsibility for examining and deciding on continued consent should be transferred from the social welfare board to MFoF and that the examination should also include an assessment of the best interests of the child. A similar proposal has been made by the Norwegian central authority Bufdir, which is responsible for examining continued consent in adoptions of children with special needs in Norway. In these cases, Bufdir has found that there is a general lack of legal documentation and that the documentation needs to be supplemented in all cases. The authority is concerned that rapid processes may lead to less strict control of the documents than is required. MFoF believes that this is also relevant for Sweden, not least since there is an urgency requirement of two weeks in the law.

MFoF also proposes that the current provisions on continued consent should be strengthened and clarified, inter alia by introducing an obligation for adoptive parents to apply for continued consent before the adoption is carried out in the child's country of origin. If such consent has not been obtained, the adoption shall not be automatically valid in Sweden⁹⁵.

5.4.6 NIA's responsibility to approve foreign adoption decisions

An adoption decision made in accordance with the 1993 Hague Convention is automatically valid in Sweden. If such a decision has been made in the child's country of origin, the applicants are thus the child's adoptive parents and no further decision needs to be made after arrival in Sweden. The adoptive parent contacts the Swedish Tax Agency directly to register the adoption. The same applies to an adoption decision made in another Nordic country under the Ordinance (1931:429) on

⁹⁵MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process. Final report for government assignment S2023/02122. March 2024*, pp. 3 and 9-10.

certain international legal relationships concerning marriage, adoption and guardianship. In other cases, administrative approval has generally been required for the foreign decision to be valid in Sweden. This applies both to adoptions mediated by an authorized association and to individual adoptions⁹⁶.

On January 1, 1972, the Act (1971:796) on international legal relations concerning adoption came into force. The preparatory works stated that in a significant number of the foreign adoptions carried out in 1969, the adoption had taken place in the child's home country.

There were therefore strong reasons why foreign adoptions should, as far as possible, be respected and given effect in Sweden, in order, among other things, to avoid legal uncertainty. However, since it could not be assumed that the decision had been preceded by careful consideration of the child's best interests, the cases still had to be examined in Sweden. From 1975 until 1977, the Ministry of Justice was responsible for approving the decisions, and then the National Board of Health and Welfare followed by the NIA and MIA took over. Today, the MFoF is responsible. However, according to practice, since 1982 the authority has not approved foreign adoption decisions concerning weak adoptions, which has meant that the adopters have had to apply for a new adoption in Swedish courts.⁹⁸We have not been able to ascertain how long the practice of not approving foreign decisions concerning weak adoptions lasted, but the preparatory works for the 2018 legislative amendments state that the fact that the foreign adoption is weak does not in itself mean that it cannot be recognized. However, decisions that are more similar to foster care placements cannot be recognized as adoption⁽⁹⁹⁾.

A decision on adoption in a foreign state may not be approved if the decision would be manifestly incompatible with the foundations of the Swedish legal order (*ordre public*). In the preparatory works to the 1971 Act, it was stated as an example that the adoption appeared to be a sham:

An adoption which does not aim to establish a genuine family link between the adopter and the adopted person could easily be regarded as contrary to Swedish law. It is conceivable that a foreign national resident in Sweden in his

⁹⁶ Prop. 2017/18:121, pp. 26 and 123.

⁹⁷Prop. 1971:113 *Kung. Maj:ts proposition med förslag till lag om internationella rättsför- hållanden rörande adoption* p. 31 ff.

⁽⁹⁸⁾O. Hellberg (1988) *Recognition of international adoption decisions. A comparative study*, p. 120 and M. Jänträ-Jareborg (1992) *The recognition and legal effects of foreign adoptions in Sweden*, pp. 96 and 105.

⁹⁹Prop. 2017/18: 121 p. 122.

country of origin adopted an adult person solely with a view to facilitating his obtaining a residence and work permit in Sweden and, in the longer term, Swedish nationality. If the foreign adoption has the character of a sham transaction in this way, the adoption should not be given validity in this country.¹⁰⁰

The Authority records the number of cases for approval of foreign adoption decisions from 1980. The number of cases processed amounted to approximately 200-500 per year until 1997. The highest number of cases was in 1980 when almost 700 foreign adoption decisions were approved. After 1997, the number of cases amounts to about 25-50 per year, which is explained by Sweden's ratification of the 1993 Hague Convention. Most cases for approval of adoption decisions have concerned decisions from Bulgaria, Colombia, Poland and Romania. The right to make decisions in these cases was delegated to the legal officer of the NIA and MIA¹⁰¹.

In an interview with the legal officer responsible for approvals at the NIA, we were told that in order to obtain approval of a foreign adoption decision, applicants had to submit identity documents for themselves and the child, the consent of the social welfare board and the foreign adoption decision (sometimes supplemented by a translation). The review included a check that the foreign court order was "apparently correct". To obtain information on the adoption legislation of the different countries, a German work was used and regularly updated. Other channels were also used to obtain information on national legislation. In general, the Authority did not have direct contacts with the countries under consideration. It relied on trusting the authorities of other countries. If all the papers appeared to be in order, the decision was approved. According to the legal officer, the NIA and MIA had no means of detecting irregularities in their review of the approval of foreign adoption decisions¹⁰².

The work of the NIA changed with the ratification of the 1993 Hague Convention in 1997, when foreign decisions from Hague-affiliated countries applied automatically.

The regulation of the procedure was changed in 2018 by amendments to the Act (2018:1289) on adoption in international situations, for

¹⁰⁰ Prop. 1971:113, s. 48.

¹⁰¹ NIA, Annual Report 1999.

¹⁰² Interview with a former employee of the NIA and MIA on 10/23/10 and written reply on 03/14/2025.

Today, if the person who has been adopted was a Swedish citizen or was domiciled in Sweden when the adoption procedure was initiated, the MFoF must approve the foreign adoption decision for the decision to be valid in Sweden. The authority may also approve decisions on foreign adoptions in two other situations. One situation is when the adoption has not been carried out in accordance with the LIA but there are exceptional reasons and it would be offensive not to approve the adoption decision.

The second situation is where the adoption was granted by a competent authority in a country other than the child's country of origin (a so-called third country) and there were reasonable grounds for the case to be examined in the other State.¹⁰³The travaux préparatoires added further examples of public policy reservations. In addition to the adoption appearing to be a sham, it was stated that the adoption decision had been issued in breach of fundamental procedural requirements concerning the right to be heard of the persons concerned or that the adoption had been preceded by an unlawful removal.¹⁰⁴It was thus only with the LAIS that the legislator gave examples of a foreign adoption decision not being approved if, for example, there was a lack of consent from the guardian or the child or if the adoption had been preceded by an unlawful removal.

For the period from 2020-2023, the MFoF has examined 15-20 cases of foreign adoption decisions per year.

5.4.7 Responsibility of courts to investigate and decide on adoption

Adoption cases investigated and decided by courts

If there is no valid foreign adoption order, a Swedish court must make an adoption order. A Swedish court may hear an application for adoption if the child or one of the applicants is domiciled in Sweden or if there are special reasons for the application to be heard here, taking into account other links to Sweden (Section 2 LAIS). The basic substantive provisions on adoption are contained in Chapter 4 of the Parental Code. These provisions shall be applied in all adoption cases in Swedish courts. This means that the same substantive rules apply regardless of whether it is a national or international adoption.

¹⁰³ MFoF, Annual Report for 2020, pp. 34-35.

¹⁰⁴ Prop. 2017:18:121, p. 170 f.

tional adoption. Over the years, there have been discussions about whether Swedish or foreign law should apply to consent in international adoptions. However, the requirement for the mother's consent to be assessed under Swedish law has always remained.¹⁰⁵ However, in connection with the 2018 amendments to Chapter 4 of the Parental Code, an exception was introduced for consent if there are exceptional reasons. The adoption cases decided by Swedish courts have changed over time.

In cases where no adoption decision has been made in the country of origin, the adoption has been decided in a Swedish court

In cases where there was no decision on adoption in the child's home country, the adoptive parents had to apply for adoption in the Swedish courts. The Child Welfare Board and later the Social Welfare Board would give an opinion on the application with a summary assessment and recommendation to grant or refuse the adoption¹⁰⁶.

In some cases, adoption has been decided in Swedish courts despite an adoption decision in the country of origin

According to a decision of the NIA in 1982, adopters who had a weak adoption decision in the child's country of origin were encouraged to apply for a new adoption in a Swedish court.¹⁰⁷ The NIA justified this on the grounds that "certain minor legal uncertainties are eliminated if a Swedish judgment can be obtained instead". The NIA's decision has been criticized, inter alia, because the effects of recognizing a decision on adoption from another country are the same as a decision rendered in a Swedish court. Not recognizing weak adoption decisions thus entailed an unnecessary cost for the adopters and an extra workload for the courts.¹⁰⁸ We have not been able to ascertain how long the practice of not recognizing foreign decisions on weak adoptions went on, but the preparatory works for the 2018 legislative amendments state that the fact that the foreign adoption is weak does not in itself mean that

⁽¹⁰⁵⁾ E. Sandström (2024). *The requirements for parental consent in international adoptions*. Thesis in civil law, especially family law, p. 47.

⁽¹⁰⁶⁾ National Board of Health and Welfare (1974). *Adoption of foreign children. Handling of international adoption cases by the child welfare boards*, pp. 4-5.

⁽¹⁰⁷⁾ M. Jänterä-Jareborg (1992), pp. 96 and 105.

⁽¹⁰⁸⁾ O. Hellberg (1988), p. 119 f.

it cannot be recognized. However, decisions that are more similar to foster care placements cannot be recognized as adoption¹⁰⁹.

In some cases, Swedish courts have also decided on adoptions despite the fact that decisions on strong adoptions must by law be taken in the child's country of origin. This applies, for example, to adoptions from Colombia up until the end of the 1980s, when children in many cases left the country before the final adoption decision was made. As adoption decisions were sometimes delayed or not made at all, the NIA decided that adoption decisions in these cases should be made in Swedish courts in order to safeguard the child's rights and to enable the adoptive parents to apply for adoption.

Swedish citizenship for the child pending the final adoption decision. The same problem was noted in Norway, which discussed the issue with the Colombian child protection authority ICBF. However, ICBF advised Norway not to take a decision on adoption before the matter had been legally settled in Colombia, which Norway respected.¹¹⁰In other cases and for other countries, cases have also been decided in Swedish courts for various reasons, even though no adoption decision had been taken in the country of origin, for example in adoptions from Sri Lanka.

Courts' investigative responsibilities have remained the same until 2018 when changes were made to the Parental Code

The court's investigative responsibility in adoption cases where a Swedish adoption decision is required has largely remained the same since international adoptions started in the 1960s. In 2018, the rules on how the investigation in adoption cases concerning children (hereinafter the adoption investigation) is collected and carried out were changed with the aim of enabling a more efficient adoption process and improving the quality of adoption investigations. Before the amendment, the court requested an opinion from the social welfare board. The opinion of the social welfare boards was preceded by an investigation carried out by the social services. As of September 1, 2018, the court must instead instruct the social welfare board to appoint someone to conduct the investigation. This means that the social welfare board has the main responsibility for the adoption investigation and is responsible for ensuring that an investigation is carried out in accordance with the court's request. However, the social welfare board does not examine the content

¹⁰⁹ Prop. 2017/18:121 p. 122.

¹¹⁰ Investigation Committee on Intercountry Adoptions. Interim report on Ecuador and Colombia. January 22, 2025, p. 141 f.

in the adoption investigation or submits its own opinion to the court. Instead, it is the investigator who reports directly to the court.¹¹¹ It is unclear to what extent the legislative changes that have been made have actually improved the quality of the investigations.

The Court's responsibility to investigate

The court examining an application for adoption must ensure that the case is adequately investigated (Chapter 4, section 13 of the Parental Code). The obligation to investigate varies depending on whether the adoption is of a child or an adult. What is required of the court also depends on the circumstances in general in the individual case. An adoption case is indisputable and the court is therefore ultimately responsible for ensuring that the investigation in the adoption case is sufficient. This does not mean that there is a general obligation to investigate circumstances that may lead to the application being granted or rejected. To a large extent, it is primarily up to the applicant to produce the investigation himself. One problem with this is that some applicants do not know which documents should be included in the adoption report, for example as regards documents on the child's origin and the consent of the biological parents, and that they do not receive clear answers from the municipality and sometimes not even from the MFoF when they ask.¹¹² If the court lacks clarification on an issue that is of decisive importance for the outcome, it is up to the court to try to bring about such clarification through substantive procedural guidance. By means of questions and observations, the court must seek to remedy any ambiguities or incompleteness in the file. According to the report, the district court does not always know what information and documents from the child's country of origin should be included in the adoption report. In some cases, the municipality receives incomplete statements from the district court.¹¹³ The duty to investigate concerns, inter alia, the circumstances of the applicant and the person whom the applicant wishes to adopt and whether compensation or child support has been paid or promised.

¹¹¹ Prop. 2017/18:121 p. 69.

¹¹² Written comment from expert 2025-04-01.

¹¹³ Written comment from expert 2025-04-01.

The court's investigative responsibility is largely fulfilled by the social services' adoption investigation

In the case of adoption of children, the obligation to investigate is largely fulfilled by the social services' adoption investigation. The court must set a time limit within which the investigation must be completed. If necessary, the court may extend this time. The court shall ensure that the investigation is conducted expeditiously. The court may lay down guidelines for the adoption investigation (Chapter 4, Section 14 of the Parental Code). Although the court has the final responsibility for the completeness of the investigation in the case, the idea is that the investigation should be completed when the adoption report is submitted⁽¹¹⁴⁾.

The person who conducts an adoption investigation shall investigate whether the prerequisites for adoption are met and report the findings directly to the court with a proposal for a decision. The investigator must always try to clarify the position of the child and the parents (Chapter 4 Section 15 of the Parental Code). MFOF has issued general advice on how an adoption investigation should be conducted.¹¹⁵ According to the general advice, the investigator should examine the child's home and family situation and possible alternatives to adoption. The investigator should talk to the child's parents to find out their attitude to the adoption. If the child's parents are also the child's legal guardians, the investigator should inform the parents of the implications of the adoption and consent to it. If there is already consent in the case, the investigator should examine, inter alia, the circumstances in which the consent was given and whether the parents have been provided with sufficient information to accept the consent. If the investigator considers that there is reason to check the information provided by the country of origin, he or she should contact the authorities in the country of origin, either personally or through a Swedish authority abroad. The preparatory works state that if the child or the parents are resident abroad, it may in practice be difficult for the investigator to make direct contact with them. The obligation to investigate is therefore limited to what is possible and reasonable to obtain within the framework of an adoption investigation that must be conducted promptly. The investigator must make reasonable efforts to obtain a view, unless it is clear that it is impossible. The mere fact that a child or parent is in another country does not mean that the investigator can

¹¹⁴ Prop. 2017/18:121 p. 68.

¹¹⁵ MFOF, the Swedish Agency for Family Law and Parental Support's general advice (HSLF-FS 2022:25) on the handling of intercountry adoption cases by the social welfare board.

refrain from trying to contact the child or the parent when necessary.¹¹⁶The Ombudsman has criticized a social welfare board whose investigators did not try to contact three children in Uganda to hear their views on adoption. The Ombudsman found that, by failing to do so, the investigators had disregarded a provision that is of fundamental importance in terms of children's rights.¹¹⁷According to the MFoF's general advice, the investigation report should indicate what information has been given to the child and the child's parents and guardians about the meaning of adoption and of any consent given, how the child's right to be heard has been taken into account, what attitude the child and the child's parents and guardians have towards adoption, what consents have been given and an assessment of these, and whether compensation or contributions to the child's maintenance have been given or promised.

Opinion of the Migration Board

If the person whom the applicant wishes to adopt is not a Swedish citizen and does not have a permanent residence permit or permanent right of residence in Sweden, the court shall obtain an opinion from the Swedish Migration Board, unless it is unnecessary (Chapter 4, Section 17 of the Parental Code). It is particularly when the adoption is mediated by an authorized adoption organization and concerns a child unknown in advance that it may be considered unnecessary to obtain an opinion. As a rule, an opinion must be obtained in the case of adult adoption and in the case of adoption of a child with whom the applicant has a previous relationship¹¹⁹.

Courts usually base their decisions on the evidence presented by the social services investigator

We interviewed some judges to get a description of how the district court has worked with adoption investigations in practice and what is included in the investigation.¹²⁰According to the judges we spoke to

¹¹⁶ Prop. 2017/18:121 p. 156 f.

¹¹⁷ OJ 2009/10 p. 321.

¹¹⁸MFoF. *The Swedish Agency for Family Law and Parental Support's general advice (HSLF-FS 2022:25) on the social committee's handling of cases of international adoption.*

¹¹⁹ Prop. 2017/18:121 p. 80 f. and 159.

¹²⁰Interviews with district court judges, 2023-03-20 and 2023-02-16.

the district court's handling of international adoptions has remained more or less the same over time. The district court instructs the social welfare board to appoint someone to carry out an adoption investigation. In the district court's own investigation of the adoption case, "reasonable" inquiries are made as to whether there is consent to adoption. The district court may contact the relevant persons in the country of origin in writing, usually by e-mail. The court translates the documents into the relevant language and the persons abroad may reply in their own language. If the letter is returned because the recipient cannot be found, the court can do nothing more. It must rely on the information contained in the documents. As a last resort, the court can contact the embassy of the country of origin.

According to the judges we spoke to, the possibilities of establishing whether there have been irregularities abroad are limited. The district court cannot "go behind" and check what is written in the adoption documents, for example if the parents are stated to be unknown. Nor can they question whether a child has been "left on a staircase", for example. The court must accept the information they can get. Nor can the district court order foreign authorities to provide additional information. In order to act, there must be indications that something is wrong. In the vast majority of cases, the files look correct and the documents are in order. The district court also accepts the social services' investigation, which has largely consisted of the same documentation over time.

One judge notes that Sweden has a high degree of trust in the countries with which we cooperate when it comes to international adoptions. The judges also note that it is difficult to do anything more to prevent irregularities based on the rules that exist in Sweden today. In order to do this, district courts would need to be able to find out more about the adoption process in the children's countries of origin.

We have been informed that up until the 1980s it was common for district court clerks with only 1 ½ years' service to handle adoption cases at the district courts. However, the issue was raised in a 1981 bill where this was not considered appropriate. The Government referred to section 19, second paragraph, of the district court instructions, which stated that district court notaries could not be appointed to deal with cases that were of a complex or difficult nature or whose decision for other reasons required special experience. The Government stated that cases concerning international adoptions should be considered

belong to this category, even if they did not involve any conflicting interests per se.¹²¹ Even today, however, it is often the younger lawyers in the district court, the notaries, who handle adoption cases while the judges decide.¹²²

Procedural support for the district courts' investigation of adoptions

The Swedish National Courts Administration has developed a procedural support for how the courts should process adoptions. It was updated by 2020 at the latest. Before 2020, the National Courts Administration had a case manual that contained a section on adoptions. There was also a section on adoptions in the Swedish Courts Administration's dispatch manual.¹²³ Some district courts have also developed their own decision support for processing adoptions.

The Swedish National Courts Administration's procedural support deals, among other things, with the requirements for consent to adoption. The procedural support shows, for example, that there are exceptions for consent when a foreign authority has stated "parent unknown". It also states that the practice has been that if the child has left his or her home country with the appropriate decisions from the authorities in the country, it may be assumed that everything possible has been done to ascertain the parents' attitude. As regards the requirement to hear the child's parents, there may be reason for caution in the case of international adoption, according to the National Courts Administration. This can be compared with national adoptions, where there are far-reaching requirements for investigations before the hearing can be dispensed with. In the case of intercountry adoption, contact should first be made with the intermediary adoption organization, MFoF or the Swedish Migration Agency. As a general rule, the child's parents should not be contacted if the adoption was arranged through an authorized adoption organization. In these cases, according to the Swedish Courts Administration, it can be assumed that the adoption has taken place with the appropriate authorization. If foreign consent documents are in a language other than English, it may be decided on a case-by-case basis whether translation is needed.¹²⁴

Gothenburg District Court has produced its own decision support for handling adoptions. The decision support states that the district court must give the child's best interests the greatest weight in its decision and that a child may only be adopted if, taking all circumstances into account, it is

¹²¹ Prop. 1980/81:112 on consent and authorization for adoption, p. 15.

¹²² Written comment from expert 2025-03-24.

¹²³ E-mail from Domstolsverket 231010.

¹²⁴ Domstolsverkets handlägningsstöd för adoption February 2020.

appropriate. The guardian's attitude towards the adoption should be clarified even when the guardian is in an unknown location. If the applicant cannot do this, the court must make "reasonable inquiries" to clarify the guardian's position. It is a question of balancing the need to establish the guardian's position against the effort that would be required to do so. What constitutes reasonable efforts depends, according to the decision-making aid, on the circumstances of the individual case and it is ultimately up to each individual judge to assess what measures the district court needs to take. In exceptional cases, the district court may contact the Swedish embassy in the country in question, but embassies often have limited possibilities to obtain information about the person. If there is a foreign adoption order on file, it may be possible to find information about the parent there¹²⁵.

The division of responsibilities between the court and the social board in adoption investigations is perceived as unclear

We have interviewed a number of family law secretaries at some social welfare boards to obtain a description of how they view the division of responsibilities between the court and the social welfare board in adoption investigations.¹²⁶ The interviews show that the investigators at the social welfare board feel that it is unclear what the district court and the social welfare board should investigate when it comes to international adoptions. The family law clerks believe that the district court should obtain and ensure that the legal documents exist, such as consents. The district court should also ensure that no financial compensation has been paid for the child. They believe that the district court should do this before giving the social welfare board an investigation assignment. The social welfare board is not always aware of which consents have already been submitted to the court. The Board needs to be clearly instructed on its powers and responsibilities to seek out the child's original parents to try to obtain consent. Of the family court clerks we interviewed, only one had contacted the country of origin and checked for consent. This caseworker also always called and cross-checked whether the documents from the district courts were correct, for example when

¹²⁵ Göteborgs tingsrätt, *Adoption: Beslutsstöd för handläggning*, last updated 2020-10-22.

¹²⁶ Meeting with family law secretaries from Kalmar municipality and two districts in Stockholm city 2024-12-03.

it concerned consent. In one case, the investigator spoke to a biological father who said that he did not want to give consent at all, although there were consent documents in the file.

When asked, MFoF has given different answers to the social services about what is expected of the social committee's investigations. The family court secretaries emphasize that they need clear guidelines from MFoF as these are difficult cases for the social welfare committee to handle. They will decide a child's future life.

5.4.8 Documentation responsibilities for the adoption agency

Right to know the origin

As an adopted person, having access to documentation about your adoption and information about your background is a key right. In most cases, it is also a prerequisite for tracing your origins.

In contacts with various adoption organizations that have mediated adoptions, we have been told that there was no requirement for documentation until 2005, and that before that it was not clear what documentation should be saved and included in the adoption files. The adoption organizations also describe that in the early 1970s they did not understand how important documentation was.

In cases of extreme poverty, people thought they were doing something good if the child was adopted. No thought was given to the child's right to his or her origin and the files were therefore often thin.

Documentation requirements already existed in the 1981 authorization conditions and in manuals for adoption organizations

However, our review of authorization conditions and manuals for adoption organizations and social committees shows that there were already requirements for documentation in the early 1980s, i.e. shortly after the associations were given responsibility for placing foreign children in Sweden.

The conditions for authorization issued in November 1981 already state that, when the child arrives in Sweden, the associations must send a copy of all documents concerning the child to the social

¹²⁷The 1982 NIA Handbook for Social Welfare Boards stated

¹²⁸The 1983 NIA Handbook for Adoption Agencies stated that the association was responsible for sending copies of the documents to the social welfare board when the adoptive parents had used an authorized adoption agency for the placement.¹²⁹

According to the 1983 NIA Handbook for Adoption Agencies, it states:

The organization should make every effort to learn as much as possible about the child's origins and past circumstances and pass this information on to the adoptive parents and the social welfare authorities. To ensure that documents are available, if the child later requests information about what happened before the child came to the adoptive parents and if the parents' documents have been found for any reason, copies should be kept by the social welfare committee. Therefore, as soon as the child arrives with the family, the organization should send all the information it has about the child to the Social Welfare Department. This may include letters from the orphanage, medical certificates, birth certificates, etc. This obligation means that the organization must always make copies of all documents containing information about the child before the family receives the originals. In cases where applicants receive documents when they pick up their children themselves, the organization must request copies to send to the social services or ensure that the family sends copies to the social services. This also means that the organization should always inform the contact persons in another country of the importance attached by Sweden to transparency regarding the child's background. In its information to prospective adoptive parents, the organization should also emphasize in all contexts the importance of making use of as much information as possible about the child's background and gradually telling the child about its origin as the child is able to assimilate such information

Sweden's accession to the 1993 Hague Convention in 1997 also introduced a requirement for the association to provide the social welfare board with the information about the adoption that the social welfare board needed to be able to make its decision on continued consent. The associations were to provide information on what decisions had already been taken in the country of origin, what documents were available from the country of origin

¹²⁷NIA, Conditions for authorization under the Act (SFS 1979:552 and 1981:580) on international adoption assistance, dnr 69:303/81.

¹²⁸State Board for International Adoptions (1982) *International adoptions. Handbook for social welfare boards*, p. 9 and 50 ff.

¹²⁹NIA (1983) *Intercountry Adoptions. Handbook for adoption organizations*, p. 18.

¹³⁰NIA (1983), pp. 18-19.

and what further decisions and documents would be available when the child arrived in the family. As regards information on the child's background, the wording is similar to that in the 1983 Handbook¹³¹.

In 2005, legal requirements for documentation are introduced

The issue of documentation was raised in the 2003 Adoption Inquiry. The inquiry found that the associations had no statutory obligation to keep records of their mediation work. Nor was it regulated how existing documents were to be dealt with when an association ceased its mediation activities. It was only in the NIA's general conditions for authorization that it was stated that the association was responsible for ensuring that all documents concerning the child were handed over to the social welfare board. The Inquiry therefore proposed that the obligation of the association under the terms of authorization should be enshrined in law¹³².

According to section 8 b of the LIA, an authorized association is obliged to document its mediation activities. The documentation must show decisions and actions taken in cases as well as actual circumstances and events of significance. The documentation must be kept for as long as it can be assumed to be of importance to the person placed for adoption by the association, or to persons close to him or her. Copies of documents relating to a particular adoption must be sent to the social welfare board. If the association ceases its mediation activities, documentation of the mediation activities must be handed over to the Agency for Family Law and Parental Support for safekeeping.

The MIA's updated terms and conditions from 2005 state that the association must provide the following in its documentation of the mediation work:

- Documentation of the mediation work shall be done by organizing and preserving documents drawn up and received.
- All processing of cases involving individuals must be documented. Information that does not directly relate to an individual adoption case, such as information about the agency contact the association has in a particular country, must also be documented.

¹³¹ NIA (1997) *Intercountry Adoption Intermediation. Handbook for adoption agencies.*

¹³² SOU 2003:49, p. 172 et seq.

- The documentation must contain sufficient, essential and accurate information, as well as information on who made a particular entry and when the entry was made.
- Documentation on each country should be collected separately and should be broken down by intermediary contacts.
- The information related to each mediation case shall be documented and collected separately.
- Documents must be stored in a way that prevents unauthorized access¹³³

These requirements still apply today.¹³⁴This means that it is still unclear which documents should be included in an adoption file.

5.4.9 There has been and is no responsibility to investigate historical irregularities in international adoption cases

Nowhere in the law or regulation is there any mention of responsibility or duties relating to irregularities in international adoptions. What is stated is that under section 8a of the LIA, authorized adoption organizations must promptly notify the supervisory authority of any changes in the association's activities in Sweden and abroad, as well as any changes in political, legal or other circumstances abroad that may be of significance to the intermediation activities. The purpose of the provision is to ensure that the adoption authority quickly receives the information needed for supervision.

Although the 1993 Hague Convention aims to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights, and to establish a system of cooperation between Contracting States to prevent, inter alia, the abduction, sale or trafficking of children, it does not identify actors who have a responsibility to act to detect or investigate irregularities in intercountry adoptions. In the case of disclosures of irregularities in adoptions

¹³³MIA (2005), Conditions for associations authorized under the Act (1997:192) on international adoption mediation.

¹³⁴MFoF (2021), Terms and conditions for the mediation activities of adoption organizations, Skellefteå 22 April 2021.

from Chile in 2018 and in adoptions to Sweden from several other countries in 2021, the MFoF as the central authority stated that, according to the convention, they had no mandate to investigate irregularities that occurred in the past.

The HCCH Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption of 2023 is the first to provide guidance on how countries should respond to the detection of irregularities. It states that States should develop accessible and effective systems to enable adopted persons to report abuse and seek justice and redress. States shall coordinate and support the efforts of authorities and agencies involved in detecting, receiving and referring cases of illegal adoptions. Furthermore, States shall assist adopted persons, birth parents and adoptive parents affected by illegal acts in intercountry adoptions. This may include providing information on the case as well as information on the different services and support available⁽¹³⁵⁾.

MFoF writes in the final report for the so-called legal security mission that HCCH has found that there is a risk that irregularities in international adoptions may still occur. It is therefore important that countries identify factors that enable and contribute to the occurrence of irregularities in international adoption and take measures to prevent these factors. Countries also need to strengthen the control and supervision of their actors and of the adoption process. MFoF points out that the authority lacks the ability to make interim decisions, which means that there is a risk that illegal and unethical adoptions will be carried out during the time MFoF investigates, for example, information received about irregularities in adoption activities in a particular country. MFoF also refers to the fact that HCCH 2023 launched the Toolkit, which aims to be able to identify, prevent and manage irregularities in international adoption. According to the MFoF, the Toolkit could guide the authority in assessments for the authorization of countries of origin, but also to support the agency's supervisory activities. MFoF may also need to develop new conditions for authorization, guides and guidelines for

¹³⁵Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption. 2023, p. 35.

lines for the agency's internal work but also in its role as supervisory authority for adoption organizations¹³⁶

5.5 Authorization activities

The investigator's assessment: The authorization process in international adoption activities is a central control function to ensure that the mediation activities are handled by adoption organizations that meet the legal requirements and that Sweden cooperates with countries of origin that meet the requirements for the best interests of the child and legal certainty in the adoption process.

Until 2005, the authorization process focused on the vetting of the adoption agencies and not on the individual countries with which the agencies would cooperate. Country authorization requirements were only introduced in 2005. The fact that the conditions in the children's countries of origin have not been formally examined in the authorization procedure for a long time is a major weakness in the system, as it is by examining the conditions in the countries of origin that a legally secure adoption process based on the best interests of the children can be ensured and risks of irregularities prevented.

The supervisory authority has granted authorization for a large number of countries, which has affected the conditions for control and supervision. The authority has on several occasions pointed out to the government that it has not had the tools to reject applications for authorization or to be able to directly withdraw authorization when an association or business in a country does not operate in accordance with the requirements. Stricter authorization requirements were introduced by law in 2005 and 2009. At the same time, the Authority has actively chosen to authorize more countries to facilitate adoption activities and used remedial conditions in country authorization to be able to grant authorization despite deficiencies in countries of origin regulation and adoption process.

The Authority has not sufficiently problematized or questioned the risks that donations and care fees in intercountry adoption may entail. For a long time, the Authority has accepted the fees paid by the associations to the countries of origin. Despite stricter requirements for cost accounting from 2005,

¹³⁶MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process. Final report for government assignment S 2023/02122*, March 2024, p. 5 f.

the supervisory authority has had difficulty in gaining control of the associations' accounting of costs abroad.

5.5.1 The Swedish adoption organizations have had authorization for a large number of countries

After the organizational reform in 1979, when the responsibility for adoption mediation was transferred to non-profit associations, the NIA became responsible for examining and deciding on authorization for the adoption organizations that applied to mediate international adoptions.

The responsibility for authorization was transferred to the MIA in 2005 and from 2016 the MFoF is responsible for the authorization of adoption organizations.

The number of authorized adoption agencies has not varied much over time - from a peak of eight when intercountry adoption services started in 1979 to two authorized agencies today. From the introduction of the new organization of intercountry adoption activities in 1979 until today, the supervisory authority has granted authorization to a total of 15 adoption agencies and 59 countries. Before 1979, adoptions from a further nine countries were mediated through the NIA and AC and NIA. Including these countries, international adoptions have been mediated from 68 countries to Sweden from 1973 until today.

The number of countries authorized per year has varied over time. The highest number of authorized countries was in 2009 when the supervisory authority approved 37 country authorizations. This compares to 2024 when adoption agencies were authorized for 12 countries.¹³⁷ AC has been authorized for 54 countries, BFA for just under 20 countries and FFIA for 14 countries. Other authorized associations have had authorization for between 1-8 countries. The associations may also have several cooperation contacts in one country.

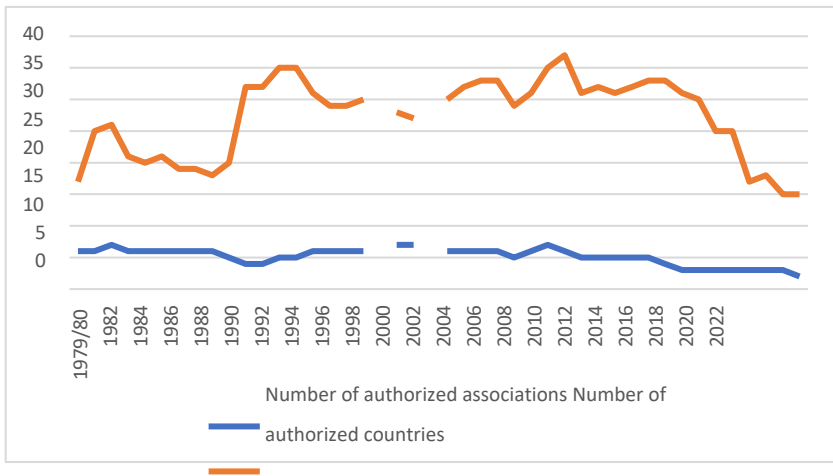
There may be several reasons why the associations applied for authorization for many countries. AC wrote in its 1981 annual report that it had invested considerable resources over the past five years in making more contacts in countries with which it already cooperated or in new countries. The reasons for this were that the number of applicants, and thus the waiting times for adoption, had increased year on year and that stops in the children's countries of origin had shown how vulnerable the operation was and how

¹³⁷MFoF, Annual Report 2024, p. 53.

long time it took to replace a lost cooperation contact with a new one. The AC had also decided to terminate cooperation with a couple of contacts who were not working in a manner consistent with AC policy and ethics¹³⁸.

The number of authorized associations and the number of authorized countries over time are shown in Figure 5.2.

Figure 5.2 Number of authorized associations and number of authorized countries 1979-2023



Source: own compilation based on annual reports for NIA, MIA and MFoF 1979-2023. Data not available for 1998 and 2001.

Swedish adoption activities can be compared with those in Norway and Denmark. In Norway, four associations have been authorized from 1979 to 2023 and they have placed children from a total of 37 countries. In Denmark, four associations (including the merged organization DIA from 2015) have placed children from around 70 countries during the period 1969-2020. Of these, one association (AC Børnehjælp) has placed children from 57 of the countries. Denmark has had a maximum of 26 countries authorized at any one time.

The Swedish supervisory authority has also granted authorization to several adoption organizations in the same country. During the period

¹³⁸AC, Annual Report of the Adoption Center Association for the 1981 financial year, 1982-05-09, p. 7

From 1979 to 2023, authorization was granted to several adoption agencies in a total of 21 countries. The countries vary slightly over time, but for some countries more than one association has been authorized in the country throughout the period. This is particularly true of India, where 3-5 associations have been authorized in parallel. For Sri Lanka, 3-4 associations have also been authorized at the same time, and this was the case until 2014, despite the fact that only a few adoptions were mediated from the country after 1996. In Colombia, China, Thailand and Vietnam, 2-3 adoption organizations have been authorized in parallel over a longer period of time. In some countries, it is clear that the country is added as a new adoption country and that several organizations then apply for and are granted authorization. This is the case, for example, in Poland, where three adoption agencies were authorized in 1992, and Kenya, for which four agencies were authorized in 2009. In practice, this has meant that the supervisory authority has had a very large number of country authorizations to examine at one and the same time. For 2009, 37 countries were authorized, of which 13 countries had several adoption organizations authorized for the country. In total, the Authority examined and granted 61 country authorizations in 2009.

For several of the countries, there has been authorization even though there have been very few adoptions or no adoptions at all, for example Sri Lanka after 1996. The fact that an adoption agency has been authorized for a country does not necessarily mean that the agency has actually mediated adoptions from the country.

All in all, the large number of authorized countries and many authorized adoption organizations has affected the conditions for the supervisory authority's work on authorization and supervision, but also for the activities as a whole, as it has taken up a lot of staff and resources.

5.5.2 Until 2005, NIA's authorization focused on the assessment of associations and not on countries

Until 2005, the rules for authorization focused on the examination and control of the associations and not specifically on the conditions in the countries with which the associations wanted to cooperate. Since the introduction of the authorization procedure in 1979 and until the introduction of country authorization in 2005, the supervisory authority has tried to tighten the requirements for the information to be provided by the associations

for applications for countries and cooperation contacts, but there was no clear legal requirement for this before 2005, which affected the conditions for reviewing authorization.

Authorization requirements in the Intercountry Adoption Assistance Act

When the authorization procedure was introduced in 1979, the 1979 Act laid down the requirements for authorization. According to the Act, authorization could be granted to associations whose main purpose was to provide international adoption assistance, i.e. to mediate contact between the person wishing to adopt a foreign child and the authorities, organizations or individuals in the child's home country. An association could also otherwise provide the assistance needed for an adoption to take place. One of the requirements for authorization was that the association had to provide mediation assistance in a judicious and expert manner without profit motive and with the best interests of the child as the primary benchmark. Other requirements were that the association should have statutes, a board and auditors. The authorization was to be limited in time and the decision was to specify the counties in which the association could operate. Authorization could also be subject to other conditions. To cover the costs of its activities, an authorized association could charge fees to those seeking international adoption assistance. The Act also stated that the supervisory authority would revoke the authorization if the prerequisites and conditions for authorization were not met.

In the bill that preceded the law, the government wrote that the authorized associations should notify the NIA of the partners they intended to cooperate with. However, the Government considered, as the AC had stated in its consultation response, that it would not be possible for the NIA to consider and approve each individual partner in the countries. If there was a risk of competition, two or more organizations would not be authorized for the same country. In the bill, the responsible government also stated that it should also be up to the NIA to ensure, as far as possible, that the associations worked satisfactorily in the children's home countries. It would therefore be desirable that the

Swedish missions abroad assisted the NIA in its work.¹³⁹ However, embassies still have no formal responsibility under law or regulation to assist the supervisory authority. The only change that has been made is that since 2005 the Swedish adoption authority is obliged, before deciding on authorization for a country, to consult with the Swedish mission abroad in that country. The purpose is for the adoption authority to have access to objective information about the conditions in a country of origin¹⁴⁰.

No major changes to authorization requirements in LIA

On July 1, 1997, the 1979 Act was replaced by the LIA and Sweden ratified the 1993 Hague Convention. The new law did not entail any major changes as regards authorization. As before, authorization was to be limited in time and the decision on authorization was to specify the countries to which the association's activities related. Authorization could also be subject to other conditions, such as the payment of fees and the keeping of accounts. This was new and the reason was that the Government considered that there was a case for uniformity in the accounting principles applied by the associations so that the applicants (consumers) could compare costs between different organizations¹⁴¹.

The 1997 NIA Handbook for Adoption Agencies states that the adoption agency must have a thorough knowledge of the adoption laws and regulations of the countries for which it is authorized. The adoption agency must operate in a professional manner. The adoption agency must have a good knowledge of Swedish legislation and Swedish policy in the field of adoption. The organization must also have financial competence so that bookkeeping and accounting are done in a professional manner. The adoption organization must also have knowledge of cultural differences and what this may mean for the applicants in terms of requirements for mutual respect. While the organization must respect the laws of the other country, it must be

¹³⁹ Prop. 1978/79:108, pp. 13 and 21.

¹⁴⁰ Section 6 a of the Act (1997:192) on international adoption mediation.

¹⁴¹ Prop. 1996/97:91, s. 55.

clear about Swedish laws and regulations and demand that these are respected in the same way by cooperation contacts in other countries.¹⁴²

NIA authorization review and issuance of authorization conditions

In 1980, the NIA drew up the first conditions for authorization, which were adopted by the National Board of Health and Welfare and came into force on 1 January 1981. The conditions were intended to clarify the legal requirements and in some respects imposed stricter requirements on the associations than those set out in the law. These included, for example, requirements concerning the associations' knowledge of the partner countries and requirements concerning cost control. The conditions stipulated, among other things, that an association, when applying for an auction, should state the authority, organization or individual abroad with whom it was cooperating ("cooperation contact"). Before a written agreement was reached with a new cooperation contact, this should be notified to the NIA for consultation.

At the end of 1981, the NIA decided on new authorization conditions. They did not involve any major change except that the term "authorization to provide international adoption assistance" was defined. The conditions also stated that new contacts in a country or part of a country where the association had been granted authorization should be notified to the NIA. Furthermore, it stated that associations authorized for the same country should cooperate with each other.¹⁴⁴ These conditions were in force until 1 April 1983 when new conditions came into force. They provided, inter alia, that the statutes of the association should state the principles applied to the collection of fees, that the association should have a thorough knowledge of the laws and regulations relating to adoption in the countries with which it had a cooperative contact and that it should have good cost control in cases abroad. The reporting obligation to the NIA was also slightly extended.¹⁴⁵ The conditions were also revised in 1986 but these were minor changes.

¹⁴²NIA. *International Adoption Intermediation. Handbook for Adoption Organizations*. Revised 1997, p. 8.

¹⁴³SOSFS (S) 1980:97.

¹⁴⁴NIA, Conditions for authorization under the Act (SFS 1979:552 and 1981:580) on international adoption assistance, dnr 69:303/81.

¹⁴⁵NIA, Conditions for Authorization under the Intercountry Adoption Assistance Act, 1983-03-29, dnr 69:101/83.

Authorization applications included both the application to mediate adoptions and the application for the countries and contacts in the countries with which the association wanted to cooperate. The NIA assessed the applications against the requirements of the law and the conditions it had issued and decided on authorization for intermediaries and countries together. If an association that had already been authorized wanted to apply for additional countries, they could do so separately. Initially, the NIA decided to grant authorization for one year at a time. This would allow the NIA and the associations to gain experience in foreign operations and brokering activities. Thereafter, the NIA would decide on a case-by-case basis for how long the authorization would be valid.¹⁴⁶From 1986, authorization was granted for two years at a time.

In the preparation of authorization cases, the NIA obtained information from Swedish embassies in those countries where the NIA considered that there were doubts about how the country viewed international adoptions, if it was unclear how many associations should be authorized in the same country or where there were doubts about cooperation agreements.

Decision on refusal

In some cases, the NIA refused to allow an association to mediate adoptions. In one case, the application was rejected because the association did not meet the criteria of having adoption assistance as its main activity. In a few cases, the application was rejected because the association was not considered to meet the requirements of working in a professional and judicious manner. In one of these cases, the refusal concerned an association that had previously been authorized but where it was found that there had been false documents in one of the association's adoption cases. In another case, concerning the Adoptionsföreningen Alla Barns Vänner (AABV), the association's contact person abroad had adopted a child and escorted it to Sweden without there being any consent to adoption for the Swedish spouses who had been intended as adoptive parents for the child from the outset. The association appealed to the government, which decided that the NIA should conduct a review

¹⁴⁶NIA, Memorandum 1979-10-31, Principles for authorization under the law on international adoption assistance, dnr 9:520/79.

¹⁴⁷NIA Annual Report 1981/1982, p. 5.

of the application and support the association in addressing the shortcomings. The NIA subsequently granted authorization for four more countries to the association on the basis of promises of accountability and reorganization. This did not happen and the authorization was revoked after the association made decisions on adoption assistance without the involvement of community representatives, in violation of the law. The association then reapplied for authorization but was rejected and instead merged into another association¹⁴⁸.

The NIA also decided on refusals for certain countries. The reason for rejection was the country's general attitude to adoption or that the association could not report any cooperation contact in the country. Several applications were rejected on the grounds that there were already several Swedish associations operating in the countries concerned. In one case, concerning the Adoption Association for Romanian Children, the application was rejected because the responsible actor in the country in question did not want to cooperate with the Swedish association. However, the Government annulled the NIA's decision. The NIA subsequently rejected the association's application again after the association had made erroneous claims regarding a forthcoming change in the country's legislation and that the association's arguments were in line with actors in the country who wanted to weaken state control of international adoptions. The NIA considered that an association that did not support efforts in a country of origin to address abuses in the adoption process and to comply with international obligations showed such a lack of expertise and judgment that authorization could not be granted.¹⁴⁹The association appealed the decision but it was rejected by the Government.¹⁵⁰

Competition between the associations

We have noted that there have been competitive situations between associations in some countries. This shows that there has been pressure on the different associations to find new countries to cooperate with over time and based on changing conditions in the country of origin.

¹⁴⁸NIA, Decision concerning application for authorization under the Act on International Adoption Assistance from the Adoption Association Alla Barns Vänner, 1982-11-26, dnr 60:444/82.

¹⁴⁹NIA, Decision on the application for authorization under the Act on International Adoption Assistance from the Adoption Association for Romanian Children, 16 June 1992, no. 60:164/92. Ministry of Social Affairs S93/4567/J.

¹⁵⁰Ministry of Social Affairs S94/3211/J.

countries. It also shows that intermediation has been operating under market-like conditions.

In an interview, a former FFIA director says that FFIA visited Colombia in the early 1990s to explore the possibility of establishing activities in the country. They were then contacted by AC, who expressed that it was not appropriate for the associations to compete on the same contacts. FFIA and AC came to an agreement that FFIA would not apply for authorization for Colombia if AC did not apply for China.

The agreement lasted until 1997 when AC applied for and received authorization for China.¹⁵¹ BFA also showed interest in Colombia in the early 1990s but did not proceed with an authorization application.¹⁵²

When AC applied for authorization for China¹⁵³ in 1997, the NIA was approached by the two associations then authorized for China - FFIA and BV - together with the BFA. They argued that AC should not be granted authorization because it could threaten the diversity of the associations and hamper the prospects of the small associations. FFIA also argued that, together with BV, it had the resources to process all adoptions from China to Sweden.¹⁵⁴ AC, on the other hand, stated that it had applicants who regretted that they could not apply for children from China. According to AC, the number of adoptions from South Korea was expected to fall from 1998. According to AC, authorization should therefore not affect the other associations' ability to receive applicants.

In addition, China was a very large country with many unwanted children.¹⁵⁵ After consideration by the Board, the NIA granted authorization to AC.¹⁵⁶

FFIA applied for and received authorization for Colombia in 1999. The issue of competition was raised again when FFIA notified NIA of two new adoption contacts in Colombia in 2000. These were two private

¹⁵¹ Interview with the former FFIA Director of Operations on September 26, 2022 and September 21, 2023.

¹⁵² NIA, Letter from the Swedish Embassy Bogotá 1992-07-30, dnr 72:398/92.

¹⁵³ NIA, Decision 1998-02-11, Application by the Association of Adoption Centers (AC) for authorization for China, dnr 60:294/97, 69:296, 343/97.

¹⁵⁴ NIA, Address to NIA 1997-11-17 by representatives of BFA-A, BV and FFIA concerning diversity etc. from the perspective of the smaller adoption organizations, dnr 69:296/97 and 69:343/97.

¹⁵⁵ NIA, Application for authorization for China from the Association of Adoption Centres, AC 60:294/97.

¹⁵⁶ NIA, Decision 1998-02-11, Application by the Association of Adoption Centres (AC) for authorization for China, dnr 60:294/97, 69:296, 343/97.

orphanages with which AC also cooperated. The NIA asked the FFIA to ask the AC if they had any objections to the FFIA cooperating with the orphanages. NIA described that the Board had started a discussion in principle about competition between the associations for contacts in the partner countries and wanted to hear the Board's opinion before making a decision.¹⁵⁷ FFIA then asked NIA if AC would decide where FFIA could work and stressed that it was important that NIA also looked at the possibilities for the smaller organizations to develop as there were not many contacts left where AC did not already exist.¹⁵⁸ Shortly afterwards, the NIA approved the adoption contact, partly on the basis that a representative of the Board had pushed for more associations than AC to be allowed to operate in Colombia.

5.5.3 Lack of possibilities to examine and reject authorization applications

The supervisory authority has on several occasions pointed out to the Government that it has had limited opportunities to reject applications for authorization and that the conditions for authorization in the Act should be amended. This has concerned the possibility of limiting the number of associations in Sweden and in individual countries of origin and being able to directly withdraw authorization for an association or country when the activities do not function or meet the requirements. The 2003 adoption inquiry also raised the problem that it was not possible to take into account the conditions in a country of origin when considering an authorization case.

Lack of possibilities to limit the number of authorized associations in Sweden and in individual countries

As regards the possibility of limiting the number of associations, the NIA noted already in 1980 that interest in authorization was greater than expected. Nine associations applied for authorization in the first rounds of authorization in 1979/80. Several of the associations were newly formed and built around a single cooperative

¹⁵⁷ NIA, Fax to the President of the NIA 20-02-23, dnr 61:17:3/00.

¹⁵⁸ NIA, Fax from FFIA 20-02-22, dnr 61:17:3/00.

¹⁵⁹ NIA, Decision adoption contact FFIA in Colombia, 20-02-23, dnr 61:17/00.

contact in the country of origin, making them vulnerable. The NIA saw this as problematic and tried to get associations to join forces, which was also done in one case. Nevertheless, it granted authorization to seven associations, five of which received authorization for the same country. According to the NIA, there was no possibility of rejecting applications if the criteria set out in the Act were met. Several orphanages, especially in India, were also willing to cooperate with several organizations. NIA therefore decided to grant authorization to more than one organization for a country or part of a country, provided that the foreign contract was willing to cooperate with the organization.

In the 1980s, six associations were authorized (with the exception of 1981 when there were eight). Five of them were authorized for India and four were authorized for the same state. In the first half of the 1990s, the number of authorized associations decreased slightly but increased again in the late 1990s. There was also an increase in the number of countries where the NIA granted authorization to more than one association.

In 2000, the NIA again raised the issue of the number of associations. At that time, seven associations were authorized for a total of 28 countries and in eleven of the countries more than one association was authorized. The NIA reiterated in both 2002 and 2003 that it had no power to refuse applications for authorization on grounds other than those set out in the Act. All those who applied for authorization and met the conditions were granted authorization even if it would not really be of any benefit to the community, the applicant families or the adoption business as a whole.¹⁶¹ Nor could the NIA reject applications on the grounds that it would not be efficient for several organizations to operate in the same country or deny an association authorization for several countries even if, according to the agency, the association would need to concentrate its activities in fewer countries in order to achieve stability in its operations. As an example, Thailand was mentioned where the NIA granted authorization to three associations even though there were relatively few children coming from the country¹⁶².

¹⁶⁰ NIA Annual Report July 1, 1979-December 31, 1980, pp. 8-12.

¹⁶¹ NIA Annual Report 2002, p. 10.

¹⁶² NIA Annual Report 2003, pp. 15-16.

Lack of possibilities to withdraw or refuse authorization

Another problem raised by the NIA was the possibility of directly withdrawing the authorization of an association or a country when its activities were not satisfactory. The reason was two specific cases handled by the NIA in 1999-2000.

One case concerned the ACCA, whose activities in Vietnam were seriously flawed and no longer functioning and about which several applicants had complained. The NIA took various measures which eventually led to the closure of the association. However, a number of applicants were affected by the problems and some complained to the Ombudsman about the NIA's lack of supervision of the association. However, the Ombudsman closed the case. The NIA had to intervene in various ways to support the families affected.

The second concerned an application from the Frösunda Solidarity Foundation where the NIA decided to deny authorization for a country based on the assessment that the association would not be able to meet new emerging conditions in the country. The association also did not have a partner in the country who wanted to cooperate with them. In addition, the association had not started its brokerage activities despite having been authorized for three years. The NIA's decision to reject the application was appealed in several instances. In the NIA's appeal to the Kam- marrätten, the authority wrote that "the NIA is not entitled - without objective grounds for doing so - to reject the application on the grounds that it considers itself entitled to assess the suitability of both the total number of Swedish adoption organizations that can be granted authorization and the number of organizations that can be granted authorization for a particular country".¹⁶³ The Kam- marrätten rejected the NIA's appeal and the NIA subsequently requested leave to appeal to the Government Court but was denied this and the case was returned to the NIA for a new examination.

In the light of these and other examples, the NIA raised the question of how high a standard should be set for the competence of associations to deal with mediation cases, how far the NIA should support and compensate for deficiencies in an association, and when it should be assessed that an association was no longer competent to cope with its activities and there was a risk that individual families would be affected.

Another issue was the extent to which the NIA could require that co

¹⁶³Stockholm Administrative Court of Appeal, Judgment of 20 November 1999 concerning Authorization under the Act (1997: 192) on International Adoption Mediation - LIA, Case No 8341-1999.

the association had a financial buffer to cope with crisis situations. Overall, the NIA considered that the legislation was not sufficiently clear on the possibility for the Authority to deny an association authorization¹⁶⁴.

Lack of possibility to take into account the situation in a country when authorizing

The 2003 Adoption Inquiry highlighted a further problem with the current authorization conditions in the Act. This was that it was not possible to take into account the conditions in a country of origin when considering an authorization case, as the current authorization conditions only referred to the Swedish association's organization, activities, expertise and judgment. The investigation found that this was problematic because the contacts with which the association cooperated abroad, the foreign legislation and administration for international adoption and other conditions in the country had a decisive impact on how the mediation work would function. Therefore, the LIA needed to be clarified as to what requirements a country and a contact had to fulfill in order to be considered suitable for adoption cooperation⁽¹⁶⁵⁾.

5.5.4 The authorization test was tightened in 2005 but problems still remain

Two-tier authorization to be introduced in 2005 along with stricter authorization requirements

In 2005, amendments to the LIA came into force, which meant, among other things, stricter authorization requirements and that authorization was decided in two stages: authorization for an association to mediate international adoptions (so-called Sweden authorization) and authorization for the association to mediate adoptions from a single country (so-called country authorization). Sweden authorization is valid for five years and country authorization was initially valid for four years, but was changed to two years in 2015.

¹⁶⁴ NIA Annual Report 2003, p. 16.

¹⁶⁵ SOU 2003:49, p. 161.

The requirements for obtaining Swedish authorization were largely the same as before: that the association's main purpose was to mediate international adoptions and that the association was able to mediate adoptions in an expert and judicious manner, without profit motive and with the best interests of the child as the main benchmark. The association also had to have a board of directors, auditors and statutes. An additional requirement was that if an association also carried out activities other than international adoption mediation, the other activities must not jeopardize the credibility of the adoption activities.

The foreign authorization requirement was new and meant that authorization to work as an international adoption agency in another country was granted on condition that

- the country has an adoption law or other reliable regulation of intercountry adoption, which takes into account the basic principles of intercountry adoption as expressed in the UN Convention on the Rights of the Child and in the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption,
- the country has a functioning administration for intercountry adoption activities,
- the association reports the costs abroad and how they are distributed,
- it is considered appropriate, in view of the cost situation, the balance between the Swedish associations and other circumstances, for the association to initiate or continue adoption cooperation with the other country.

Furthermore, an association that had been authorized to operate as an intercountry adoption agency in another country could only operate in that country if the competent authority of the other country had given its consent or declared its willingness to accept the association's activities in that country.

In authorization cases, MIA would consult with the Swedish mission abroad in the other country, unless it was clearly unnecessary, and if necessary also with child rights organizations in the country in question.

A balancing requirement is introduced in 2005

In connection with the amendments to the LIA 2005 on requirements for authorization, a so-called balance requirement was also introduced, which meant that authorization for a country could be granted provided that "based on the balance between the Swedish associations and the circumstances in general, it was deemed appropriate for the association to initiate or continue an adoption cooperation in the other country." The reason for introducing the requirement was that the Government considered that it would be beneficial to have more equal-sized associations in Sweden. The balance requirement meant that the MIA would make it easier for the smaller associations to grow if they so wished. When deciding on authorization, the MIA would strive for a better balance in size between the Swedish associations. If several associations applied for authorization for the same country, for example, it would be possible to give priority to a smaller association if the associations were otherwise of equivalent quality. The Government also pointed to the competition that might arise between associations authorized for a country where there were only a few children to place. It could also be inappropriate to authorize an association for a country if there was a risk of competition with an existing association in that country.¹⁶⁶

The balance sheet requirement was phased out in 2009. The Government's assessment was that the balance requirement had not had the significance intended when the provision was introduced. It did not increase the freedom of choice between the associations, nor did it contribute to the survival of the smaller associations¹⁶⁷.

The new MIA starts applying the new authorization requirements

The new stricter authorization requirements were applied by the MIA in 2005. In 2005, the MIA decided on new conditions for authorized associations under the LIA. The new conditions replaced those issued by the NIA in 1997. The MIA also developed authorization forms to be used when applying. The application had to be accompanied by, among other things, a business plan

¹⁶⁶ Prop. 2003/04:131 p. 42 and Prop. 2008/09:109 p. 18.

¹⁶⁷ Bill 2008/09:109 Certain international adoption issues, p. 19.

with a budget, statutes, annual report, a statement of how the association met the legal requirements for expertise in adoption mediation and an action plan for how the association would handle application fees.¹⁶⁸

The MIA also requested information from the associations on their activities and the situation in each country. MIA gained insight into adoption activities in the countries of origin by requesting reports from, among others, the Ministry of Foreign Affairs, Sida, the UN, ISS and other international organizations. MIA also obtained information about the countries through inspection trips, meetings with responsible officers at the Ministry of Foreign Affairs and regular meetings with authorities in other recipient countries. In this way, the MIA was able to get an idea of whether the various countries complied with the legal requirements and current conventions in the area¹⁶⁹.

In 2005-2008, the MIA rejected country applications for Bolivia, Congo and Ukraine, among others, based on the new authorization requirements, and the Administrative Court upheld the MIA's decision.

Former NIA and MIA staff have said in interviews that adoption organizations were unhappy with the change and felt that NIA had been more supportive than MIA. Among other things, MIA reviewed the regulatory framework in the countries of origin as part of its advocacy work. Adoption organizations felt that authorities in other receiving countries did not do this.

In 2009, the law is amended so that authorization can also be granted for part of a country and for certain cooperation contacts in a country

When country authorization was introduced in 2005, authorization could only be granted for an entire country or not at all. This was changed in 2009 when a new provision was introduced in section 6a of the LIA, which meant that an association that has authorization under section 6 may be granted authorization to work with international adoption mediation in another country, in a certain part of another country or with a certain adoption contact in another country. A prerequisite for authorization was that the association was able to mediate adoptions from the other country or the relevant part of the other country in a competent and

¹⁶⁸ MIA Annual Report 2005, p. 10.

¹⁶⁹ MIA Annual Report 2007, pp. 5-6 and 10.

¹⁷⁰ MIA annual report for 2006 and 2007.

judgment, without profit motive and with the best interests of the child as the main benchmark. This had previously only been tested in connection with Sweden authorization. In the decision on authorization, the MIA was to specify for which part of a country or with which adoption contact the Swedish association could operate. If it turned out that this was not complied with, the authorization decision could be revoked.

It is clear from the preparatory works that the reason for the amendment was that the MIA, in its authorization assessment, had found that international adoption mediation could work well in certain parts of a country, for example a province, region or city, but less well in other parts of the country. Being able to examine only the conditions for an entire country at the time of authorization could therefore mean that adoption intermediation could not be granted at all if there were doubts in a certain part of a country. Similarly, if problems arose in one part of a country, a country authorization already decided on would have to be revoked. MIA had also argued that authorization should be granted for a particular adoption contact in a particular country, such as an authority, organization or institution.

In the bill, the government wrote that the legislative changes could mean that adoption agencies could work in more countries. This could enable more children to have parents and make it easier for adoption organizations in a situation where it was difficult to find new cooperation contacts in different countries. However, the government stressed that this should not mean that ethical guidelines for adoption activities were disregarded. "The starting point for adoptions is that children need parents. The best interests of the child must therefore be ensured in the first place."¹⁷¹

Soft governance, few rejections and lack of documentation

Former employees at the NIA, MIA and MFoF have stated in interviews that the authority has relatively rarely denied authorization and that there have been relatively few rejections.¹⁷² However, several collaborations with different countries of origin have not taken place because adoption organizations have chosen to withdraw their application or not submit an application after dialogue with the supervisory authority, i.e. a kind of "soft

¹⁷¹ Prop. 2008/09:109, p. 11 ff.

¹⁷² Former MIA and MFoF staff have submitted a list of 17 countries for which they have refused authorization.

governance'. It has not been uncommon for agency staff to have lengthy conversations with organizations about new potential countries of cooperation. The caseworkers have provided information about the conditions for obtaining authorization in the country and whether a rejection has been decided in other similar cases, which has sometimes resulted in the organization not submitting an application for authorization. We have also seen examples where adoption organizations have withdrawn their authorization application after dialogue with the authority. According to MFoF, it still happens that adoption organizations withdraw their application when they suspect that it will be rejected. Previously, the organizations sometimes received verbal information about what authorization decision the authority might give. However, this is not the case today.

Decisions to approve applications for authorization have previously also been very briefly justified, while rejections have had longer justifications. Representatives of MFoF state that there is a lack of documentation showing how the authority previously argued for its assessments of authorization, which also makes it difficult to know how the authority has previously worked with authorization decisions.

This soft governance can be effective, but also means that decisions and considerations are not documented, which in turn affects the conditions for being able to go back to previous considerations and decisions. This problem became particularly evident when MFoF moved to Skellefteå in 2018 and all staff working on intercountry adoption issues (except the DG) were replaced. MFoF representatives emphasize that all authorization decisions, both approvals and rejections, must now be more thoroughly justified on the basis of the existing criteria.

Authorization work is being stepped up

When the MIA got a new Director General in 2014, the approach to authorization activities changed. At this time, three adoption organizations had authorization for about 30 countries. One question was how the organizations would maintain competence in so many countries when there were not that many adoptions per country. However, MIA did not see any legal basis for limiting the number of countries as long as the conditions for authorization were met.

In an interview, the then Director General says that the authorization

The authorization procedure involved the exercise of authority over the associations and that it was important to maintain legal certainty also in relation to the associations. This meant that the authority had to grant authorization if the conditions for authorization under the Act were met.¹⁷³

Several country managers were introduced in the authorization process. Previously, everyone had been responsible for reviewing the authorization applications based on their specific expertise and one person was responsible for handling all country authorizations for one and the same adoption organization. The introduction of country officers allowed staff to gain more and deeper knowledge of each country and there was greater opportunity to make comparisons between countries. Authorization work went from descriptive to more analytical prior to authorization decisions, among other things to better detect risks.

The conditions were reviewed and the number of authorized countries was successively reduced.

Authorization conditions have been used to "fix" shortcomings in the regulation of countries of origin

According to Section 7 of the LIA, authorization may be subject to other conditions that are relevant to the conduct of the business, such as the payment of fees and accounting.

In interviews with MFoF staff, we have been told that the agency previously used the authorization conditions to "repair" deficiencies in the countries of origin and to strengthen the basis for granting authorization. A practice developed that involved a broad interpretation of how conditions could be used and formulated under the law.

However, it is unclear how far back this was done¹⁷⁴.

The MFoF highlights an example of an authorization for India from 2017. According to the Indian guidelines, matching of children and families could be done in two ways, one of which involved giving applicants the opportunity to choose children. In the decision, the MFoF states that it is fundamental to intercountry adoption that the applicant should not choose the child, but that suitable parents are chosen for a specific child who is in need of a family. A placement scheme where more than one child proposal is submitted to applicants is not acceptable from a child rights perspective.

¹⁷³ Interview with the then Director-General of MIA and MFoF, 2024-06-12.

¹⁷⁴ Meeting MFoF 2023-05-31.

MFoF nevertheless granted authorization with the condition that the adoption mediation could not take place through the selection method whereby applicants could choose children.¹⁷⁵ Another example is an authorization for Hungary in 2019 where authorization was granted despite the fact that the country does not apply the 1993 Hague Convention for the adoption process for international adoptions of children of relatives. The authorization was conditional on the association not being allowed to mediate adoptions of children of relatives.¹⁷⁶

According to the MFoF, the terms are not used in this way today.

MFoF has not had time to examine country authorizations in time

According to section 7 of the LIA, previous authorization decisions are valid pending a decision from MFoF if a new application has been submitted to the authority before the previous authorization has expired.

MFoF representatives describe that it was a challenge to handle all country authorization applications in 2021. A total of 18 country authorizations were to be examined at the same time as new employees had to familiarize themselves with new countries. As a consequence, none of the 18 country authorization applications could be examined and be decided in time, but the previous decisions continued to apply. During 2022-2023, the authority worked through the applications on a case-by-case basis, based on a prioritization made together with the adoption organizations. The authorization for South Korea took the longest time and was not decided until 2024, almost three years after the country authorization should have been renewed. The authority has since caught up and is now reportedly keeping up with the authorization renewal process.

¹⁷⁵MFoF, Decision on authorization for adoption agency (country) 2017-12-22, dnr 3.1.2:639/17.

¹⁷⁶MFoF, Decision on authorization for adoption agency (country) 2020-02-17, dnr 3.1.2:1131/19.

5.5.5 Control of expenditure incurred by associations abroad

Requirements for the control of costs abroad

The requirements for cost control by the associations were initially set out in the conditions of authorization. The 1983 conditions stated that the associations should have good control over the costs of their intercountry adoption cases.¹⁷⁷ The NIA's handbook from the same year states that the control concerns both what costs are reimbursed and how much is paid. Reimbursement of the overseas contact, lawyers' fees, medical expenses, stamp duty etc. must be made in the normal amount for the country and locality. It also states that payment of costs in the child's home country should always be handled by the adoption organization.

If the prospective adoptive parents travel to the country, they should not be required to pay for any costs other than their own subsistence. The adoption organization should have provided the prospective adoptive parents with information on the estimated costs of the child's subsistence and care, as well as the administrative costs of the adoption procedure before they travel to the country. The costs should be paid through the adoption organization and preferably charged in advance¹⁷⁸.

One of AC's former staff members who worked with Colombia, among other countries, says that she tried to get the facts about all the different costs in the country, from the salaries of the orphanage workers, the costs of adoption, the remuneration of the helpers, the fees to the orphanages, etc. She then tried to weigh the data and the reasonableness of the costs to be able to give an estimate of what an adoption would cost for the applicants.¹⁷⁹

The NIA is tasked with monitoring the cost of adoptions and establishing average costs per country

During the 1980s, the costs of foreign adoptions increased, partly due to international currency fluctuations. The government saw a risk that economically disadvantaged groups would be excluded from the possibility of adopting and therefore decided to introduce an adoption cost subsidy. The subsidy, introduced in 1989, was to cover 50 percent of

¹⁷⁷Conditions for authorization under the Act (SFS 1979:552 and 1981:580) on international adoption assistance, 1983-03-24, dnr 69: 101/83.

¹⁷⁸NIA (1983) *Intercountry Adoptions. Handbook for adoption organizations*, pp. 5, 8, 18.

¹⁷⁹Interview with a former AC country manager in Colombia 2022-10-05.

cent of the average cost of adoption from the country of origin, or a maximum of SEK 20,000.¹⁸⁰The NIA was therefore tasked with determining the average costs for different countries of origin that would form the basis for the adoption cost subsidy and to otherwise monitor the development of the costs of adopting foreign children.¹⁸¹

A former NIA employee who worked with financial issues at the agency says that the NIA conducted a cost follow-up in the fall of 1989, which showed that adoption costs had increased significantly. The NIA therefore decided to proceed with an in-depth investigation of adoption costs with an emphasis on care fees.¹⁸²The NIA's annual report shows that the reason why the associations' costs in Sweden had increased significantly was due to the fact that the number of adoptions had decreased while some adoptions required more work.¹⁸³However, according to the former NIA employee, AC's argument for increasing the fee was that they could then contribute to raising the standard of the orphanages in the countries of origin. The NIA had several conversations about costs with the adoption agencies and AC always had explanations for the fee increases.

NIA could never prove that there was anything strange about the financial elements. At NIA's and MIA's organizational meetings with adoption agencies, costs were rarely discussed.¹⁸⁴

A former head of operations at AC says that AC used EurAdopt's "Guidelines on financial factors" long before they were established in 2002. The financial factors were "prepared" together with the country managers at AC, who assessed what were reasonable costs in each country. AC was able to see how the fees in different countries compared to each other. On these issues, AC had a lot of exchanges with the Nordic Ethics Group and the Dutch adoption organization Wereldkinderen. AC also consulted with Unicef, Swedish embassies, the Red Cross etc. There was transparency on levels of salaries for employees. AC used the documents when they talked about AC as an organization and gave support to speak out among

¹⁸⁰ Prop. 1988/89:3 *on grants for the adoption of foreign children*.

¹⁸¹ NIA, Annual Report 1990/91, p. 1.

¹⁸² Interview with a former NIA staff member 2023-02-16.

¹⁸³ NIA, Annual Report 1990/91, p. 8.

¹⁸⁴ Interview with a former NIA employee on February 16, 2023.

other actors in the countries of origin: "This is how we work, don't suggest anything else."¹⁸⁵

Requirement for equivalent accounting principles introduced in 1997

When Sweden ratified the 1993 Hague Convention in 1997, it was required that the associations use common accounting principles. The principles were to be drawn up by the NIA after consultation with the associations. The aim was to enable consumers, the applicants, to compare costs between different associations. The NIA was also allowed, when deciding on the authorization, to attach conditions to the authorization concerning the principles for the payment of fees and for accounting¹⁸⁶.

The 1997 NIA Handbook states that it is important for prospective adopters to be able to compare the fee levels of the organizations. In order for such a comparison to be possible, it was necessary for the adoption organizations to present their costs and revenues in accordance with uniform accounting principles.

Such accounting was also a prerequisite for the NIA to be able to monitor cost developments in the field and, in accordance with the requirements of the Hague Convention, to ensure that only reasonable costs and expenses were charged or paid in connection with intercountry adoption. A condition of authorization was therefore that the costs and income of adoption agencies for the activity of intercountry adoption mediation were separated from other activities carried out by the agency.

Under the NIA's model, the authorized adoption agencies would annually report to the NIA their income and costs for the intermediation activities according to the NIA's principles and model. Information on fees not directly related to the adoption agency should also be provided. Adoption agencies should also provide information on the costs of adoption from different countries and the fees charged to the adoptive parents. Adoption agencies were also required to estimate the costs paid by the adoptive parents themselves for translation and legalization costs, travel, subsistence and

¹⁸⁵ Interview with former head of operations AC 2024-03-22.

¹⁸⁶ Prop. 1996/97:91, s. 55.

¹⁸⁷NIA (1997), *International Adoption Intermediation. Handbook for Adoption Agencies*, p. 27.

hotel and the length of stay required by the country in question. If the organization also carried out activities other than adoption mediation, these activities had to be reported separately¹⁸⁸.

2003 Adoption Inquiry proposes stricter requirements for associations to report costs abroad

The inquiry's mandate on the costs of international adoption

According to the terms of reference for the 2003 adoption inquiry, the inquiry was to investigate, among other things, whether the requirements for compensation in the form of donations and assistance that applied in certain countries were compatible with the Hague Convention and what Sweden could do to reduce the risks of child trafficking. The inquiry was also to investigate whether there were other ways of limiting the costs of international adoptions.

The requirements of the 1993 Hague Convention

The inquiry took as its starting point the requirements of Article 32 of the 1993 Hague Convention. It states that:

1. No one may make undue financial or other gains in connection with intercountry adoption activities.
2. Only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid.
3. The management, administration and employees of the associations involved in an adoption must not receive remuneration that is excessive in relation to the services rendered.

Article 8 of the Convention requires Central Authorities to take all appropriate measures to prevent undue financial or other gain in connection with an adoption and to prevent practices contrary to the purposes of the Convention.

A special commission adopted a recommendation in 2000 that donations from prospective adoptive parents to organizations involved in the adoption process should not be solicited, offered or

¹⁸⁸SOU 2003:49, p. 130.

be provided. Recipient countries would also be encouraged to support efforts in countries of origin to improve national child protection measures, including programs to prevent abandonment. However, support could not be offered or requested in a way that jeopardized the integrity of the intercountry adoption process, or created a dependency on income derived from intercountry adoption. The placement decision should not be influenced by the level of payment or subsidy and the amounts should not affect the possibility of a child becoming available for adoption or the age, health status or any other characteristics of the prospective adoptive child. However, according to the report, the recommendations had not clarified the boundaries of what could be considered acceptable in terms of demands from abroad for donations and assistance in connection with adoption¹⁸⁹.

The Adoption Inquiry's analysis and assessment of costs abroad

According to the 2003 Adoption Inquiry, the associations had successfully adapted their accounting to the model developed by the NIA in 1997 and the accounting had improved. However, there were cases where the associations reported similar costs in different ways.

The study's examination of the associations' costs for the care and maintenance of the child showed that this cost item could make up a large part of the total cost abroad. The costs could range from the actual cost of the child's care and subsistence, financial contributions to the orphanage's activities in general, to grants such as washing machine, shoes or milk powder. In the associations' reports to the NIA, the item was not broken down into actual costs for the child and other costs, making it impossible to see what the actual costs of the child's care and maintenance were. The associations did not always receive such information from the responsible authority, organization or orphanage abroad, even when requested. Nor did the Swedish associations always find out what proportion of the fee paid to the intermediary contact in the country of origin related to the actual costs of the adoption. It was common for a total amount to be negotiated on the basis of reasonableness

¹⁸⁹SOU 2003:49, p. 129.

or that the intermediary contact indicated an amount that the Swedish association had to accept if they wanted to cooperate with the contact. As regards the 'other costs' part of the child's care and maintenance item, the associations reported this in different ways. Some associations referred to them as a 'donation' while others referred to the cost as 'care and maintenance'.

The special investigator says in an interview that the investigation traveled to China, among other places, and visited orphanages with representatives of the NIA. She was struck by the large amount of money involved in the adoption business. However, according to the investigator, the NIA representatives did not react to this and she understood that the NIA did not find it strange to donate to orphanages either. In the investigation, they asked questions about costs and accounting that no one had talked about before. The report's suggestion to be open and transparent in accounting was a big deal. A common comment according to the special investigator was that "If Sweden stops doing this, so will the Americans and they are even worse". She felt that Swedish actors did not want to see the link between money, countries and how the system worked ¹⁹⁰.

The proposals of the 2003 report

The committee's assessment was that Sweden had to take a stand on what was ethically justifiable to accept in terms of costs and support activities in connection with international adoption. The cost accounting in the summaries needed to be even more uniform and specified and it had to be clarified what costs the adoption fee was based on, especially abroad. When deciding on the authorization of a particular country, an assessment had to be made as to whether it was appropriate to initiate or continue adoption cooperation, taking into account, inter alia, the cost situation. In order to make such an assessment, the associations were required to present an itemized account of all overseas costs. The costs should be judged to be reasonable in relation to the cost situation in the country of origin. According to the report, the trend should be towards a reduction in costs relating to other than actual adoption costs. If the association could not provide a sufficiently detailed account of the

¹⁹⁰Interview with the Special Investigator for the 2003 Adoption Inquiry, 2024-02-20.

This could mean that the intermediary contact would be deemed unsuitable to cooperate with. The adoption authority would be in contact with the Swedish mission abroad in the country in question when assessing costs in relation to the cost situation in the country of origin. According to the report, it was appropriate for the adoption authority to draw up a manual together with the authorized associations for what could be included in the actual costs of an adoption. According to the report, the starting point for when the association should start paying for the child's care and maintenance should be the date of the child's proposal.

The report's proposal was that the authorized associations should specify information on the costs of adoption abroad and the adoption authority should make a reasonable assessment of the costs. The trend would be that only the actual costs associated with the adoption of a child would form the basis for the adoption fee. The assistance activities of the associations should be clearly separated from the adoption activities and should not jeopardize the integrity of the adoption activities. More and clearer conditions were also proposed to reduce the risk of children becoming a commodity in the adoption context¹⁹¹.

Stricter cost accounting requirements for associations from 2005

In 2005, the LIA was amended to tighten the requirements for authorization and cost reporting by associations. A prerequisite for country authorization was that the associations reported the costs abroad and how they were distributed. Authorization for a country could be granted if, in view of the cost situation, the balance between the Swedish associations and other circumstances, it was deemed appropriate for the association to initiate or continue adoption cooperation with the other country. The MIA would continue to monitor the development of the costs of adoptions of foreign children.

The preparatory works state that the adoption authority should draw up detailed guidelines for what can be considered a reasonable and acceptable level of compensation. Compensation should be available for costs that

¹⁹¹SOU 2003:49, p. 127 ff.

relates to a specific child and to cover a reasonable part of the orphanage's running costs or other administrative costs associated with the intercountry adoption activity. However, there must be no risk that the benefits of intercountry adoption activities are so great as to create a dependency on income from such activities in the country of origin. In order to assess whether the costs abroad are reasonable, the adoption authority must have knowledge of the cost situation in general in the country, for example in terms of salaries and fees. In making this assessment, the adoption authority should be in contact with the Swedish authority abroad in the other country.¹⁹²

MFoF describes that they do not base their assessment of costs on any guidelines, but the assessment is based on the law, preparatory work and HCCH's guidelines in each investigation⁽¹⁹³⁾.

The Authority's assessment of the associations' cost statements

Two former employees at MIA and MFoF who worked on analyzing and assessing the cost statements describe in an interview how they worked. 30 countries and they reviewed the costs for all countries annually and in connection with the application for authorization. The country managers at the Agency also reviewed the costs for each country. There were no written procedures for the cost assessment, but the routine was to review annual reports and country reports and compare them with previous years, to see if there had been any changes and to see if there was anything they reacted to. They also made comparisons between countries.

Adoption agencies reported adoption fees and costs according to a template in the authorization application. The items included costs for the child's care, authority fees, lawyers' fees, salaries and allowances for the representative, translation and legalization, and other costs. The agency checked the costs and calculated the cost per adoption. From the outset, the task was to allocate the costs to the correct

¹⁹² Prop. 2003/04:131, *Adoption at what price?*, p. 41.

¹⁹³ Email from MFoF on March 11, 2024.

¹⁹⁴ Meeting with former MIA and MFoF staff, 2024-08-22.

item so that it would be possible to compare between organizations and see changes in costs. The adoption organizations reported care costs in different ways, one organization reported them as care costs, another as other costs. There was a lot of work to get an overview, to get the cost accounting as transparent as possible and that the same type of costs were reported in the same way. What the care fee consisted of also varied between countries and therefore it was important that the organizations specified which costs the care fee consisted of to enable comparisons between countries. Over time, a history of what the costs and fees looked like and how they changed over time was created. Only then could the agency begin to compare costs and assess whether they were reasonable. Even if the adoption agencies worked in the same country, there could be variations in costs between agencies, for example, because an organization had a representative in the country.

In the applications for authorization, the adoption organizations reported the actual costs of adoption in Sweden (staff and office costs) and abroad, as well as the number of adoptions, and then determined the adoption fee per adoption.

The Agency had developed a template in which the organizations provided the actual costs and the number of adoptions, and the fee was calculated on that basis. The Agency also asked questions about what was included in the costs. For example, the authorization application might state that a donation was paid, but the cost breakdown only showed actual costs for the country. Sometimes a donation could be included in the amount for care costs, which the Agency had concerns about, as aid activities and adoption activities should be separated. Sometimes it was referred to as a care cost in the country when it was a donation and vice versa. In some cases the agency got answers and in some cases they did not. They had to ask many questions to the adoption organizations. The reporting requirements were increasing to make the costs as transparent as possible.

According to the former employees of MIA and MFoF, the authority based its assessment of costs on legislation and preparatory work, such as Bill 2003/04:131, but also on the Guide to Good Practice, which stated that adoption fees could be charged for the care of the individual child but also for the children who remained in the orphanage. For some countries they made estimates of what a reasonable care fee might be. An important question was whether it was ethical to

pay for another country's failing social system or whether it was ethical to come and pick up children without paying anything.

One problem in the work was that several adoption organizations had been working in the countries for many years. What the authority had previously approved thus became a zero point from which the authority initially had to start in the cost analyses and assessments. With this starting point, it was a matter of identifying what was what and seeing what changes had occurred based on what had previously been accepted. With increased demands for transparency, new information could lead to a different assessment.

The former employees of MIA and MFoF did not feel that the adoption organizations were reluctant to report the costs, the problem was that the cost reporting was not as specific as the agency wanted. Organizations could sometimes also find it difficult to break down the costs according to the template and which items they should use for a particular cost. Some organizations may have found it difficult to answer all the questions and felt that they were being questioned. Some adoption organizations and country managers were also better at answering questions than others.

5.6 Supervisory activities

The investigator's assessment: The supervisory process, like other processes in intercountry adoption, has been developed and strengthened over time. The Authority has interpreted its supervisory responsibilities too narrowly both before and after the introduction of the 1993 Hague Convention. The Authority has not considered itself able to examine and control the activities of adoption organizations in the countries of origin to ensure that the activities are conducted in accordance with the applicable rules. This has seriously weakened the supervision of international adoption activities and the ability to prevent and detect irregularities. It has also meant that the authority has not acquired sufficient knowledge and understanding of the adoption organizations' activities in the children's countries of origin as a basis for well-founded decisions on authorization for the countries.

5.6.1 Until 1979, no actor had supervisory responsibility for intercountry adoption mediation

Prior to the organizational change in 1979, no actor had supervisory responsibility for intercountry placement activities. The state, through the National Board of Health and Welfare and later the NIA, was instead responsible for arranging international adoptions. The supervision that existed concerned the work of the municipal child welfare boards with foster home assessment and foster home approval, for which the National Board of Health and Welfare and the county councils were responsible. Here, there has consistently been a supervisory responsibility, even if the responsibilities have changed somewhat over time.

The inquiry appointed in 1964, which formed the basis for the establishment of intercountry adoption activities in Sweden, was tasked with examining whether or not the state should establish an agency for intercountry adoptions. The supervisory aspect of the activity was not mentioned in the directives. In its review of existing activities, the committee found that there was no specific body for adoption mediation in Sweden. They described how the supervision of the municipal child welfare boards by the National Board of Health and Welfare, the Medical Board and the county administrative boards

and functioned. The report's proposal was that the state, through the National Board of Health and Welfare, should take responsibility for the mediation activities. The question of supervision of the adoption agency itself was not touched upon, but the division of responsibilities between the child welfare committees and the National Board of Health and Welfare was problematized when it came to the examination of applicants for intercountry adoption ¹⁹⁵.

One explanation for the fact that the question of supervision of the actual placement activities was not raised may be that the committee saw the international adoption activities as primarily a complementary task for the child welfare committees and that the main issue for supervision was the assessment of Swedish parents who were to adopt foreign children. Supervision was already established there, and the National Board of Health and Welfare was also responsible for issuing instructions and advice to the child welfare boards on foster home assessment. By giving the National Board of Health and Welfare the responsibility to mediate, they also gained the knowledge to issue instructions and advice to the child welfare boards on international adoptions. This reduced the risk of the child welfare boards issuing inappropriate foster care permits which then risked

¹⁹⁵SOU 1967:57.

be stopped at the National Board of Social Services. The committee's proposal would make it easier for applicants to have children for adoption and, in the interests of child welfare, monitor that the children were placed in suitable homes.

In the bill for the organizational change in 1979, the government wrote that the National Board of Health and Welfare, the Advisory Board and then the NIA were responsible for the international adoption agency because it wanted to ensure public control over the international adoption activities in order to ensure the best interests of the children.

However, in view of the increasing problems with private adoptions in the 1970s, the Government saw the need to further strengthen the role of the State by extending the control and supervision of the activity. The main task of the public authorities was to act in the best interests of the children and to ensure that all authorized intermediation activities were based on the selection of applicants according to the same standards as for the adoption of Swedish children. It was also to promote thorough and uniform processing of all applications, to provide advice and guidance to applicants, to ensure that adoption activities were carried out in accordance with the laws and wishes of the countries, and to promote international cooperation in the adoption of children from other countries.

5.6.2 Oversight of intercountry adoption activities was established in 1979 and has been strengthened over time

The supervision of intercountry adoption activities was established in 1979 when authorized associations were given responsibility for the mediation of adoptions and the state was given supervisory responsibility. The NIA was the supervisory authority from 1979 to 2004, the MIA from 2005 to 2014, and since 2015 the MFoF has had supervisory responsibility. The supervisory task in international adoption activities is expressed in law and in the structure of the responsible supervisory authority. However, the law and the instructions for the authority do not specify which supervisory tools the responsible supervisory authority has at its disposal, how supervision is to be prioritized or what the supervisory process is to look like. The supervisory authority has had to design this on its own.

¹⁹⁶Prop. 1978/79:108, pp. 5 and 8-9.

NIA supervision

According to its instructions, the NIA was to supervise the associations authorized by the Social Welfare Board. When the NIA became an independent authority in 1981, the task was reformulated to mean that the authority was to decide on the authorization of international adoption assistance and perform the tasks otherwise incumbent on the supervisory authority under the Act. The focus of supervision remained on the supervision of the authorized associations.

In addition to deciding on authorization, the NIA appointed community representatives to participate in the agencies' work on individual applications. This was done in order to ensure continued public involvement and control in the agency's work.¹⁹⁷ Another part of the supervision was to decide on cases where an authorized agency decided not to provide adoption assistance to an applicant and cases where a community representative and agency disagreed on the decision to provide adoption assistance. This applied until 1997. Thereafter, applicants who were refused adoption assistance by a community representative could appeal and have their case reviewed by the supervisory authority. The NIA also produced manuals for adoption agencies, reviewed their annual reports and consulted and exchanged information with the agencies.

In order to systematize supervision, the NIA developed guidelines for the systematic supervision of authorized associations in 1995. When Sweden acceded to the 1993 Hague Convention in 1997, the NIA became the central authority. The wording on supervision was adapted to the Convention, which states that authorized associations shall be subject to supervision by the competent authorities of the State as regards their composition, activities and financial situation. In practice, the supervisory task remained the same. In 1999-2004, as part of its supervision, the NIA conducted an annual survey of families who had adopted a child from one of the authorized associations in the previous year.

Throughout the NIA's period of operation, the supervisory task ran in parallel with the authority's basic task of facilitating the adoption of foreign children in Sweden.

¹⁹⁷NIA, Annual Report 1979/80, p. 13.

Community representatives to ensure public scrutiny of associations' mediation work

The community representatives appointed by the NIA would represent the public interest in the Association's work on intercountry adoption assistance, i.e. in the Association's selection and matching of parents of proposed children. They would have specific experience in child and youth care in state or local government. The involvement of community representatives would ensure that the best interests of the child were represented in the associations, which would also represent the interests of the prospective adoptive parents.¹⁹⁸ When an authorized association decided on intercountry adoption assistance, at least one community representative would participate. If an association decided to refuse adoption assistance in an individual case or if the association wanted to provide adoption assistance despite the community representative's refusal, the matter would be referred to the NIA for a decision. This was changed in 1985 when the organizations were given the right to decide themselves not to give adoption assistance. Cases where the community representative had a dissenting opinion would continue to be referred to the NIA¹⁹⁹.

1-2 community representatives were appointed in each authorized association - a caseworker from the NIA office and the social consultant of the county where the association was based. In 1981, the NIA adopted a special memorandum on the role and tasks of the community representatives as well as a memorandum to the authorized associations on guidance information on the handling of intercountry adoption assistance cases.²⁰⁰ The community representatives were informed of the cases decided by the NIA.²⁰¹ They wrote an annual report on their participation in the mediation work.²⁰²

The community representatives were phased out in 2000. The reason was that, as a result of the legislative changes made in connection with Sweden's accession to the 1993 Hague Convention, the authorized associations would no longer carry out their own assessment of the suitability of adopters. The suitability assessment remained the responsibility of the municipal social committees with the possibility for the individual to appeal

¹⁹⁸ NIA, Annual Report 1993/94, p. 11.

¹⁹⁹ NIA, Annual Report 1985/86, p. 8.

²⁰⁰ NIA, Annual Report 1979/80, pp. 13 and 16 and Annual Report 1981/82, p. 8.

²⁰¹ NIA, Annual Report 1981/82, p. 9.

²⁰² NIA, Annual Report 1999.

decisions to the courts. As a result, the role of community representatives in the associations disappeared and there was no longer any reason to organize them.²⁰³

Decisions on adoption assistance cases and handling of complaints from individuals

In its annual reports for 1979-2000, the NIA reported the number of adoption assistance cases submitted to the NIA for decision. However, the reporting has changed over time, making it difficult to compare between years. Typically, the NIA handled 5-15 cases annually. In some years (1984, 1992 and 1999) no or only a few cases were handled, while in 1982 the number of cases amounted to 90. The most common reason for referring a case to the NIA for adjudication was the advanced age or illness of the claimant.

In some cases, the NIA agreed with the adoption agency, in other cases it reversed the agency's decision and asked the agency to provide adoption assistance.

Individual applicants for adoption assistance have also been able to turn to the supervisory authority with complaints about an association and its adoption agency. The NIA has investigated the cases and assessed whether the complaints were justified. The NIA began to report the number of complaints in the 1994/95 annual report. From 1994 until 2005, the number of complaints amounted to 2-6 per year, with a higher number of cases in 2002. The complaints have generally concerned lack of training, adoption costs, the waiting list system, quotas, children's statements that did not correspond to the consent, the association's handling and treatment.

Supervision through MIA

In 2005, the MIA replaced the NIA as the supervisory authority for international adoptions. The basic task of the authority was to create a high quality of intercountry adoption activities in Sweden. The supervisory task was formulated as that the authority should "monitor that the Swedish authorized associations' work with international adoption mediation is carried out in accordance with the law and the principle of

²⁰³Prop. 2000/01:80, *New Social Services Act*, p. 107.

the best interests of the child as expressed in the UN Convention on the Rights of the Child and the 1993 Hague Convention, and in an ethically acceptable manner.²⁰⁴"

In 2006, MIA developed an oversight plan to systematize its oversight activities. The monitoring activities included the supervision of adoption organizations through the review of annual accounts, activity reports and other reports, but also through contacts and exchanges with the organizations. The supervision also included gaining insight into adoption activities in the children's countries of origin, which the authority obtained by gathering information about the countries from the Ministry for Foreign Affairs and international bodies, exchanges with other receiving countries, visits by foreign delegations, consultations with the authorized organizations and through supervision trips. As a rule, two to three missions were made to selected countries of origin per year. The MIA reported for the period 2005-2008 that it had received a small number of appeals from individuals who had been refused adoption mediation. In 2007, five appeals were received, all concerning the activities of an association in Vietnam. The Agency also dealt with individual complaints against adoption agencies and conducted an annual survey of those who had adopted children through adoption agencies during the previous year. The results of the survey were used for planning supervision and in dialogue with the organisations. Supervision reports were produced for each authorized organization and not for the supervision as a whole.

MFoF's supervisory tasks

In 2015, the MIA was given a broader remit in family law matters and in 2016 changed its name to the Swedish Agency for Family Law and Parental Support (MFoF). However, the remit for international adoptions remained the same, i.e. to create high quality international adoption activities in Sweden. The supervisory task was also the same as before. However, the work of supervision was reviewed in connection with the change with the aim of further raising the quality and increasing the efficiency of the work of supervision and authorization. Among other things, MFoF has consolidated supervision to create the opportunity for

²⁰⁴Ordinance (2004:1145) with instructions for the Agency for International Adoption.

in-depth knowledge of the adopting countries. The Agency has also developed a new form of supervision report and supervision feedback.

According to the MFoF, developments in international adoptions have meant that the assessment of the best interests of the child has become increasingly complex. This work requires an in-depth examination of the mediation work in Sweden and in the countries of origin. MFoF also notes that the authority must have a more active exchange with authorities and other actors in both countries of origin and receiving countries.

5.6.3 Supervision has focused on the supervision of the associations and not on activities in the countries of origin

The focus of supervision has been on the authorized associations to ensure that the activities are conducted in accordance with current requirements and rules. Over time, new legislation has tightened the requirements on the associations, which has also affected the work of the supervisory authority.

Supervision is closely linked to the authorization process

The supervision of the authorized associations has always been closely linked to the authorization process and the assessment made of the associations. In its annual reports, the NIA describes its supervision as having referred in its authorization decisions to the applicable legislation and the general authorization conditions. In some cases, the authorization of an entity has been more limited in time than the general authorization period and has been subject to one or more conditions (for example, that the entity must report on an action or correction based on the NIA's requirements). On a couple of occasions, the NIA has withdrawn or limited the authorization.

Annual audit of the associations' activities and finances

The supervision has included annual audits of the associations' annual reports and financial statements. In some cases, it appears that the NIA has commissioned audits of associations' cooperation contacts in the countries of origin, for example in Sri

Lanka in 1985. The NIA also analyzed the cost trends of the associations from 1980 to 1992. For the period 1990-97, the NIA reported the number of enforcement cases, i.e. remarks or interventions made by the NIA against an individual association, as well as the actions taken by the association in response. The number of enforcement cases ranged from 12 to 27 per year, with the exception of 1995-96 when the NIA handled 62 enforcement cases. The NIA also reported for 1995-97 the number of enforcement cases of a more general nature. These concerned, among other things, charging policy, sponsorship and the systematic review of associations' compliance with the LIA. In 1995-96 the NIA dealt with eleven cases and in 1997 with six cases.

We understand from interviews with former NIA staff that it was common for the NIA to resolve various issues concerning the associations by telephone, during visits or at organizational meetings. These included, for example, the need for clarification or to find a solution to a problem. On a few occasions, the NIA convened a special meeting of the Board of Directors of an association to discuss the organization and capacity of its activities. NIA has also invited relevant associations to meetings to discuss issues related to specific countries, such as Belarus, Colombia, China, Ethiopia, India, Kyrgyzstan, Russia, Sri Lanka, Philippines, South Africa, Ukraine and Vietnam.

Guidelines for systematized supervision

In 1995, the NIA decided to develop guidelines for a more systematic supervision of the authorized associations. The guidelines were to be used for the authorization of individual associations and, in connection with the decision on authorization, an assessment would also be made of the association's activities. In this way, supervision would have a clearer content, with higher quality and certainty, and would better respond to the NIA's responsibility for the best interests of the child and as a representative of the public interest. The forms of supervision were based on the NIA Handbook for Adoption Agencies and would be adapted when Sweden ratified the 1993 Hague Convention. Two issues were highlighted in relation to the examination of the finances of the associations: whether the association adequately distinguished between adoption

activities and, for example, assistance activities, as well as the development of costs during the past authorization period.

NIA assessment of the impact of supervision

According to the NIA, the careful examination prior to authorization and the supervision of the associations meant that the responsible authorities in the children's countries of origin gained confidence in the Swedish adoption organizations. The supervision had also led to Swedish adoption organizations being favored over other countries when authorities in the children's countries of origin chose between several possible partner organizations from different countries.

In 1999, the NIA introduced a new operational objective for the field of assessment and supervision, which meant that the NIA would ensure that the activities with international adoptions had a high ethical level, that the rights and interests of the child were given priority and that the adoptions in Sweden were carried out in accordance with the legislation in force in the child's country of origin and in Sweden.

MIA's supervision of the associations

When the MIA became the new supervisory authority in 2005, the conditions for authorization and the supervisory requirements for the day-to-day work, finances and budgets of the associations were tightened, including for individual countries.

For example, the budget for intermediation activities would be separated from other activities. The MIA, like the NIA, produced annual supervision reports for each association. Conditions that needed to be followed up were included in the annual supervision plan drawn up.

MIA's annual reports for 2005-2014 show that cooperation between MIA and the associations functioned well, that the associations submitted the reports requested, and that MIA concluded that there was no reason to assume that the associations had not met the conditions for authorization under the Act. In one case, MIA reported that it had pointed out that some authorized associations had mixed up branches of activity in their accounts.

MFoF's supervision of the associations

As a new supervisory authority from 2015, MFoF has continued in the same way in its supervision of the authorized associations. The authority has had ongoing contact with the associations and reviewed documents (board minutes, financial accounts, travel reports, disclosure cases) with the aim of ensuring that they comply with the terms of authorization. MFoF has also carried out supervisory visits to the associations and examined in particular cooperation agreements with foreign contact persons, work on risk analyses, forms of disclosure of documents and archiving, and whether the organizations have planning and sufficient resources for development. The review has been compiled in annual supervision reports per organization.

5.6.4 Travel to countries of origin

The regulator has made some 90 trips to 37 countries between 1979 and 2024

Our review of the annual reports and annual accounts of the NIA, MIA and MFoF from 1979 to 2024 shows that the supervisory authority made a total of just over 90 trips to 37 countries during the period. The NIA made around 50 trips in 1979-2004, the MIA just over 35 trips in 2005-2014 and the MFoF has so far made eight trips since 2015.

A review of the number of trips made to individual countries from 1979 to 2024 (Table 5.1) shows that almost half of the countries of origin were visited only once. A third of the countries have been visited 2-3 times. One country - India - has been visited a total of 15 times.

Table 5.1 Frequency of visits/trips to individual countries 1979-2024

Number of visits/trips	Number of countries
1	17
2	9
3	4
4	5
5	2
More than five	2

Own compilation based on annual reports and annual accounts.

A corresponding summary of the Agency's visits to the top ten countries of origin of children from 1969 to 2024 is shown in Table 5.2. It shows that a total of 53 visits were made to the top ten countries from 1979 to 2024. India is by far the most visited country, while most other countries were visited 3-5 times.

Table 5.2 Supervisory authority trips 1979-2024 to the ten largest adoption countries

Country	Number of trips	Year of travel
South Korea	5	1982/83, 1986/87, 2007, 2014 and 2023
India	15	1979/80, 1982/83, 1983/84, 1986, 1987, 1988, 1989, 1993, 1995/96, 2002, 2007, 2008, 2013, 2019 and 2024
Colombia	6	1979/80, 1981, 1985, 1992, 2006 and 2013
China	4	1994, 2002, 2007 and 2014
Sri Lanka	5	1979/80, 1981/82, 1984/85, 1986, 1991
Chile	2	2018, 2022
Thailand	5	1979/80, 1983/84, 1992, 2002 and 2016
Vietnam	5	1992, 1997, 1999, 2006 and 2008
Poland	4	1987/88, 1991, 1993/94 and 2009
Ethiopia	2	2005 and 2011

Own compilation based on annual reports and annual accounts 1979-2024. The compilation may contain inaccuracies due to the fact that some journeys were not included in the annual reports and annual accounts. Annual reports for 1998 and 2001 are missing.

Until 2000, travel to countries of origin was seen as a tool to develop cooperation and facilitate adoptions

Views on travel to countries of origin and the purpose of travel have differed over time.

The NIA's annual reports for 1979-1992 show that travel was not primarily seen as a supervisory tool. Travel was part of the agency's work, for example, in connection with discussions on agreements with individual countries, visits to foreign authorities or to the foreign contacts of associations applying for authorization, in preparation for the assessment of applications for authorization, monitoring of the business environment and participation in international conferences. One example is NIA's 1992 trip to Bolivia and Colombia, the purpose of which was to evaluate, together with representatives of the responsible authorities in the countries, the experience of adop

Sweden and discuss possible opportunities for enhanced cooperation.

From 1993, trips to countries of origin were included as part of NIA's mission to follow international developments in the field of adoption. The NIA's selection of countries was based on various needs, such as acute problems in a country, a large number of adoptions or that it was a new cooperation country for Sweden. During the NIA's visits to the countries, the agency provided information about the conditions of adoptees in Sweden and research results concerning the development and adaptation of adopted children. According to the NIA, this was important to counteract skepticism and aversion to international adoptions in the country of origin. The NIA stated that Sweden was one of the few receiving countries where the responsible central authority systematically sought and provided information through direct contact with its counterparts in the countries of origin. According to the NIA, the Board's trips were important for knowledge gathering and for building confidence in Swedish adoption policy and facilitating the work of the authorized associations²⁰⁵.

In its 1999 Annual Report, the NIA noted that an increasing number of children's countries of origin had strong control over the conduct of adoption activities and had established laws and regulations governing these activities. An increasing number of countries were about to accede to the Hague Convention. This could increase the security of adoption activities and reduce the risk of unethical practices or procedures. However, according to the NIA, this did not mean that Sweden could abdicate the responsibility of a large receiving country. Swedish adoption policy was therefore of great importance for cooperation with other countries and for ensuring that the work was carried out in an ethically defensible manner²⁰⁶.

Only in 2000 does the NIA describe travel as an important tool for oversight, knowledge gathering and clarification of questions raised by officials in countries of origin. NIA's assessment is that it would need to undertake more foreign travel than was possible at that time²⁰⁷.

²⁰⁵ NIA, Annual Report 1993/94, p. 18.

²⁰⁶ NIA, Annual Report 1999, pp. 21-22.

²⁰⁷ NIA, Annual Report 2000, p. 21.

Inspection missions from 2005 until today

When the MIA became the supervisory authority in 2005, travel was reported as part of the supervision of the authorized associations. MIA writes that they gain insight into the children's countries of origin by, among other things, carrying out monitoring trips to a few selected countries of origin per year. It is not clear how the countries are selected. In addition to the visits, the authority gathered information about the countries in the form of reports from the Ministry of Foreign Affairs and various international UN bodies and from the International Reference Center for the Rights of Children Deprived of their Family (ISS/IRC). The agency exchanged information with other receiving countries in connection with international meetings, received delegations of adoption authorities and orphanage representatives from countries of origin when they visited Sweden, met with responsible officers at the Ministry of Foreign Affairs and consulted with the MIA's Supervisory Board. MIA also writes that in connection with its visits to countries of origin, the authority exercised supervision over the activities of the associations and acquired a deeper knowledge of the conditions in the countries.

There are no major changes when the MFOF takes over the supervisory role in 2015. The agency's annual supervision plan includes supervision missions to priority countries. Supervision missions are carried out with the aim of ensuring that adoption mediation from countries of origin can be carried out in a legal and ethically acceptable manner. The MFOF does not describe the grounds used for prioritizing countries.

5.6.5 A specific reporting requirement 1995-1997 on developments in the countries

Apart from the more general effects of the supervisory authority's visits, which are described above, no detailed description is given of the situation in the countries visited. However, the NIA is specifically required to report on the development of intercountry adoption activities in Sweden in the appropriation directions for 1995-1997. This is reported in an appendix to the annual report and contains a brief description of the situation in the countries from which children have come to Sweden for adoption. Almost 20 countries are described in terms of cooperation with the country of origin, legislation and various types of problems encountered. For example, the

²⁰⁸MIA, Annual Report 2005, p. 11 and Annual Report 2006, p. 9.

in some cases, the existence of irregularities is shown. The appendix also gives a separate account of the Swedish adoption organizations' activities, foreign cooperation and travel.²⁰⁹The NIA will produce a report with similar information in 2001.²¹⁰We have tried to clarify the background to the reporting requirements in the letters of appropriation and whether the reports led to any action on the part of the Government, but without success.

From 2005, MIA reports on the situation in certain countries of origin in a separate section of the annual report. The countries visited through monitoring missions are briefly described, as well as countries where negotiations on cooperation are ongoing, where there have been changes in legislation, requirements for adoptions or where there have been problems in adoptions. During the period 2005-2013, the situation in Colombia, Belarus, China, Czech Republic, Ethiopia, India, Kenya, Poland, South Korea, Taiwan, Ukraine and Vietnam is described.

The MFoF has not produced a similar report since it took over supervisory responsibility in 2015.

5.6.6 The supervisory authority has not acquired detailed knowledge of adoption cases in different countries, which has affected the conditions for effective supervision

The supervisory authority has not carried out any reviews or analyses of adoption cases in different countries over time as a basis for the authority's supervision of agency activities in Sweden or in the children's countries of origin. In our opinion, the authority has had the opportunity to carry out this type of review in its supervisory task since 1979. By way of comparison, the Danish supervisory authority Adoptionsnaevnet carried out such an analysis prior to an inspection visit to Colombia in 2006. The authority reviewed 37 children's files prior to the visit and found that the amount of background information on the children varied, as did the information on how the children became available for adoption. Information on consent was also sparse, especially for some of the private orphanages.

²⁰⁹NIA, Annex to the NIA Annual Report 1994/95, 1995/96 and 1997 respectively, Developments in the field of adoption in some countries from which children have come to Sweden for adoption.

²¹⁰NIA, memorandum April 2001, History and account of developments in the field of adoption in some countries from which children have come to Sweden for adoption up to and including December 31, 2000, ref. no. 52:79:135/07.

The briefing could be used as a basis for questions to responding authorities and orphanages in Colombia.

It was not until 2017 that the Swedish supervisory authority made a corresponding analysis. At that time, MFoF conducted a systematic survey of the adoption process in the 20 countries for which AC, BFA and BV were then authorized. The survey included a total of 238 files and a review of all child reports concerning children adopted to Sweden in 2017. The authority looked at the child's background investigation, the child's right to be heard and compliance with the principle of subsidiarity. With regard to background information, the authority looked at what information was available about how the child became available for adoption, information about parents and relatives and how long the search for parents or relatives had been carried out. The MFoF also looked at the consent of the biological parents to the adoption, what information was contained in the child's social and medical report and what information was contained in the child's birth certificate. For the principle of subsidiarity, the MFoF looked at what information was available on how the search for national parents was done in the country. The supervision was never compiled in a formal report, but from the material we studied, the MFoF concluded that the authority needed to acquire further in-depth knowledge and gain a better overall picture of the children's background investigation, the children's right to be heard and compliance with the principle of subsidiarity.

In 2021, the authority carried out a file review of all completed adoption cases in the first half of 2021. The purpose of the review was to see how the parents' consent to adoption, or in future cases the competent authorities' decisions, had been documented. In 2023, the MFoF carried out a further review of adoption files. The review showed that the information available to the associations varies from country to country in terms of the child's background, how the child became available for adoption and how the best interests of the child were assessed. In some countries, there is confidentiality around information about the biological parents, which limits the information available to the associations before an adoption is completed. MFoF notes that the associations usually receive information about the background to the child being made available for adoption, but that in many cases limited information is given about the attempts made to find national solutions for the child. This makes it more difficult to

²¹¹MFoF, Supervision of children reports January 2018, 2017-12-20, dnr 3.3.6:19/18.

understand how the subsidiarity principle is applied in the country. According to the MFoF, it is therefore important for the association to keep abreast of how countries apply the subsidiarity principle by other means²¹².

In the MFoF's final report on the legal certainty assignment, the authority proposes that the Government should consider allowing the MFoF, in its capacity as central authority, to take over responsibility for examining and deciding whether the adoption procedure may continue. MFoF believes that this would have an impact on the authority's ability to supervise the associations' mediation activities, and the authority would be better able to draw attention to systematic deficiencies in, for example, children's documentation and procedures in the countries of origin and, based on this, take relevant supervisory measures.

5.6.7 The supervisory authority has not considered itself to have a mandate to audit and control activities in the countries of origin

In our interviews with former employees of the NIA, MIA and MFoF, there is a consistent view that Sweden and the Swedish supervisory authority's task is to supervise the Swedish associations and not to review and control the activities and processes of the countries of origin. They refer to the fact that the 1993 Hague Convention provides a clear division of responsibilities whereby the country of origin is responsible for ensuring that children are made available for adoption in the right way and the receiving country is responsible for ensuring that the adoptive parents are well investigated and prepared for the adoption. The Swedish supervisory authority cannot scrutinize the activities in the countries of origin, go into other countries' documentation in individual cases, demand to see what the money is used for or review each individual contact. Operations are based on trust and confidence.

However, our interview with the former Secretary General of the Hague Secretariat revealed a different view of the division of responsibilities. He believes that the whole idea of the 1993 Hague Convention is that it is about shared responsibility. The fact that a country of origin is a party to the 1993 Hague Convention cannot be taken as an excuse for the

²¹²MFoF. *Inspection report 2023 Adoption Center*, dnr 2023-232 p. 7 f. and *Inspection report 2023 Children First*, ref. 2023-231, p. 7 f.

²¹³MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process. Final report for government assignment S 2023/02122*, March 2024, p. 9.

countries not to control countries of origin. It is not enough that the country of origin is a party to the Convention, they must also be compliant. Central authorities in receiving countries must therefore be proactive and check that countries of origin meet the requirements of the Convention, that the system is robust and that cooperation with the country of origin is possible. The authority must involve several different actors in this work, such as the embassy and UNICEF.

In individual adoption cases, Article 17c is key to the Convention and requires both the country of origin and the receiving country to have approved the continuation of the adoption before the child leaves the country of origin. Both countries have a responsibility to ensure that the adoption is in the best interests of the child⁽²¹⁴⁾.

Adoption agencies say that the countries they work with operate on the basis of the principles of the Hague Convention and have laws and regulations in place to ensure that children adopted internationally have been made available for adoption on the correct basis. However, the HCCH representative in The Hague said in an interview that the fact that a country has ratified the 1993 Hague Convention does not guarantee that it meets all the requirements of the Convention. The Convention is based on progressive implementation²¹⁵, which means that a country can sign the Convention without fulfilling the requirements but have the intention to work towards doing so. The only unconditional requirement is to designate a Central Authority that can issue a so-called Hague Certificate (Article 23 Certificate). There are countries of origin that have ratified the Convention but for various reasons are unwilling or unable to implement it adequately. A Central Authority in a receiving country cannot therefore fully rely on their counterparts in countries of origin to fulfill their duties and responsibilities and to ensure that the processes in the country guarantee that children become available for intercountry adoption in the right way²¹⁶.

This places great demands on the supervisory authority's control when authorizing and supervising the operation of activities, even in the case of Hague-affiliated countries. However, representatives of the MFoF believe that the boundaries between the recipient country's and the country of origin's supervisory responsibilities are not yet sufficiently clear. A former employee of the MFoF believes that the division of responsibilities under

²¹⁴ Meeting with Hans van Loon 2023-10-02.

²¹⁵The Hague Conference on Private International Law (2008). *The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention Guide No.1*, p. 40 f.

²¹⁶Meeting with HCCH in The Hague on October 2, 2023.

the convention is a nice idea, but that it allows everything to look good on the surface without being so.²¹⁷

5.7 Cooperation between the supervisory authority and adoption agencies

The investigator's assessment: The adoption organizations have played a driving and active role in establishing and developing Swedish international adoption activities. The supervisory authority has sought to control and coordinate the activities on the basis of its remit and conditions. The adoption organizations have been allowed to act independently on important issues to an excessive degree, and in some cases have also been given a mandate to represent the supervisory authority abroad. By leaving important issues to the adoption agencies, the supervisory authority has not assumed its full responsibility for ensuring the best interests of children and legal certainty in international adoption activities.

5.7.1 AC has been allowed to have a driving role and has often been perceived as the Swedish authority abroad

From our interviews with various actors, it emerges that the AC was a driving force in international adoption activities from an early stage. AC was often perceived abroad as the Swedish authority. AC had more employees than NIA, traveled significantly more and was more used to cooperating with different countries of origin. Some former employees of the agency describe that "we had to work a lot to keep our roles separate, especially when we were abroad"⁽²¹⁸⁾.

The AC was also initially given a more formal role, for example in Colombia. In a letter to the Swedish Embassy in Bogotá in 1977, the NIA wrote that "This is the first time we have tried the model of letting the Adoption Center function as our executive body abroad and in that sense this activity is an experiment on our part. Normally we work with the authorities of the country or

²¹⁷ Meeting with former MFoF employee on May 9, 2023.

²¹⁸ Meeting with a former head of office and a former employee of the NIA 2022-10-12.

with a domestic authorized organization."²¹⁹AC has sometimes also, on behalf of NIA, acted on NIA's behalf abroad. One example is the cooperation agreement between Sweden and Colombia, where AC, at the request of NIA, participated in a meeting with the Colombian adoption authority in 1985. The meeting discussed the drafting of the agreement and the requirements for the adoption process that should be included in the agreement. After the meeting, AC informed the embassy and later the Ministry of Social Affairs that the wording of the agreement would mean that adoptions through AC and from Colombia would be considerably reduced. No agreement was reached.

In some cases, the NIA has spoken out when the AC has acted on issues for which the NIA was responsible. One example concerns South Korea in 1981, where the head of the adoption organization in South Korea (SWS) reacted strongly against the Swedish Embassy in Seoul together with AC visiting the South Korean Ministry of Social Affairs to enable more Korean children to receive exit visas for travel to Sweden than the previously established quota. In a letter to the Swedish Embassy in Seoul, the NIA writes that policy issues concerning the agreement were to be dealt with by the contracting parties, the NIA and SWS, and that the AC had been reminded of this.²²⁰Another example is a brochure on private and individual adoptions produced by the AC in 1994, in which the NIA argued that it was the role of the supervisory authority to provide information on what was applicable, not the AC.

A more fundamental issue dealt with by the NIA was the initiative taken by AC in the late 1990s to finance its activities through private sponsorship. AC's Board of Directors had adopted a document stating that all aspects of AC's activities, including adoption, could be financed through private sponsorship. However, the NIA reacted to this and raised it as a matter of principle in the NIA Board and informed the Minister of Social Security about it. The Board expressed strong concerns and discussed the ethical aspects of the issue. Members felt that adoptions could be linked to business interests, which could undermine confidence in Swedish adoption policy both in the children's countries of origin and in Sweden. The Board's position was therefore that corporate sponsorship of adoption activities should not take place.²²¹The AC replied that there were no concrete sponsorship plans, except for some of the

²¹⁹ National Board of Health and Welfare NIA, Submitted to the Swedish Embassy in Bogotá on February 3, 1977, No. R34.

²²⁰ Letter from the NIA to the Swedish Embassy in Seoul, October 6, 1981, No 72:243/81, R 34 Xko.

²²¹NIA, The issue of external financing, 1996-10-28, dnr 69:357/96.

activities, Forum -97. Following the Board's opinion, AC withdrew its plans. However, a few years later, in 2001, AC ran a major advertising campaign for international adoptions - "Are you trying to have a baby? We're trying to get parents" - which was produced free of charge by an advertising agency. However, this was not opposed by the NIA. On the contrary, the campaign was highlighted in the NIA informer, which stated that the campaign was sponsored²²².

5.7.2 The exchange between the supervisory authority and authorized adoption organizations

After the organizational reform in 1979, when AC was no longer on the NIA Board, AC asked to have regular meetings with the NIA office. These took the form of monthly meetings. After a while, they were replaced by organizational meetings in which other authorized organizations also participated.

The supervisory authority invited the authorized associations to organizational meetings approximately twice a year. At the meetings, the authority informed about the current requirements for the organizations' activities and the organizations in turn reported on the mediation activities in different countries. However, a former head of operations at AC says that it was AC that made demands on NIA and that AC produced points to discuss at the organizational meetings that NIA followed.

Various issues of principle have been discussed over time. Initially, for example, private adoptions and ethical principles were discussed, but later it became more about the organizations' day-to-day work, financial administration and reporting. On a few occasions, the NIA has pointed out the importance of improving cooperation between the organizations. In addition to the organizational meetings, the NIA has invited the organizations concerned to meetings to discuss issues relating to specific countries.

The NIA has also organized meetings and conferences on specific themes. For example, in 1981 the NIA organized a conference with social workers and representatives from adoption agencies. According to the NIA, the meeting resulted in the organizations forming a working group on certain ethical issues. In 2015, the MIA invited the boards of the organizations to get their views on the

²²²NIA Informs No 3-4 2001.

the development of international adoption activities, adaptation to new conditions and activities in the future. In 2020, MFoF arranged a training course for Swedish adoption organizations focusing on the risks of corruption in the adoption process, where the Swedish Anti-Corruption Institute (IMM) gave a lecture on how corruption can be identified and counteracted.

5.7.3 Adoption organizations, not the supervisory authority, have developed ethical principles for adoption activities

Former directors of AC and FFIA, among others, describe that the Swedish adoption organizations began to develop common ethical principles in 1980. The following year, 1981, an ethics group was formed in which all authorized Swedish organizations were included and where the organizations could raise various issues for discussion. These issues included problems with intermediaries making money from children, people escorting many children on flights to Sweden, and how the organizations should pay people in the countries of origin without contributing to adoptions being carried out improperly. Organizations could have different views on these issues. The Ethics Group created the first document with ethical rules for the Swedish organizations. It was adopted in 1988 after being approved by the boards of all adoption agencies.

According to a former head of operations at AC, one reason why the organizations saw a need to develop ethical principles was that the NIA's handbook for adoption organizations did not cover how Swedish actors should work abroad. The handbook only addressed how to follow the Swedish rules. AC had submitted comments on the handbook to the NIA and had stated that the sensitive issues were not included. According to the former Head of Operations at AC, the NIA did not find it necessary to regulate how to work internationally, as the NIA considered that each country was responsible for its part of the process. The NIA also felt that it was not in a position to comment on countries of origin. Instead, the Agency allowed the organizations to develop the part related to their activities abroad on their own, which became the Code of Ethics.

The former head of AC says in an interview that "AC was the engine and NIA was the wagon"²²³.

In addition to the Swedish ethics group, a Nordic group was also set up in 1983 to work on the same theme and produce Nordic guidelines. Here too, it was the adoption organizations themselves that formulated the rules, without the authorities being involved. The Swedish and Nordic ethics groups also helped to lay the foundations for a European ethics group, EurAdopt, which was formed in the early 1990s. EurAdopt's ethical guidelines were adopted in 1993. EurAdopt also adopted the Financial Factors in 1993, which was a reasoned document on how to think about the level of costs in a country. According to the former head of operations at AC, there was no major difference between the Swedish, Nordic and European guidelines. One difference, however, was that the European guidelines had more focus on the fact that the organizations should provide assistance, which was partly due to the fact that several foreign adoption organizations had started as assistance organizations.

EurAdopt's ethical guidelines were to some extent superseded by the 1993 Hague Convention, which was also preceded by several years of discussions on ethical rules for adoption activities. The former AC Director of Operations believes that it is the very process of developing a code of ethics is what matters. It affects the culture of the organization more than the documents themselves.

In interviews, several adoption agencies emphasized that they stood up for ethical values and tried to do the right thing and also worked to improve adoption services.

5.7.4 The supervisory authority has been too passive and relied on the authorized adoption organizations

In several interviews with various stakeholders, we were told that the supervisory authority was too passive and relied on the adoption organizations. It was also pointed out to us that the supervisory authority worked too closely with the adoption organizations. For example, representatives of the supervisory authority often traveled to different countries of origin together with the adoption agencies, which may pose a risk that the supervisory authority does not

²²³Interview with a former head of operations at AC 2024-03-22.

been completely independent. The investigator in the 2003 adoption inquiry says that she was struck by how passive the state was during the inquiry, that the NIA left everything to the adoption organizations while the authority did not think or do much. She also describes that there were very eloquent, well-educated and vocal individuals in the adoption organizations. They had influence, high positions and justified the activities. According to her, the organizations had been allowed to control the international adoption business and no actor had really been allowed to review the business before.²²⁴ Another interviewee similarly expresses that "the industry has been allowed to live its own life".²²⁵

5.8 Stakeholders' ability to fulfill their responsibilities

The investigator's assessment: The supervisory authority is the central actor in the Swedish international adoption activities to ensure legal certainty and the best interests of the child in the adoption process through authorization and supervision of the authorized adoption organizations. The supervisory authority has had too few resources for the extensive and complex task it has had. It has also not had sufficient tools to limit the number of associations and countries. This has always affected the conditions for control and supervision of the activities. The Authority has on several occasions pointed out to the Government the need to change or review the Authority's provisions and tools. In several cases, the government has reacted late in addressing the problems or has not addressed them at all.

5.8.1 NIA, MIA and MFoF have had a large and complex mission with few staff over time

The NIA as an intermediary of adoptions until 1979 and then as a supervisory authority followed by the MIA and the MFoF has had a very extensive and complex mission with few employees. The budget has increased

²²⁴ Interview with the Special Investigator for the 2003 Adoption Inquiry, 2024-02-20.

²²⁵ Meeting with Tobias Hübinette on 2022-03-08.

over time, but despite this, the number of staff at the supervisory authority has remained at roughly the same level.

The number of staff and FTEs for the NIA, MIA and MFoF are not uniformly reported over time. For 1973-1979, there is no account for the entire period, but until 1976 the NIA's office seems to have consisted of an office director and three secretaries who assisted the Board, as well as a clerk who handled the office's administration. For a period, a person was seconded from the Child Welfare Bureau of the National Board of Health and Welfare to handle cases from South Korea received prior to the establishment of the NIA. Reportedly, 3/4-1 full-time NIA staff were required for the work of the Intermediary Committee in 1974.²²⁶ From 1976, the budget was increased to provide for the employment of an additional agency secretary and a clerk. An early NIA clerk says that they often wrote to the Department that the task was difficult. She describes that "in dark moments we thought it was too difficult to keep track of everything connected with the adoption processes, but the alternative was to shut it all down and that was not on the cards."²²⁷

For the period 1979 through 2004, the NIA had approximately nine employees. Former NIA staff members tell us that they called themselves "the NIA nine". The number of staff at the NIA can be compared to the staff at the AC, which in 1981 amounted to ten foreign secretaries and six foreign clerks in the foreign service. According to a former head of operations at AC, the organization had at most 40 employees, including 6-8 country officers. NIA's appropriations were relatively low.

of around SEK 2 million from the early 1980s and for ten years thereafter. From the beginning of the 1990s, the NIA's allocation was increased to SEK 4.2 million, and then in stages until 2003, when the allocation was SEK 7.8 million. During the same period, the government grant to the authorized associations increased from SEK 1 million to SEK 1.7 million²²⁸.

The number of staff at the MIA, which had a clearer supervisory remit, varied between 10-13 staff over the period 2005-2014. The number of full-time equivalents is not shown. The agency's budget increased from SEK 11 million to SEK 15 million during this period.

²²⁶National Board of Health and Welfare, NIA, Report on experimental activities with the mediation committee 1973-07-01- 1974-06-30, pp. 2 and 11. NIA, Business planning for the 1976/77 financial year.

²²⁷ Interview with former NIA Secretary 2022-10-13.

²²⁸AC, Annual Report of the Association of Adoption Centers for the 1981 financial year, 1982-05-09, p. 8. NIA Annual Report 1981/82.

These funds included SEK 1.8 million to be distributed to authorized associations and adoptees' organizations.

When the MIA's mandate was expanded to include certain family law matters in 2015 and its name was changed to MFoF from 2016, the number of staff at the agency increased. However, the number of people working on intercountry adoptions remained roughly the same as before. The allocation went from SEK 21.9 million in 2015 for the whole agency, of which SEK 17.9 million related to the former activities of the MIA. The appropriation was then increased to SEK 23.7 million for the MFoF as a whole. The appropriation amounted to SEK 24.7 million in 2019 and to SEK 32 million in 2021. The government grant to authorized associations and adopted persons' organizations remains at SEK 1.8 million.

MFoF currently has just under ten full-time employees working on authorization and supervision, adoption-specific support and coordination of parent training and knowledge support to the social committees. For 2024, SEK 13.2 million of the agency's total allocation was allocated to the area of international adoptions. From 2021 until today, the MFoF has had several government assignments in the field of international adoption: support for interviews, support in tracing origins and the so-called contact point assignment. The authority received just over SEK 3.6 million for these assignments in 2024. For 2025, the grant funds amount to SEK 9.8 million.

5.8.2 The large number of cooperating countries has affected the supervisory authority's conditions for control and supervision

As shown in the previous section, Swedish adoption agencies have been authorized for a large number of countries. The authorized associations have pushed for authorization in many countries based on their operational objectives and the supervisory authority has not had sufficient tools to reject authorization applications. The supervisory authority has also assisted adoption organizations in granting more countries of authorization when the number of children available for adoption has decreased.

The state contribution to the authorized associations, the purpose of which is to support their work in international adoption mediation, is distributed on the basis of the average number of children that each

This gives the associations an incentive to place as many children as possible.

The large number of authorized countries has been very resource-intensive for the supervisory authority. This has had a negative impact on supervision and on how thoroughly and deeply the supervisory authority has been able to go into the authorization and supervision work. This may have contributed to the authority granting authorization for countries where there was a risk of irregularities in the adoption activities and that the authority did not have the conditions to ensure through supervision that the activities in the countries of origin meet the requirements.

5.8.3 The supervisory authority has on several occasions raised questions about the conditions for operations with the government

Over the years, the supervisory authority has raised various issues with the government concerning the conditions for its activities.

As stated in section 5.5.2, the NIA saw already in the first round of authorizations in 1979/1980 that the authority had difficulty in rejecting applications for authorization if the associations met the requirements. The NIA returned to this issue on several occasions until the early 2000s. The NIA also pointed to problems in withdrawing authorizations when an association or activity in a country was not functioning satisfactorily. However, it was not until 2005 and 2009, when the government decided to tighten up the LIA, that the MIA was given better conditions to reject authorization applications. The issue of the possibility of stopping adoption activities pending a final decision on revocation of authorization if problems or irregularities arise in an activity or country and that decisions within the supervision should apply immediately is still on the government's table.

As inter-agency adoptions declined and private adoptions increased in the late 1980s and early 1990s, the NIA brought the problems to the attention of the government. The NIA highlighted, among other things, shortcomings in the approval by social welfare boards of the intermediation route for private adoptions and the need to strengthen the role of the NIA as a supervisory authority. Furthermore, the NIA considered that support for

²²⁹Sections 2 and 10 of the Ordinance (2008:1239) on State Grants to Authorized Adoption Associations and to National Organizations for Adoptees.

adoption agencies needed to be strengthened and the conditions under which they operate reviewed. In addition, the possibilities of limiting the cost development of adoptions needed to be examined. The government quite immediately appointed an inquiry to review the activities and conditions, but it was not until 1997 that the NIA was given the responsibility of examining and approving the agency route for individual adoptions.

In 2012-2013, the MIA highlighted to the government that the intercountry adoption business had undergone rapid and extensive change, with the number of adoptions falling sharply and adoption processes taking longer and becoming increasingly complex. According to the MIA, the agency's activities were affected by increased work on authorization, supervision and information. More countries of origin were also requesting bilateral agreements with receiving countries, which also increased MIA's workload. The MIA felt that a review of its activities as a whole was needed.

The issue was revisited by the MFoF in 2016. It concerned, among other things, how mediation activities should be organized, individual adoptions and how the supply of skills should be secured. It was not until 2021, however, that the Government gave a mandate to the State Treasury to review the activities. The State Treasury submitted some proposals relating to the issues raised by the MFoF, but did not propose any new organization for the operations.

6 Irregularities in Swedish international adoption activities

6.1 Introduction

6.1.1 Starting points for the analysis of irregularities

The task of the investigation is to clarify the existence of any irregularities in Sweden's international adoption activities. According to the terms of reference, the investigation must also clarify whether the Swedish actors had knowledge of or participated in any irregularities and clarify the extent to which any participation was temporary or systematic.

The Terms of Reference state that irregularities can be of various kinds, ranging from a so-called illegal adoption, i.e. an adoption that is the result of abuses such as abduction, sale, trafficking and other illegal activities, to various forms of unethical or inappropriate behavior by various participants in the process. In line with this and with the terminology used by the HCCH and internationally, I have chosen to include in the term irregularities both illegal adoptions and unethical behavior. An illegal adoption is defined as an adoption that includes actions that violate laws and other rules. Examples include child trafficking, falsification of the child's documents, lack of parental consent or child abduction. Unethical conduct refers to conduct that leads to situations where a child is adopted without respect for the rights of the child and the parents of origin, or for the safeguards of the 1993 Hague Convention. This may include, for example, inadequate documentation that makes it difficult for adoptees to trace their origins

enforcement of consent under moral pressure or false pretenses, or insufficient efforts to seek a national solution before international adoption (subsidiarity principle). I also consider it unethical to deviate from the regular adoption process at this time. Failure to respect the safeguards surrounding the adoption process runs the risk that the adoption will not be carried out with respect for the fundamental rights of the child.

We have assessed unlawful conduct on the basis of the laws and regulations in force at the time and unethical conduct on the basis of the values recognized in international conventions and formulated in Swedish law at the time of the adoption. During the more than 70 years of our mission, knowledge, values and rules on adoption have developed and changed. Despite this, it can be stated that the view of what is illegal and unethical behavior in adoption activities has not changed very much. This was also noted by the Dutch investigation into irregularities in international adoptions in 2021. The rights arising from both the Convention on the Rights of the Child and the 1993 Hague Convention have in principle been recognized in Swedish law throughout the period we are examining.

It is above all the child's right not to be separated from siblings through an adoption that has been clarified by the advent of the Children's Convention in 1989. The principle of subsidiarity was clarified by the Children's Convention in 1989, but has been expressed in both international and Swedish guidelines since the 1950s. Although the documentation requirements were tightened in 2005, the right to know one's origins has been recognized in Swedish law since 1917. In addition, the child's right to a name and nationality was one of the principles of the 1959 UN Declaration of the Rights of the Child. The child's right to a name, identity and knowledge of their origin has since been specified in the 1989 Convention on the Rights of the Child and the 1993 Hague Convention. Taken together, this means that the examples of illegal adoptions and unethical practices mentioned above have been considered irregularities throughout the period.

I do not take a position on whether adoptions in which there have been irregularities have nevertheless been in the best interests of individual children. It is possible that there are cases where it has been, for example to save a child's life. I have not compared the existence of irregularities with what would have happened if the child had remained in the country of origin. Our experience

The aim has been to investigate what irregularities occurred and to what extent they were extensive and systematic. We have examined irregularities in the adoption process, not whether the decision to place the child for adoption was right or wrong.

In this chapter, we describe the irregularities we have identified in intercountry adoptions to Sweden, particularly from the seven countries we have conducted in-depth reviews of: Chile, Colombia, Ethiopia, China, Poland, Sri Lanka and South Korea. Part two of the report provides an in-depth review of these seven countries. Although we cannot say exactly what proportion of all intercountry adoptions to Sweden contained irregularities, we try to show which irregularities have occurred more extensively and systematically. Where possible, we also try to show which irregularities occurred in which types of adoptions, from which countries and during which time period.

6.1.2 Overall on the prevalence, scope and systemic nature of irregularities

The investigation shows that there have been irregularities in intercountry adoptions to Sweden. There have been irregularities in all seven countries that we have conducted an in-depth review of, and we have also seen irregularities in other countries, such as India, Thailand, Taiwan and Vietnam.

In some countries and during some periods of time, irregularities in adoptions to Sweden have been extensive or systematic. This is the case, for example, in Chile and Sri Lanka in the late 1970s and 1980s.

In other countries, there is less clear and confirmed information about extensive irregularities, but instead there are clearly high *risks* that irregularities have occurred in adoptions to Sweden. In addition to the countries mentioned above, adoptions from, for example, Ethiopia to Sweden have been mediated by actors involved in irregularities. In countries such as China, children have been adopted to Sweden from areas where extensive and systematic irregularities have occurred. In South Korea, children have been systematically registered as orphans in a separate family register even if they had known parents, which has given rise to irregularities. In Poland, Swedish couples

circumvented the intercountry adoption process in various ways, for example through false confirmations of paternity.

There have also been extensive and systematic shortcomings in the documentation of adoptions. In order for the child's right to know his or her origin to be fulfilled, those involved in the adoption process must have made an effort to ensure that as much relevant information as possible is included in the adoption documents. This includes, for example, the child's date of birth, place of birth, original name, parents' names and living situation and the reasons for adoption. Some improvements have been made over time, for example in the documentation of the child's background. However, problems remain with regard to documentation showing that consent has been given and that national solutions have been tried before the child is placed for intercountry adoption. Such documentation is important to ensure that the adoption is in the best interests of the child.

Our review of irregularities covers a long period of time, some 70 years. Many of the irregularities we discuss in this chapter concern matters that occurred a long time ago. To obtain an overall picture of the current situation, we have carried out a file review of all adoptions in 2024 that were mediated through the Adoption Center (AC). Overall, there have been clear improvements in the documentation in the adoption files. Nowadays, AC files always include a social report and a medical report. Some improvements have been made, for example, in terms of the attempts made by the countries of origin to find solutions within the country before the child is placed for international adoption. However, according to our assessment, such documents are still missing in about one in three files. Some improvements seem to have been made in terms of evidence in the files that the consent of the guardian has been obtained. However, in our assessment, a separate consent document from the child's parent or other guardian is still missing in more than half of the adoption files. This is despite the fact that the 2023 HCCH Guidance states that States should ensure that the original document or a certified copy of all documents, such as the birth certificate, the consent to adoption and the decision on the child's adoptability are sent to the receiving country.

¹HCCH (2023), *Toolkit for Preventing and Addressing Illicit Practices in Intercountry adoption*, p. 82 f.

from eight countries about which we do not have the same background knowledge, compared to the seven countries we reviewed in depth. However, our findings are fully in line with the conclusions of the Norwegian authority Bufdir following its file review in 2024².

A widespread perception in Sweden has been that there have been greater problems with irregularities in private and individual adoptions compared with adoptions mediated by a Swedish authorized adoption organization. Our investigation partly confirms this, not least in the early private and individual adoptions in the 1970s and 1980s. It can be noted that there have also been irregularities in adoptions via authorized organizations.

6.1.3 Briefly on irregularities in the seven countries we examined in depth

There have been irregularities in adoptions from Chile to Sweden throughout the period from 1970 to 1990 when adoptions to Sweden took place. This has been established by the Chilean Parliamentary Commission, testimonies from families in Chile and adoptees in Sweden, and associations in Sweden and Chile. The AC also states that they are well aware that there have been irregularities in adoptions from Chile. In Chile, there have been cases of abduction of children, for example after health professionals have informed the mother that the child has died, or after children have been sent for temporary care in hospitals or orphanages. There have also been cases of lack of consent to adoption by the child's parents, falsification of the child's documents, placement of children without authorization, deviation from the regular adoption process, lack of documentation and concealment of origin, and obtaining consent under moral pressure or false pretenses.

Irregularities occurred in private and individual adoptions from Colombia to Sweden from the mid-1970s to the 1980s. A major adoption scandal was revealed in 1981 when an advocate was arrested for stealing and selling 300-500 Colombian children for adoption to Sweden and elsewhere. There are reports that 20 of these children ended up in Sweden. Colombia was one of the first countries to speak openly about the problem of child trafficking.

²Bufdir (2024), *Bufdir's recommendation on the temporary suspension of intercountry adoption - response to the follow-up track goal*, p. 9.

In Colombia, high donation and care fees to private orphanages have also led to an increased risk of irregularities. The fact that orphanages have had maternity homes as part of their activities increases the risk of children being given up for adoption under false pretences.

There have been irregularities in adoptions from Ethiopia, particularly in the 1970s. The most common irregularities have been that the original parents have not been given correct information about what an adoption entails and thus have not given informed consent, and that information in adoption documents is incorrect. Many people who have been adopted from Ethiopia to Sweden are in a poor position to trace their origins due to inadequate and sometimes incorrect information in the adoption documents. In the 1970s, an Ethiopian man, who was later sentenced to prison for illegal actions in connection with adoption brokerage, was involved in adoptions to Sweden, both privately and via AC. He has also been involved in individual adoptions to Sweden in the 1990s.

In China, child trafficking was uncovered in 2005 in the Chinese province of Hunan, where there had been systematic trafficking of Chinese children since the late 1990s, involving both orphanages and local officials. At least four of these children were placed for adoption in Sweden through the Family Federation for International Adoption (FFIA), but other children may have been victims of child trafficking. In total, some 70 children had been adopted during the period in question through FFIA, AC and Barnens Vänner (BV, formerly SLBV) from the orphanages involved in various ways in the Hunan scandal. Since all children adopted from China are described as abandoned, there is very little background information about the children, which seriously hampers the adoptees' ability to trace their origins. Adopters from China have also paid donation fees to Chinese orphanages, which may have created financial incentives to place children for international adoption and increased the risk of child trafficking.

Trafficking of children in private and individual adoptions from Poland to Sweden has occurred in both the 1990s and 2000s. Lawyers have made money from adoptions through high legal fees. In adoptions from Poland to Sweden, the international adoption process has sometimes been circumvented. One such practice, uncovered in 1990, is that Swedish couples have contacted a lawyer

in Poland and paid money for a pregnant Polish woman to come to Sweden to give birth to the child and then hand it over for adoption to the Swedish couple. Another practice that came to light in 1995 is that Swedish men have falsely confirmed the paternity of Polish children in order to circumvent the adoption process. In these cases, a Swedish man confirmed the paternity of a newborn child in Poland and was registered as the biological father. He was then able to bring the child to Sweden and his wife then adopted the child in Swedish courts.

Irregularities in adoptions from Sri Lanka to Sweden have occurred during the 1970s-1990s. Since 1979, the Swedish and Sri Lankan authorities have spoken openly about the ongoing trafficking of children for adoption. Government officials in Sri Lanka have repeatedly confirmed the existence of widespread trafficking in children, and have also asked Sweden for assistance in addressing problems in privately brokered adoptions. In Sri Lanka, adoption counselors and orphanage directors have made money by acting as intermediaries in the placement of children. In addition, the Swedish organization that placed the most children from Sri Lanka had a contact person who acted in an irregular manner with a clear commercial character. He was also involved in private adoptions. The involvement of children in Sri Lankan adoption activities has also led to other irregularities, such as baby farms, false mothers, false documents and child swaps.

There have been irregularities in adoptions from South Korea to Sweden, mainly in the 1960s and 1980s. The most common irregularities have been inaccurate information in the child's documents and children being given up for adoption by people other than the parents, such as grandparents or other relatives. The combination of the fact that people other than the mother were able to give the child to the South Korean adoption organization, that it was the director of the adoption organization who gave consent to the adoption and that the child was registered as an orphan in a separate family register, has entailed obvious risks of children being adopted without the consent of the parents. The fact that children of even known parents have been registered in a separate family register has, at least in some cases, regardless of what the intention was, meant a concealment of the child's origin.

6.1.4 Different challenges in investigating irregularities in different countries

There have been different challenges in investigating irregularities in different countries. In some countries, such as Chile and Sri Lanka, the authorities have acknowledged that mistakes have been made and that irregularities have taken place in adoption activities. This, of course, also facilitates our review and the possibility of proving irregularities. However, other countries, such as China and Poland, have not acknowledged irregularities, which has made our work more difficult. In China, it has also been difficult for Swedish actors to gain insight into adoption activities and get answers to their questions.

Another challenge has been to investigate irregularities in countries where adoptees are still young. Fewer people have had time to start researching their origins and discover irregularities. From countries such as China and Poland, we therefore have fewer or no reports of irregularities, compared to several of the countries with which Sweden had adoption cooperation in the 1970s and 1980s. Testimonies of irregularities may also be fewer in countries where most adoptees have been or are described as abandoned.

Swedish media have also reported differently on the irregularities uncovered in different countries. For example, Swedish daily and evening newspapers reported extensively early on about irregularities in adoptions from Sri Lanka, while there is very limited reporting about child trafficking in Hunan in China in 2005.

Nor did the Swedish media report on irregularities in adoptions from Chile until the 2000s, despite the fact that Chilean media from the 1970s onwards repeatedly reported on child trafficking.

6.1.5 How have Swedish operators dealt with irregularities?

In addition to clarifying whether there have been irregularities in Swedish intercountry adoption activities and to what extent, the assignment has also been to investigate and clarify whether the Swedish actors had knowledge of irregularities and how the various actors have acted and responded to any irregularities based on the respective actors' responsibilities and roles. The Swedish actors intend both

government, state authorities, municipalities, authorized associations, non-profit organizations and other private actors.

As Sweden has cooperated with countries where there have been irregularities in intercountry adoption activities, it has been important for Swedish actors to ensure that adoptions to Sweden have been carried out correctly. Although there are several examples of Swedish actors taking relevant measures when problems and irregularities have arisen, we have also seen many examples of Swedish actors not acting forcefully enough when they have received information about irregularities. For example, Swedish actors have sometimes failed to find out more information or critically examine an activity when information about irregularities has emerged. Swedish actors have also largely relied on measures from Sweden and the country of origin being sufficient, which they have not always been.

Representatives of authorities and adoption organizations, as well as other persons involved in Swedish intercountry adoption activities, have told us that they have had the best interests of the child in mind and that they have made efforts to ensure that the activities are conducted ethically. However, in my assessment of irregularities, I do not take into account whether the actions were carried out with good intentions. Even acts performed with the aim of doing good can be judged as unethical.

6.1.6 Layout of the chapter

In sections 6.2-6.7 we will describe the irregularities that have occurred in Sweden's international adoption activities. These include child trafficking, lack of and deficiencies in the documentation of consent, other inadequate or incorrect documentation, uncertainty about how and why children were given up for adoption, doubts about whether the principle of subsidiarity was complied with, and deviations from the ordinary adoption process. In section 6.8, we describe the actions taken by Swedish actors when irregularities are discovered. Finally, in section 6.9, we discuss various risks and procedures in the countries of origin that Sweden has accepted in order to carry out international adoptions.

6.2 Sweden has been involved in several cases of child trafficking in the 1970s and 2000s

The investigator's assessment: Trafficking in children has occurred in adoptions to Sweden from several countries. There are confirmed cases of child trafficking in the Swedish intercountry adoption business in every decade from the 1970s to the 2000s. In Sri Lanka, for example, there has been trafficking of children linked to Sweden in privately brokered adoptions, particularly in the 1980s, and representatives of the Sri Lankan government and authorities have confirmed this. Child trafficking also occurred in Colombia in private and individual adoptions to Sweden in the 1980s. Trafficking in children has also occurred in adoptions from China, Poland, Taiwan, Thailand and Vietnam, among others.

It cannot be excluded that child trafficking to Sweden has occurred in more cases and in more countries. In addition to confirmed cases, there has been a risk of child trafficking during the time periods and in the countries or areas where we know there has generally been widespread child trafficking. In several of the countries we examined in more detail, orphanage directors, lawyers and other intermediaries have been able to make money from adoptions to Sweden and elsewhere.

6.2.1 Introduction

Trafficking in children refers to any act or transaction by which a child is transferred by one person or group of persons to another person for payment or other consideration.³Trafficking in children in intercountry adoptions often involves a chain of different actors working together to facilitate the adoption.

In some cases, these actors have received large amounts of money, but it does not have to be large amounts for trade to occur. Even with smaller sums, a chain of intermediaries can emerge, creating a self-reinforcing system of mutual interests.

Throughout the period that international adoptions have been mediated to Sweden, a fundamental principle has been that adoptions may not be made for payment. Under no circumstances has trafficking in children

³Article 2 of the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography. See also HCCH (2023), p. 25.

have been allowed to occur. The first rules aimed at preventing undue financial gain in intercountry adoption came through the 1967 Council of Europe Convention, which Sweden ratified the same year. Under the 1979 Act on International Adoption Assistance, adoption organizations were allowed to charge fees to applicants, but their activities were not allowed to be conducted for profit. The 1989 Convention on the Rights of the Child further tightened the requirements through Article 21(d), which states that States Parties shall take all appropriate measures to ensure that an intercountry adoption does not result in undue financial gain for the persons involved

in it. The prohibition of undue financial gain is also expressed in the 1993 Hague Convention. Article 8 requires Central Authorities to take all appropriate measures to prevent improper financial or other gain in connection with an adoption and to prevent practices contrary to the purposes of the Convention.

6.2.2 Trafficking of children in adoptions from Sri Lanka in the 1970s to 1990s

Recurring reports of child trafficking with links to Sweden in privately brokered adoptions from Sri Lanka

In the mid-1970s, the first signals came to Sweden that children were being trafficked in the adoption business in Sri Lanka. Swedish newspapers reported that Sri Lankan children were being sold to, among others, Swedish adoptive parents on charter vacations.⁴ During the NIA's trip to Sri Lanka in 1979, the NIA was asked to warn Swedish families about a couple of Sri Lankan brokers working illegally and used by Swedish adoptive parents.⁵ In 1980, the NIA continued to receive reports of improper adoption transactions and wanted to find appropriate measures to "curb the illegal adoption activities involving Swedes".⁶

⁴Expressen 1976-06-19 "Toddlers sold to Sweden for SEK 100"; Göteborgsposten 1976-06-20 "Swedes buy children for SEK 3000 each" (both refer to the newspaper Honey in Sri Lanka); GT 1978-03-28 "Därför ökar den illegala barnhandeln".

⁵NIA's report from a trip to Colombo, Sri Lanka 1979-10-21--27, received by the Swedish embassy in Colombo 1979-12-26, diplomatic mission archive no. I:10 R 34.

⁶Letter from UD Stockholm to the Swedish Embassy in Colombo 1980-10-03, received by the Swedish Embassy 1980-10-06, no. IV:151 R 34; Letter from the Swedish Embassy in Colombo to UD Stockholm 1980-10-24, diplomatic mission archive, no. III:190 R 34.

From 1980 onwards, a number of newspaper articles were published in both the Sri Lankan and Swedish press about child trafficking in Sri Lanka involving children destined for Swedish families.⁷ Sri Lankan officials told NIA in 1982 that they had almost completely lost control of the adoptions and that the operation was characterized by resignation and indifference. The Swedish Embassy in Colombo described that the problems were embedded in a system where those involved made a lot of money.⁸ The following year, the Swedish Embassy again described that the business was governed by self-gain where profits were taken at all levels.⁹ The Sri Lankan Embassy in Stockholm described during a meeting with the Swedish adoption organizations in 1992 that there were illegalities in the adoption business, both in Sweden and in Sri Lanka.¹⁰

There have been clear financial incentives and intermediaries in Sri Lanka who have made money from placing children with Swedish parents and this has been systematic over a long period of time. It has been particularly noted in the private and individual adoptions. The NIA stated several times in the 1980s that adoptions from Sri Lanka have created the most problems and additional work for the Swedish authorities over the years, mainly because of the privately mediated adoptions.¹¹ But even in adoptions from Sri Lanka that have gone through Swedish adoption organizations, money has been an obvious driving force.

BV contact person turned adoption agency into business

Barnens Vänner (BV) is the Swedish adoption organization that has placed the most children from Sri Lanka. They worked with a Sri Lankan businessman, who also arranged private adoptions alongside

⁷NIA Minutes 1981-12-17; Letter from the Swedish Embassy in Colombo to the Swedish Ministry of Foreign Affairs Stockholm 1981-12-02, beskickningsarkivet dnr III:201 R 34 (also NIA dnr 72:331/81); Letter from the Swedish Embassy in Colombo to the Swedish Ministry of Foreign Affairs Stockholm 1981-12-03, received NIA 1981-12-04 dnr 72:331/81; Letter from the Swedish Embassy in Colombo to the Swedish Ministry of Foreign Affairs "Adoptions from Sri Lanka" 1982-01-19, received NIA 1982-01-22 dnr 72:331/81; Letter from the Swedish Embassy to the Ministry of Foreign Affairs Stockholm 1981-12-24, received NIA 1981-12-29 dnr 72:331/81.

⁸NIA's travel report Sri Lanka 1982, mission archive 1983-12-05 dnr 11/154 R 34.

⁹Letter from the Swedish Embassy in Colombo to the NIA 1984-10-24 "International adoptions Sri Lanka - Sweden", diplomatic mission archive 1984-11-02 dnr 12/130 R 34.

¹⁰Minutes of a meeting with the Sri Lankan Embassy in Stockholm and the Swedish adoption organizations on 30 January 1992 (no. not shown).

¹¹NIA trip reports from 1982 and 1984.

BV cooperation. He ran a business that included an orphanage, hotel, food service and transportation services for prospective adoptive parents. He also ran a maternity home where mothers were taken in a few months before the birth of their child and were given access to the home's assistance program. The organization distributed milk daily to a total of about 800 children¹².

BV's contact person had a clear commercial character and the guesthouse was a profitable business. In the early 1980s, Swedish families began to react to the contact person charging extra for various services. Swedish applicants described having to pay a deposit to cover food, drink, travel and telephone calls. They thus had to pay to eat 15 meals at the contact person's guesthouse. The contact person also tried to charge them several times for the same excursion. He also demanded extra money for the mother's rehabilitation, even though the applicants had already paid rehabilitation costs in Sweden.¹³Our interviews with people who previously worked at BV confirm this and describe that the contact person's handling of money was a challenge for BV. The BV board had to travel to Sri Lanka on several occasions to deal with this.¹⁴

The activities were financed entirely by BV members, through adoption fees and donations to its welfare and relief programs. The Swedish Embassy in Colombo was critical of the high costs charged to prospective Swedish adoptive parents, and that there was inadequate control over how the funds were actually used.¹⁵In 1984, it emerged that BV's contact person was charging a salary about ten times higher than any of the other employees' salaries. In addition, he received a monthly allowance for travel on behalf of the association.¹⁶The NIA found that BV's contact person charged excessive rent for the orphanage. In addition, BV had paid large sums to the contact person for the repair of the orphanage and the construction of a temple.¹⁷

¹²Letter and memo from the Swedish Embassy in Colombo to the NIA 1984-10-24 "International adoptions Sri Lanka - Sweden", diplomatic mission archive 1984-11-02 dnr 12/130 R 34.

¹³NIA's note 1983-11-09 and letter from NIA 1983-11-18, NIA dnr 49:340/83; Letter from the social administration in Örebro to NIA 1984-11-01, NIA dnr 49:298/84.

¹⁴Interview with BV representative 2023-10-16.

¹⁵Swedish Embassy in Colombo dnr 12-130 R 34 1984-11-02.

¹⁶NIA's annual report for 1985-1986; Letter from the Swedish Embassy in Colombo to NIA 1985-11-12 "Audit of adoption organizations in Sri Lanka" received by NIA 1985-11-15 dnr 69:342/84.

¹⁷The Swedish Embassy's audit of the activities of the authorized organizations' contacts in Sri Lanka etc., NIA dnr 69:342/84.

In the early 1990s, BV's contact person helped BV's members bypass their queue of applicants and was reported to have received around SEK 30,000 extra per adoption, in addition to the amount his organization charged for adoptions.¹⁸BV's contact person cooperated with a Swedish woman to carry out adoptions alongside her cooperation with BV. The NIA reported the woman to the police for providing adoption assistance in violation of the Act (1979:552) on international adoption assistance.¹⁹According to BV, she had given advice to the applicant on how to avoid opinions from the NIA, and they had had to pay large sums to adopt through her. However, she claimed that she was innocent.

Risk that "baby farms" where children were sold before birth have occurred in adoptions to Sweden in the 1980s

In the early 1980s, Sri Lankan media reported on so-called "baby farms", where pregnant women sold their babies for adoption before birth and were offered accommodation until the child was born. Government officials in Sri Lanka have on several occasions confirmed the existence of baby farms in Sri Lanka. In its annual report for 1982-1983, the NIA mentioned that the authorities, in connection with the raid on a baby farm in Sri Lanka, had taken into care children who were intended for Swedish adoptive families.²⁰In our file review, we have not seen any cases where it appears that the children come from these particular baby farms. However, based on our review of the archives and files, we can conclude that the Sri Lankan actors who most often appear in the Swedish adoption files have had their own maternity homes or baby farms, or have cooperated with someone who has. There is therefore a risk that some adoptions to Sweden have taken place via baby farms, but we cannot assess how common this has been.

¹⁸NIA's minutes in February 1991; NIA's statement in response to an appeal from BV concerning NIA's decision to restrict the association's authorization in relation to what the association had requested on 20 May 1992 NIA dnr 60:81/92.

¹⁹NIA dnr 49:106/91 (1991-02-14) (However, we only have a copy of the police report which can be found in Sydasien nr 2 1992 and C. Lindgren (2010), *International Adoption in Sweden - Policy and Practice from the Sixties to the Nineties*, p. 101, which refers to this and to NIA Protocol 1990/91 Nr 8 § 5.)

²⁰NIA annual report 1982/1983.

6.2.3 Swedish links to child trafficking in private adoptions from Colombia in the 1970s and 1980s

Colombia, like Sri Lanka, was one of the first countries to speak openly about the problems of child trafficking. During the NIA mission to Colombia in 1981, the Colombian authority ICBF expressed that they had major problems with child trafficking. ICBF reported that private adoptions from Colombia to Sweden were taking place on a large scale and that some of them were suspected of being illegal. There was a desire to put an end to private adoptions²¹

A few months later, a major adoption scandal was uncovered. The Colombian press reported that a lawyer who had worked for the ICBF in the mid-1970s had been arrested for stealing and selling 300-500 Colombian children for adoption to Sweden and elsewhere over a period of four years.²² Poor mothers had been persuaded to sell their children. The lawyer was accused of collaborating with the Colombian civil registry, the ICBF and pediatric clinics. The lawyer was also said to have had agents in Sweden. The organization had contact with two children's clinics in the poor part of southern Bogotá where they received poor or single pregnant women who were convinced, among other things, that their children had died at birth. As the availability of children decreased in Bogotá, children had been kidnapped in the villages around the city. They were taken to the lawyer's house to wait for adoptive parents. The children were registered with the authorities by a woman under a false name and with false papers. An adoption was then agreed with an adoptive family who had to pay between USD 7 500-15 000 for a child. The same woman listed on the birth certificate appeared as the mother before the Colombian authorities in order for the adoption to be approved. The lawyer's secretary, for example, had been listed as the mother of 15 of the children²³.

The ICBF could not state how many of the children had come to Sweden.²⁴ In 1980, the NIA had registered five adoptions that had been carried out via the lawyer, but did not know how many adoptions had previously taken place via the lawyer to Sweden.²⁵ The Swedish embassy in Bogotá confirmed that the lawyer had arranged false birth certificates

²¹ NIA, Report of visit to Bogotá, Colombia 1981-05-31-06-03.

²² El Tiempo 1981-07-19 "500 bebés colombianos robados venden en Europa"; El Tiempo 1981-07-22 "Registro civil se hacía en oficinas del abogado".

²³ DN 1981-07-22 "Colombian lawyer kidnapped 500 toddlers".

²⁴ UD, Child trafficking, letter from the Swedish Embassy in Bogotá, 1982-06-09, dnr R34, Vco.

²⁵ DN 1981-07-23 "Myndighet varnar för privata förmedlare".

and other necessary documentation for the adoptions. The lawyer had also admitted that he had placed children abroad. There are reports from a former employee of the NIA that some 20 children came to Sweden through the lawyer.²⁶ However, we have not been able to confirm this report.

6.2.4 An Ethiopian man sentenced to prison in 1977 arranged adoptions to Sweden in the 1970s

In March 1977, a man was arrested and detained in Ethiopia for, among other things, illegal currency handling in connection with adoption brokering.²⁷ He was later sentenced to prison.²⁸ The police had found a large sum of money in his possession that stemmed from child brokering.²⁹ There are reports that he had persuaded families in a poor area of Addis Ababa to give up their children with the promise that the children would return when they were older.³⁰

After the man was arrested, there was an exchange of letters between the Swedish Embassy in Addis Ababa and the Swedish Ministry of Foreign Affairs. There were 15-20 families, mainly from northern Sweden, who had begun to cooperate with the man in order for him to place children with them for adoption.³¹ These families had sent an amount of approximately USD 1 000 per family to him personally.³² According to the Swedish Embassy, the man's cousin had stated that the equivalent of SEK 60 000 in foreign currency had been found with the man in connection with his arrest

Earlier in the 1970s, the man had also been involved in placing children in Sweden, both via AC and privately. AC cooperated

²⁶ C. Lindgren (2010), p. 112.

²⁷ Telegram from the Swedish Embassy to the Swedish Ministry of Foreign Affairs, 1977-04-15, R34 yab (no. not shown); Letter from the Legal Department at the Ministry of Foreign Affairs to the Swedish Embassy in Addis Ababa, 1977-04-06 "Re adoptions", no. 45 R34 yab.

²⁸ Meeting AC 2023-09-05; Meeting AEF 2023-08-31.

²⁹ Letter 1977-03-30, in AC's archive box "Adoption Center Korr contact person Ethiopia E4B 1973-1977".

³⁰ DN 1977-04-15 "Clas Barkman: 'Adoptionsstopp från Thailand'"; Möte AC 2023-09-05; Adopterade etiopiernas och eritreanernas förening (AEF) 2018-03-13 "Det finns ingen svensk lag som skyddar internationellt adopterades rätt att känna till sitt ursprung".

³¹ Letter from the Legal Department at the Ministry of Foreign Affairs to the Swedish Embassy in Addis Ababa 1977-04-06 "Re adoptions", dnr 45 R34 yab.; DN 1977-04-15 "Clas Barkman: 'Adoptionsstopp från Thailand'".

³² Letter from the Legal Department at the Ministry of Foreign Affairs to the Swedish Embassy in Addis Ababa 1977-04-06 "Re adoptions", dnr 45 R34 yab; Telegram from the Ministry of Foreign Affairs to the Swedish Embassy 1977-04-22, R34 yab (dnr not shown).

³³ Reply letter from the Swedish Embassy in Addis Ababa to adoptive parents who adopted via the man, 1977-05-15, R34 (no. not shown).

with him for about eight months a few years before he was arrested.³⁴Our review of the archives shows that he often appears in correspondence between AC's employees in Sweden and AC's representative in Ethiopia. He was a social worker and a member of the same parish as AC's Swedish representative and worked as a driver at the Swedish school where one of AC's representatives also worked.³⁵AC chose to discontinue cooperation with the man when it was discovered that he had tried to bypass the Swedish queues and deliver children directly to families in Sweden.³⁶

Our review of the archives shows that this man was also involved in individual adoptions to Sweden much later, in the 1990s.³⁷The Ethiopian man had been in Sweden in 1990 and had brought two children to Swedish adoptive parents.³⁸We have also seen examples of the NIA not reacting when the man was named as an adoption contact when the NIA issued an opinion on the agency route. In 1993 and 1994, the NIA gave its opinion on the method of mediation, in which the documentation from the Social Welfare Board clearly shows that the Ethiopian man was involved.³⁹In the 1994 opinion, the NIA expressly states that this man is the applicant's representative in Ethiopia and that the Ethiopian authority MOLSA can be specified as the adoption contact in any consent. The Social Welfare Board gave consent and the applicant then applied to the Swedish court to adopt the child.⁴⁰

6.2.5 Child trafficking has occurred in adoptions from Poland to Sweden in the 1990s and 2000s

Towards the end of the 1980s, it came to light in Sweden that Polish lawyers were charging high fees in connection with private adoptions. The NIA concluded, based on its own investigation among families who had adopted from Poland, that there were lawyers in Poland who were trying to take advantage of Swedish families seeking children for adoption. One lawyer had demanded SEK 50 000 for the prospective adoptive parents to

³⁴Meeting AC 2023-09-05; A-C. Gudmundsson et al (2015), *Adopted from another country: on cooperation with children's countries of origin*.

³⁵ Meeting AC 2023-09-05.

³⁶Letter 1974-09-09; Letter 1974-08-23; Letter 1974-09-02; Letter 1974-09-19; Letter 1974-09-06. All in AC's archive box "Adoption Center Korrv contact person Ethiopia E4B 1973-1977".

³⁷ Conversation 1990-01-02, in AC's box "E4b Korrv/samtal NN Etiopien 1990-1993".

³⁸Letter from NIA to MOLSA 1990-10-29 NIA dnr 46:442/90 in AC's box "E4b Korrv/Samtal NN Ethiopia 1990-1993".

³⁹"Opinion on the method of mediation in adoption 1993-04-01 NIA 46:46/93; Köping municipality's request for NIA's opinion on private adoption contact 1993-01-29 NIA 46:46/93.

⁴⁰"Request for opinion on private adoption contact in Ethiopia" NIA 46:106/94 94-03-07.

In addition, the Swedish adoptive parents had paid for the biological parents' lawyer, the child's care, etc. The Swedish Embassy in Warsaw had also heard rumors that extra payments had been made when people with no connection to Poland wanted to have an adopted child.⁴² For foreign applicants, a connection to Poland was required from both or one of the parties, preferably through kinship, but it could also be that the applicant had participated in fundraising for Poland. The Polish organization Towarzystwo Przyjaciół Dzieci (TPD), which was responsible for international adoptions, was also concerned about the large sums that some Swedish couples were known to have paid in Poland⁴³.

In the 1990s, the Swedish media again reported on trafficking in children from Poland in connection with private adoptions to Sweden⁴⁴, as well as on trafficking in children in connection with Polish sponsorship in Sweden⁴⁵. Also in the 2000s, Swedish media reported on Swedish couples buying children in Poland⁴⁶.

6.2.6 Systematic child trafficking in China in the 21st century - some confirmed cases linked to Sweden

In November 2005, child trafficking was uncovered in the Chinese province of Hunan. There had been systematic trafficking of Chinese children since the late 1990s, involving orphanages and local officials. 27 people were arrested.

They were part of a gang that since 2002 had abducted or bought a total of 1 000 children from Guangdong province and sold them to orphanages in Hunan.⁴⁷ The orphanages had begun in 1996 to offer employees and other persons compensation for finding and recruiting children for the orphanages. In May 2006, the Chinese government informed

⁴¹ Letter from the NIA to the Swedish Embassy in Warsaw 1987-04-29 dnr 72:203/87.

⁴² Letter from the Swedish Embassy in Warsaw to the NIA of May 21, 1987, received by the NIA 1987-05-26, dnr 72:203/87.

⁴³ Letter from the Swedish Embassy to the NIA, November 23, 1990, received by the NIA on November 28, 1990, dnr 72:338/90.

⁴⁴ TT 1993-08-16.

⁴⁵ Expressen 1994-03-22 "Swede accused of selling children"; Expressen 1994-03-21 "We acted in good faith"; Dagens Nyheter 1994-03-22 "Polish boy heard by Swedish police about abuse"; Dagens Nyheter 1994-03-21 "Polish children disappeared. Police suspect trafficking."; Expressen 1994-03-21 "Swede raped godchild".

⁴⁶ Aftonbladet 2003-07-05 "Swedish woman bought a child for 200 dollars"; Expressen 2003-07-06 "Sold his son to Swedes".

⁴⁷ Washington Post 2006-03-12 "Stealing Babies for Adoption: With U.S. Couples Eager to Adopt, Some Infants Are Abducted and Sold in China".

CCAA MIA that four children from Hunan had been adopted to Sweden, although the Chinese authorities claimed that the children were "really abandoned".⁴⁸ It later emerged that the children had been adopted to Sweden through FFIA and that further children could be part of the child trafficking. Some 70 children had been adopted through FFIA, AC and BV from the orphanages involved in various ways in the Hunan scandal during the period in question⁴⁹.

In 2009, an adoption scandal was uncovered in China where 80 children in Guizhou province in southern China were taken from their parents by local authorities because the parents could not pay the fines imposed on couples who had more children than allowed under China's one-child policy. The children were taken to orphanages from where they were adopted internationally, and the children's documents were falsified to make them appear to be parentless.⁵⁰ Between 2004 and 2009, AC placed 35 children from Guizhou Province. FFIA and BV each placed seven children from Guizhou during the same period.⁵¹ According to the CCAA, Sweden was not a of the countries that received children involved in child trafficking in Guizhou⁵²

Our file review shows that almost half of the children in the sample who were adopted to Sweden came from one of the provinces where child trafficking was revealed or from one of the provinces that researchers at a university in Wuhan have found to be more vulnerable to child trafficking than other provinces: Henan, Jiangsu, Shandong, Fujian, Hebei, Sichuan, Guangdong and Anhui.⁵³ The file review also shows that the adoptions to Sweden follow to some extent the pattern of the orphanages involved in the Hunan scandal and described in a 2014 study: that the children were young girls, that they were found outside orphanages and other places that biological parents avoided because of the risk of being discovered by the authorities.⁵⁴ The children adopted from China to Sweden have, according to our file review, most often been girls who were abandoned when they were only a few days old (57%).

⁴⁸ MIA, response from the Swedish Embassy Beijing, 2012-01-11, dnr 47:847:16/11.

⁴⁹ Aftonbladet 2018-08-20.

⁵⁰ China Daily, BBC News, The Telegraph, TT, Expressen, SR Ekot.

⁵¹ MIA, correspondence with AC, BV and FFIA 2009-07-02, dnr 72:426:3/09, 72:426:5/09, 72:426:6/09.

⁵² MIA, Official note, dnr 61:391:8/09.

⁵³ MFoF, email from the Ministry of Foreign Affairs 2020-05-22, dnr 3.1.2:1150/19 nr 32.

⁽⁵⁴⁾ B. Stuy (2014), *Open Secret: Cash and Coercion in China's International Adoption Program*, s. 365-386.

were less than one week old, 90 percent were girls). The children adopted to Sweden have been found in different places, but most commonly they have been found at the entrance to SWI's orphanage (this is shown in just over 20 percent of all files from China). In the file review, we have also seen that the children are listed as "abandoned", "found abandoned"

or found to be abandoned'. From 2000, some files state that the child is "abandoned baby definitely", "definitely an abandoned baby" or "really an abandoned child". It is difficult to determine what this means and what it means for the children who are only listed as "abandoned", but it seems to have been considered important to clarify that the children were really abandoned.

Apart from the four children who came to Sweden and who were linked to the Hunan scandal, there is no information that other children adopted to Sweden have been involved in child trafficking in China. However, given the number of children adopted from China to Sweden, the extensive reports of systematic child trafficking we have seen and the risks that have existed in the adoption system, it cannot be ruled out that more children are involved.

6.2.7 Child trafficking data has also been available in other countries from the 1970s to the 2010s

We have noted that there has been trafficking in children in adoptions to Sweden from countries other than those we have examined in depth. This applies, for example, to adoptions from Thailand in the 1970s, Taiwan in the 1980s and Vietnam in the 1990s and 2000s.

Child trafficking, abduction and malpractice in private adoptions from Thailand to Sweden in the 1970s

In 1974, the NIA received information about irregularities in adoptions from Thailand.⁵⁵ Between 1974 and 1977, over 900 children from Thailand were placed for adoption in Sweden, of which 80 adoptions were arranged by AC. It ended abruptly on April 12, 1977 when the Thai police raided orphanages in Bangkok where many of the children lived before moving to Sweden. Of the 33 children in the home at the time, 3 turned out to be stolen, 6 had been given completely new, invented names

⁵⁵NIA informs June 1974, Aug 1975, June 1976, June 1977, March 1978.

In 1977, both Swedish and Thai media reported that the director of the orphanage had been arrested and that he had brought several children to Sweden.

The NIA became aware that the orphanage manager in Thailand had been arrested and that a large number of children had come to Sweden through this orphanage manager, most of them privately and a few through AC. AC had broken off contacts with the lawyer after suspicions of irregularities had arisen. The NIA went with information about this to the social services. Six of the 33 children taken into care were intended for Swedish families⁽⁵⁷⁾.

Adoptive parents who have themselves adopted children from Thailand have described in interviews with us that the lawyer arranged a large number of children from Thailand for adoption and made money from it, that it was child trafficking. Former representatives of AC describe that he used fake mothers⁽⁵⁸⁾.

In 2002, SVT Dokument inifrån also showed how a person adopted from Thailand discovered during a trip to the country that records had been erased and identity documents falsified in her adoption.⁽⁵⁹⁾In 2002, the documentary "Barn till varje pris" was also broadcast on SVT. It showed that several hundred Swedes adopted from Thailand may have been stolen and that between 1974 and 1977 at least 19 Thai children came to Sweden with false identities and birth certificates.

Child trafficking in Taiwan revealed in 1982

In its meeting minutes from the summer of 1982, the NIA mentions that a person in Taiwan had been arrested and charged with falsifying birth certificates.⁽⁶⁰⁾In May 1982, the Swedish media had reported that children from Taiwan had been stolen and sold to families in Sweden and elsewhere. The police in Taiwan arrested 15 people for trafficking in children, including doctors and nurses whose job it was to provide the children with new birth certificates. It is not known how many Swedish children had

⁵⁶ Aftonbladet 2002-04-18; SVT Dokument inifrån 2002-04-03.

⁵⁷ NIA informs June 1977.

⁵⁸ Interview with former head of AC 2024-03-22.

⁵⁹ SVT Dokument inifrån 2002-04-03.

⁶⁰NIA Minutes 1982-06-17 and 1982-08-24.

stolen and sold by this gang, but in 1981 eleven children from Taiwan came to Sweden alongside the seven Swedish authorized adoption agencies.⁶¹In August 1982, 42 Taiwanese were charged with selling babies for international adoption. The police in Taipei had established that at least 63 babies had been sold to Swedish adoptive parents since 1980. Some of the babies had been kidnapped from prams outside shops. Police suspected that specific baby traffickers had stolen or bought children from parents and then contacted adoption agencies.⁶²In 1983, the NIA received information that persons in Taiwan who brokered adopted children to Sweden had been sentenced to two life sentences and up to twelve years in prison for child trafficking. We interviewed an adoptee from Taiwan who lived in the orphanage of one of the accused orphanage directors the year before the director was indicted. DNA tests have shown that the woman claimed in the adoption documents to be her mother is not. We have information about other persons adopted from Taiwan who have discovered errors in their adoption documents⁶³.

Trafficking of children in adoptions from Vietnam to Sweden in the 1990s and 2000s

In 2000, a gang in Vietnam was sentenced to heavy fines and imprisonment for selling children to Western parents, including Swedes. The two main perpetrators were sentenced to 20 years in prison. The trafficking of children had been led by a high-ranking official at the Ministry of Justice for the northern provinces of the country. The gang had tricked poor and unmarried mothers in northern Vietnam into giving away their children or selling them cheaply. They then sold the children to adoptive parents in Sweden, Norway, France, the United States and Belgium at a price of SEK 8 000 to 12 000 per child. The trade in children was said to have involved a total of 174 children and to have taken place between 1992 and 1998. AC stated that they never brokered any children from that province. However, the NIA reported that some 40 children from North Vietnam had been placed for private adoption with Swedish adoptive parents during the period in question⁶⁴.

⁶¹ TT 1982-05-07; Expressen 1982-05-17 "Stolen children sold in Sweden".

⁶² TT 1982-08-19.

⁶³ Meeting AFO 2022-03-25.

⁶⁴ AC press release 'Adoption scandal in Vietnam', received NIA 2000-04-03; Sydsvenskan 2000-03-30; Expressen 2000-03-30; Expressen 2000-03-31.

A person who was himself adopted from Vietnam via private adoption in 1996 describes that the person who signed the adoption documents and wrote the letter to the adoptive parents was the man who was the leader of the trafficking gang that was convicted in Vietnam. A copy of the letter is in the NIA file. Two more people who were sold came to Sweden at the same time. The person has compared his documents with a person who was adopted to Belgium and their documents are almost identical. It says they were both born in the same hospital and at the same time, albeit on different dates. They have the same doctor and midwife, the same first and middle names and were handed over by their biological mothers in a hospital when they were two days old. Our interviewee has also had contact with some mothers in Vietnam who reported being manipulated, exploited and robbed of their children. The same person has been told that the trafficking gang had houses where pregnant, young, unmarried women were placed and hidden together during pregnancy⁶⁵.

FFIA representatives have described working in Vietnam as difficult because of irregularities.⁶⁶ A former NIA staff member recounts the agency's visit to northern Vietnam in 2007, where many babies were lined up and it was like a "baby factory."⁶⁷

Swedish media have reported on child trafficking in a number of other countries from the 1980s to the 2010s

In 1982 and 1983 there were reports in the Swedish media that Indian children were suspected of having been sold to Sweden and elsewhere.⁶⁸ AC's contact person in India, who was a lawyer, was forced to close his orphanage after arranging some 1,500 suspected illegal adoptions, 600 of them to Sweden.⁶⁹ In 1982 the police in Peru uncovered some 60 kidnappings of children who were then illegally adopted by Europeans, including to Swedish adoptive parents. However, the NIA assessed that these were isolated children adopted alongside AC.⁷⁰ In the mid-1980s, Swedish media reported on a Swedish

⁶⁵ E-mail received by the Adoption Commission on 2025-01-22.

⁶⁶ Interview FFIA 2022-03-28.

⁶⁷ Meeting with a former NIA staff member 2023-02-16.

⁶⁸ TT 1982-09-01.

⁶⁹ According to DN 2021-02-21; Dagens Nyheter 1983-05-05 "Miljonär på adoption. The child dealer defends himself: I saved many".

⁷⁰ TT 1982-11-02; DN 1982-11-03 "Children abducted and sold here".

man in the Philippines who was deported after promising on Philippine television to help Swedish families get children cheaply and quickly. At the same time, a person in Malmö was reported to the police for advertising Filipino adoptive children in four major Swedish newspapers.⁷¹In 1988, it was reported that Brazilian police had uncovered an international child smuggling ring and that, according to the police, Swedes were among the gang's clients.⁷²In 1989, a gang in Ecuador that had been illegally selling children to other countries was uncovered and the lawyer involved was arrested the same year. This can be read more about in the Norwegian Adoption Inquiry's interim report from 2025.⁷³The lawyer was AC's contact person in Ecuador from 1976 onwards. In total, approximately 130-140 children were placed for adoption from Ecuador to Sweden in 1976-1980, but from 1978 only a few children per year.

In 1994, TV4 revealed that since the 1980s, a lawyer in El Salvador had made millions of dollars kidnapping children at gunpoint and then selling them to Swedes and others.⁷⁴In 1996, the Swedish media reported on child trafficking in adoptions from Greece from 1948 into the 1990s, where thousands of Greek children had been abducted from their parents and sold to childless couples. There were unconfirmed reports that at least 150 children were sold to Sweden. Doctors and hospital staff in the maternity wards of state hospitals and at the Metera orphanage in Athens - the orphanage with which Sweden signed the world's first adoption agreement - were reportedly involved. However, the NIA, the AC and the Greek Embassy in Stockholm all claimed that the adoptions since 1969 had been correct⁷⁵.

Swedish media have reported on child trafficking in adoptions to Sweden also in the 2000s. In 2000, the management of an orphanage in the Russian city of Ryazan was arrested on suspicion of selling orphans to a number of countries, including Sweden. The police stated that the "sale" had been going on for five years, that it involved many children, that the adoption gang had made "huge sums of money" and that there was a Swedish connection. However, the then head of the AC stated that only one child came from the city in question

⁷¹ Aftonbladet 1984-03-08; DN 2021-02-21.

⁷² TT 1988-03-17.

⁷³ Intercountry Adoption Review Committee (2025), *Interim report on Ecuador and Colombia*, p. 90 ff.

⁷⁴ According to DN 2021-02-21.

⁷⁵ SvD 1996-05-18; Expressen 1996-05-18.

and that she was convinced that everything had been done correctly.⁷⁶In 2003, NIA received information from AC about child trafficking in adoptions from Bulgaria to Sweden, where an intermediary had received between

10 000 and 20 000 USD per child from Swedish adoptive parents who believed that the money was going to the orphanages and not to personal accounts. The Bulgarian bank had discovered the Swedish connection and that more than USD 200 000 had been transferred to a certain intermediary over a period of six months.⁷⁷In 2013, Expressen had infiltrated several orphanages in Nigeria with the help of hidden cameras that functioned as baby factories that stole and sold children to Swedes, using identity papers bought illegally from the authorities.⁷⁸In 2015, Swedish media reported that two Swedish families had to return the children they had adopted from Kenya. According to the Kenyan authorities, the families of origin had been deprived of their children without their consent⁷⁹.

6.3 Sometimes consent is missing and Swedish operators have not ensured that consent has been obtained

The investigator's assessment: Although the principle of voluntary and informed consent from the child's guardian (usually the child's parent) is one of the most important prerequisites for adoption, the investigation has found that there are examples of children being adopted to Sweden without voluntary and informed consent. Children have been declared dead to their parents and adopted to Sweden, children have been given up for adoption by people other than their parents, and mothers have sometimes not understood the meaning of their consent or have been pressured to give consent to adoption.

A specific consent document is relatively rarely included as a supporting document in intercountry adoption cases. This applies to both private and individual adoptions, as well as adoptions via authorized adoption organizations, over the entire period. Specific consent documents are missing both in the adoption files established by the authorized adoption organizations and in the files held by the courts and social services.

⁷⁶ Expressen 2000-04-01; Expressen 2000-04-12; Expressen 2000-04-12.

⁷⁷ AC's report to the NIA on what happened in Bulgaria with translated newspaper articles from Bulgaria 2003-01-31, NIA dnr 69:53/03.

⁷⁸ Expressen 2013-12-15 "Exclusive: Expressen reveals baby factories".

⁷⁹ SVT Nyheter 2015-08-23.

This does not necessarily mean that consent has not been obtained, but it does mean that Swedish actors have not ensured that children have been made available for adoption in the right way.

Where there is information on consent or specific consent documents, there are sometimes consents from persons other than the child's guardians, for example from a legal person (an orphanage) or a grandmother of the child. This is despite the fact that before 2018 it was not possible for anyone other than the child's legal guardian to consent to adoption under Swedish law. In some countries, during certain periods of time, the child's parents have not been given sufficient information to give informed consent. Consent has sometimes been given under pressure.

6.3.1 Introduction

A fundamental principle of adoption under the Parental Code is that consent is required from a child who has reached the age of 12 and the parent who is the child's guardian. The guardian's right of veto has applied under Swedish law since 1917, but consent is not required if the child's guardian is permanently prevented from giving consent as a result of a mental illness or other similar condition, is in an unknown location or if there are exceptional reasons. Over the years, there have been discussions about whether Swedish or foreign law should apply to consent in international adoption. However, it has always been clear that the requirement for the mother's consent should be assessed under Swedish law. It was not until 2018, when the exception for special reasons was introduced, that a valve was introduced for international adoption. The preparatory works state that people may not want to participate in an adoption procedure because of the risk of social consequences if the adoption becomes known. Application of the exception generally presupposes that fairly extensive efforts have been made to investigate the reason why consent meeting the Swedish requirements has not been given. It is generally required that the authorities in the State of origin have assessed that the adoption should go ahead. This is primarily the case if the adoption is mediated by an authorized adoption agency.⁸⁰In 2018, the circle of persons who can give consent to adoption was also expanded. Consent can also be given by a temporary guardian.

⁸⁰Prop. 2017/18:121 *Modernizing adoption rules*, p. 151 f.

the guardian or any other person who, by law or custom, has taken the place of the parents. Before giving consent, the person giving consent must be informed of the implications of adoption. The mother's consent must be obtained after she has sufficiently recovered from the birth, which, according to the 1967 Council of Europe Convention on the Adoption of Children, is no earlier than six weeks after the birth.

The requirement of informed consent also follows from Article 21 of the Children's Convention and Article 4(c) of the 1993 Hague Convention. According to the 1993 Hague Convention, the mother's consent, where required, must have been given only after the birth of the child. Article 16 of the 1993 Hague Convention requires the child's country of origin to provide evidence that the necessary consents have been obtained to the receiving country. According to the HCCH, the requirement to obtain due consent to the adoption is an important element in combating the abduction, sale and trafficking of children.

6.3.2 Parents of origin are not always given the right information to give informed consent

In Ethiopia, parents have not been adequately informed about what adoption means, at least not in the 1970s

In the 1970s, children were adopted to Sweden without their parents in Ethiopia understanding what adoption meant. They often believed that the children would return when they were older, after they had been educated. The consent given by the original parents was not informed consent, which in Ethiopia was systematic and extensive during the 1970s and possibly even later. This is evident, among other things, from our review of archives and from testimonies from adoptees who met their families of origin. That this may have been the case is also confirmed by people who themselves arranged adoptions to Sweden. Representatives of AC have described in interviews with us that many adoptees who have met their families feel that the family has been deceived. One of AC's agents who mediated adoptions from Ethiopia in the 1970s admits that it may be that the mothers did not understand the meaning of the adoption, that some probably thought that the children would get an education in Sweden. She has later met families of origin who visited Sweden and who had not understood what adoption meant. She also says that a lawyer

had the mothers sign a consent form, but that the mothers were not present in court and were not literate⁸¹

There is a risk that this problem continued long afterwards. Our review of the archives shows that it was also a widespread problem in Ethiopia in 2010. However, MIA does not receive explicit reports that this problem exists in adoptions to Sweden. Former AC staff have described in a book that the mothers in Ethiopia believed that the children would come back after being educated in another country until Ethiopia introduced dual court proceedings⁸², which was around 2011. Before that, the parents did not attend the court hearing even when they were known and had given the child up for adoption themselves.

There are mothers in Chile who do not understand that they have signed a consent form for future adoption

We have interviewed mothers in Chile who stated that they did not sign any documents at all. Others stated that they were illiterate and did not know what they were signing. We have interviewed an adoptee who came to Sweden in the 1970s through AC, whose case is included in the criminal investigation in Chile. The adoption document states that the mother returned with the child to the hospital a week after the delivery and said that she wanted to leave the child for adoption in Sweden. However, in her testimony to the criminal investigation in Chile, the mother said that she was not allowed to see or hold her child after the birth. A social worker took the child immediately after birth. The mother has said that she signed a piece of paper with her thumbprint after the birth, which she thought meant that she was leaving the hospital, not giving up her child. In its 2018 investigation, SVT also showed an example of a Chilean woman who was deprived of her child after birth and where she was said to have signed a paper stating that she had approved the adoption of the child, even though she could not write at that time.⁸³

⁸¹ Meeting with former AC representative 2023-12-06.

⁸² A-C. Gudmundsson et al (2015), p. 123.

⁸³SVT 2018-01-29 "Marianne Skoglund adopted to Sweden from Chile: I was kidnapped."

6.3.3 There are indications that consent has sometimes been given under pressure

In countries such as Chile, South Korea and Sri Lanka, there are indications that mothers may sometimes have been persuaded to give up their child for adoption.

In the files we have reviewed from Chile, there is information in several cases indicating that the mother may have been persuaded to adopt by hospital staff, maternity home staff or AC social workers. In some cases, it appears that the mother was not really sure whether she wanted to give up the child and in some cases she expressed that she did not want to.

One adoption file shows that it was difficult to get the mother to go to court to agree to give up the child. In one case, one gets the impression that the doctor at the hospital and the social worker at AC are pushing for adoption, even though the parents are wavering on whether they want to keep the child. The mother initially resisted handing over the child, but according to a later document she had changed her mind. There are also examples of the mother agreeing to go to court and hand over the child for adoption after pressure from the father's family. In one case, the mother had decided to adopt during pregnancy but changed her mind after the birth and wanted to keep the child. However, she was guided and supported by the nuns at the maternity home, social worker and psychologist and subsequently gave the child up for adoption. The fact that the mother changed her mind after talking to others does not necessarily mean that she was persuaded to adopt, but may of course reflect her own decision-making process. The file review shows that relatively often another family member was involved in giving up the child, usually the grandmother but sometimes an aunt, partner or brother.

In South Korea, there have been cases where mothers have felt pressure from the South Korean adoption organizations to give their child up for adoption,⁸⁴ but it is unclear how common this has been in adoptions to Sweden. The AC has stated that parents and societal attitudes forced adoption in South Korea. AC has seen cases where the mother signs with the grandmother as a witness, but where the mother several decades later tells her child that she did not want to give up the child but was pressured by her parents. One explanation is

⁸⁴Embassy of Sweden in Seoul. Response to request for consultation regarding an application for authorization for international adoption mediation, 2019-08-12, dnr UM2019/2777/SEO; E-mail from the Swedish Embassy in Seoul to MFoF 2020-04-15, dnr 3.1.2:1149/19 nr 29.

that there was no social support for single mothers and if they were not supported by their family, it became impossible to keep the child. In SKAN's report to the South Korean Truth and Reconciliation Commission, they describe a case where the parents were financially unable to pay for their premature baby's hospital care and the private organization Social Welfare Society (SWS) offered to pay for the care on the condition that the parents gave the child up for adoption.⁸⁵ One South Korean woman we interviewed, whose child was adopted to Sweden in the early 1980s, said she did not feel she received enough information from SWS about what the adoption entailed. In our review of adoption files from South Korea, we have also seen examples where it appears that the child's mother has been persuaded to adopt. In one case, it appears that the mother initially wanted to take care of the child, but after she had been to the maternity home and given birth to the child, the parents decided that they could not take care of the child for financial reasons. As mentioned above, we cannot know whether this was a case of persuasion or whether it was the mother's own will.

There are indications that consent was obtained under moral pressure also in the adoptions from Sri Lanka to Sweden. For example, BV's contact person offered poor single mothers work if they gave up their children for adoption. In a poor country, such an offer is likely to have attracted more people to give up their child for adoption than would have been necessary. There are also reports that both BV's contact person and other actors in Sri Lanka have actively tried to locate women who they thought might be willing to give up their child, for example mothers of children with unknown fathers. During its 1984 visit to Sri Lanka, the NIA received information that parents were being pressured and that agents were looking for suitable adoptive children in children's hospitals. According to Sri Lankan government officials, adoption agents often visited mothers of newborn babies in hospitals and offered payment if they gave up their children for adoption. There were also reports of police pressure and reports of theft of children⁸⁶.

⁸⁵SKAN. Application for initiation of investigation concerning human rights violations and incidents of historical significance in the field of international adoption. Received by the Adoption Commission on May 14, 2024.

⁸⁶NIA letter 1986-08-22, in FFIA archives; Letter from the Swedish Embassy in Colombo to NIA 1984-10-24 "International adoptions Sri Lanka - Sweden" beskickningsarkivet 1984-11-02 dnr 12/130 R 34.

6.3.4 In South Korea and Chile, there are examples of child abduction and non-parental consent

In South Korea, there are several confirmed cases of parents not giving their consent to the adoption and sometimes trying to get their children back

One of the most common irregularities observed in adoptions from South Korea, mainly in the 1960s and 1980s, is that children have been given up for adoption by people other than their parents, such as grandparents or other relatives. In South Korea, this has been possible because South Korea has registered even children with known parents as orphans and it has been the director of the adoption organization SWS who has given consent to adoption.

We have heard testimonies from adoptees in Sweden where, after reunification, it has turned out that the parents have not given their consent to the adoption. In several of these testimonies, it is the grandmother or grandfather who has left the child for adoption.⁸⁷ According to the Swedish Embassy in Seoul, there are also testimonies from biological parents that the child has been left by one parent without the consent of the other. However, it is unclear how often this has occurred in adoptions to Sweden.⁸⁸ Our file review shows that after 1994 it is almost always the mother who has given the child up for adoption in South Korea, while before that it has varied who has given the child up for adoption: the mother, the father, a police officer or a person from an orphanage or hospital. This may be due to the fact that since 1991 the main rule in South Korea has been that only children with one or two known parents can be adopted internationally, in order to prevent children from being adopted internationally against their parents' will.

In the 1970s, several cases were highlighted in which parents in South Korea requested the return of their children who had been adopted internationally. We have identified four such cases involving adoptions to Sweden. In 1974, a 4-year-old boy was found by the police as abandoned and therefore handed over to SWS. Five months later he was adopted to Sweden. However, the boy was not abandoned but lived with his aunt while his father worked. The father tried to get his son back, and when it turned out that the boy was in Sweden

⁸⁷See also P. Lundberg, J. Sköld and A. Mahmoud (2022), *Adoptions. An investigative report*, p. 28.

⁸⁸Swedish Embassy in Seoul. Response to request for consultation regarding an application for authorization for international adoption mediation, 2019-08-12, dnr UM2019/27777/SEO; E-mail from the Swedish Embassy in Seoul to MFoF 2020-04-15, dnr 3.1.2:1149/19 nr 29.

the South Korean government requested that the boy be returned. The Swedish authorities did not agree. The Swedish authorities argued that it was in the boy's best interest to stay with the Swedish adoptive parents and not be sent back to South Korea⁸⁹.

In the book "Stolen Child. My journey from South Korea and back", a woman recounts how her parents tried to get her and her two sisters, who were adopted to Sweden without their consent, back. According to the parents, the girls disappeared when the father was serving a short prison sentence. The father's brother was supposed to take care of the family, but he left the children at a police station, stating that they were abandoned by their parents. SWS searched for the parents for about two weeks before deciding on international adoption and after less than two and a half months the girls were adopted by two different families in Sweden. The parents in South Korea filed a police report and a petition to the President of South Korea demanding the return of the three daughters. The South Korean adoption agency, Child Placement Service (CPS), replied that only if the new adoptive parents were willing to give up the children could they be returned to their biological parents. In Sweden, it was found that the children were doing well and that the families did not want to return the children to South Korea. The children did not return to South Korea⁹⁰.

There are many reports of children adopted from Chile to Sweden being wrongly declared dead or abducted

In Chile, there are many testimonies of parents being told that their child had died during childbirth but that the child had instead been adopted to Sweden.⁹¹The children were thus falsely declared dead in front of their parents in order to be adopted to Sweden.⁹²Sometimes this happened in connection with childbirth and sometimes it happened

⁸⁹NIA. Letter from the Swedish Embassy in Seoul to the Ministry of Foreign Affairs 1976-10-26, received by NIA 1975-11-07, NIA dnr 49:1021. E1:7, R 34 Xko; Dagens Nyheter 1975-10-09 "Kommers med Koreabarn. Gick stray - adopted".

⁹⁰C. Villaume Fägerstrand (2022), *Stolen Child. My journey from Korea and back*.

⁹¹There are also several such testimonies from adoptees to Sweden in Swedish media. See also L. Wool-Rim Sjöblom (2022), *The Excavated Earth*.

⁹²The criminal offense is kidnapping under Chapter 4, Section 1 of the Penal Code and human trafficking under Chapter 4, Section 1a of the Penal Code.

in connection with the parents having sought care for the child in hospital.⁹³We have received such testimonies from adoptees in Sweden and their families in Chile. An adoptee who came to Sweden in the 1970s at the age of three months via AC learned on reunion with her mother in Chile that the mother had been told that the child had died during childbirth. However, the adoptee's adoption document states that the mother could not take care of the child. One woman we met in Chile told us that she was told in the 1980s that her child had died in childbirth, but 42 years later found her child in Sweden. That adoption had also been mediated by AC. Several similar cases have been reported in the Swedish media⁹⁴.

In our review of adoption files from Chile, we have seen examples of people other than the mother giving the child up for adoption, without her involvement. There are also several testimonies that the mother did not give her consent to the adoption, but the child was given by someone else. One of our interviewees, who was adopted from Chile in the 1980s and later reunited with her mother, says that her mother had not given her consent to the adoption. When she became pregnant at the age of 17, her grandmother had become angry and arranged for her to be placed in a Catholic maternity home, where the other pregnant women told her that the babies disappeared after birth. After the birth, one of AC's social workers went home in the car, and when the mother got out of the car, the social worker left with the baby. The grandmother told them that they had taken the baby and that it would be put up for adoption. In DN's review in 2018, a private adoption from Chile in 1975 is reported where the mother left the child for adoption.⁹⁵SVT has also reported on a case where an aunt left three nieces to a children's home in Santiago without the mother's knowledge

There are also many reports of children left in temporary care in Chile being adopted in Sweden without the parents' consent. During our visit to Chile, two mothers told us that they had been persuaded to leave their children in orphanages. One of the women

⁹³See, for example, P. Lundberg, J. Sköld and A. Mahmoud (2022), pp. 25, 30 f. and 65 ff.; *Proletären* 2021-06-30 "My mother in Chile thought I was dead"; *Smålandsposten* 2022-09-30 "Liza dödförklarades på sjukhuset, stals och såldes till Sverige"; The play "1 300 mil från verkligheten" which was performed at Alias teatern in spring 2024.

⁹⁴Sveriges radio Verkligheten i P3 2024-02-20 "Markus was stolen as a child: "She thought I was dead".

⁹⁵Dagens Nyheter 2018-11-18 "Pingstadoption investigated as human rights violation".

⁹⁶SVT Nyheter 2022-06-16 "Viviana in Karlstad convinced that she was sold for adoption against her mother's will".

told us that she was promised that she could visit the children, but when she came back she was told that she could not bring the children home and that the youngest child had been sent to Sweden. We have also interviewed an adoptee who came to Sweden in the 1970s through AC and also the person's family in Chile. The family in Chile told us that social workers and police picked up several children in the family and placed them in children's homes. The youngest was adopted to Sweden via an orphanage in Lautaro. The family, who belong to the Mapuche indigenous people, described how the police had been very brutal to the parents and that it had meant a lifelong suffering for the whole family. Adoption documents state that the mother herself applied to the court for help when she could not take care of her youngest child. DN's investigation also reveals testimonies of parents leaving their child for temporary care and the child being abducted and adopted to Sweden without the parents' consent⁽⁹⁷⁾.

In a 1977 case reported by Swedish Radio, a pair of twins disappeared while in hospital at the age of 19 months. When the mother visited the hospital one day, the twins were gone.⁹⁸SVT has reported on a case where a child lived in an orphanage for weeks. When the father went to collect the child, he was arrested by the regime and when the mother tried to collect her child, the home was empty and no children were left.⁹⁹The book "De kritiska" by Agnes Arpi describes a case from the 1970s where a sick mother was offered a temporary place in a children's home for the child. That very evening she tried to collect the child, but the staff told her that her child had been adopted abroad.¹⁰⁰

In countries other than those we examined in depth, there is also information on abductions and adoptions without consent

As described in section 6.2.7, there is evidence of stolen children in private adoptions from Thailand in the 1970s. In DN's 2021 article series, several people adopted from India

⁹⁷P. Lundberg, J. Sköld and A. Mahmoud (2022), pp. 26 f. and 34.

⁹⁸Sveriges Radio Konflikt 2023-11-17 "Sweden's stolen adopted children".

⁹⁹The adopted person told her story in the play *Sammanflätade*, which was performed at Dramaten in 2023/24. See also SVT Nyheter 2024-11-24 "*Veronica stals från sin mamma: 'Jag utsattes för människohandel'*".

⁽¹⁰⁰⁾ Arpi (2023), *De kritiska. Berättelser om internationell adoption*, p. 129 ff; SVT Nyheter 2018-01-31 "Adopterade tänker inleda juridisk process efter skandal".

testified that they were sold and placed for adoption in Sweden without the mother's knowledge or consent.¹⁰¹ An adoptee from Brazil told us in our interview that the adoption documents stated that the mother had abandoned the child, but when our interviewee later found her mother, it emerged that she did not want the child to be adopted at all. She had been hospitalized and wanted someone to take care of the child temporarily, but instead the child was adopted to Sweden.

6.3.5 In Colombia and Sri Lanka, there have been cases where people other than the child's mother have signed the mother's consent

The fact that someone other than the child's mother has signed the mother's consent is sometimes referred to as "false mothers". As mentioned in section 6.2.3, false mothers were involved in the major adoption scandal uncovered in 1981 in Colombia, where there were children intended for adoption to Sweden. The children were registered with the authorities by a woman under a false name and with false papers. The same woman who appeared on the birth certificate then appeared as the mother before the Colombian authorities when the adoption was approved. The lawyer's secretary, for example, was listed as the mother of 15 of the children.

Nuns, nurses and elderly and married women had also acted as mothers to the children.¹⁰² One person who was adopted from Colombia in 1984 and whom we interviewed has discovered, after being reunited with her mother, that the consent form included in the adoption documents was signed by another woman with a different name. There is also a witness who signed that consent. This example shows that a signed consent is not always a guarantee that a real consent has been obtained.

In Sri Lanka, there were several revelations in the 1980s about false mothers in the international adoption business. NIA received information about it from government representatives in Sri Lanka.¹⁰³ It is not clear how common it has been in adoptions to Sweden. In 1981, NIA and the adoption organizations were informed that the head of the adoption agency DPCCS was involved in arranging adoptions to Sweden where false mothers were

¹⁰¹ DN 2021-02-19.

¹⁰² DN 1981-07-22 "Colombian lawyer kidnapped 500 toddlers".

¹⁰³ NIA's opinion on the method of mediation in adoption 1986-05-21 NIA dnr 46:66/86 (also NIA dnr 46:100/86); NIA's letter 1986-08-22, available in the FFIA archives.

¹⁰⁴There is correspondence between the NIA, the Swedish Embassy in Colombo and BV showing that there have been false mothers in adoptions through a Swedish woman who ran an orphanage in Sri Lanka.¹⁰⁵BV described to the NIA that the Swedish woman had hired a Sri Lankan woman as a "false mother" to get a child out of an orphanage. The woman who acted as a false mother was also said to have previously given up two children for adoption via the Swedish woman. The Swedish woman also told BV in telephone conversations that it was a so-called false mother, but that "you have to expect that when it comes to adoptions from Sri Lanka". The Swedish woman also told BV that she knew other people from Sweden who had adopted a child from Sri Lanka with the help of a false mother⁽¹⁰⁶⁾.

Two of our interviewees adopted from Sri Lanka to Sweden state that false mothers may have been involved in their adoptions. One of them, who was adopted privately from Sri Lanka in the early 1980s, has been informed by the adoptive parents and the couple who arranged the adoption in Sri Lanka that it was not her biological mother who signed the adoption documents but a "stand-in mother". The lawyer involved in this adoption is the lawyer most often found in the private and individual adoption files we reviewed from Sri Lanka in the 1970s-1990s. Our file review reveals that in the relatively few consent documents available from the child's mother, an actor accused of using false mothers has often been involved in the adoption¹⁰⁷

6.3.6 Specific consent documents from the parents are often missing from adoption files - even when their names are mentioned

Our review of the files shows that in the files from all the countries reviewed, and throughout the entire period, a special consent document from the child's parent or other guardian was often missing.

In Chile and Colombia, there have almost never been abandoned children placed for adoption in Sweden. Despite this, there is a particular

¹⁰⁴ The minutes of a meeting between NIA, AC, BV and BFA in January 1981-01-28.

¹⁰⁵Letter from the NIA to the Swedish Embassy in Colombo "Adoption decisions in Sweden and in the child's home country" 1988-06-14 NIA dnr 69:511/87.

¹⁰⁶ NIA's memo "Information in the case of possible "false mother"". "false mother"" 1987-12-03 NIA dnr 69:511/87.

¹⁰⁷See e.g. NIA 49:774/91; NIA memo "Information in the case of possible 'false mother'" 1987-12-03 NIA dnr 69:511/87; South Asia magazine no. 2 1992.

separate consent document from the child's mother is rarely included in the files, and there are no documented consents from the child's father. In the adoption files from Chile, a separate consent document from the child's mother is only found in about 10% of the files where there is a named mother. In the adoption files from Colombia, a separate consent document from the mother is found in about 20% of the files where there is a named mother. In the files for Colombia, we have seen examples of consent forms from a private orphanage, where the reason for the mother leaving the child for adoption is pre-printed. The mother of the child only needs to sign the form. In a few other cases from both Chile and Colombia, it is stated that the mother has given her consent, but there is no document in the file to prove it. The Swedish Agency for Family Law and Parental Support (MFoF) stated in its review of all child reports from 2017 that the 23 files from Colombia did not indicate whether the parents had consented to the adoption¹⁰⁸

In the files from South Korea where there is a named parent, there are consent documents from the child's mother in about 60% of cases. In one third of the cases where the mother gave consent, the father also did so. However, there is never a record of him giving consent without the mother also doing so. There are clear changes over time. In South Korea, there have consistently been no consent documents from a parent before 1983 and after 2009. In between, there are almost always consent documents from parents in cases where they are known. This can be explained by changes in requirements over time. The director of the Korean adoption agency has given consent to the intercountry adoption of the child throughout the period. However, according to the cooperation agreement signed between SWS and NIA in 1980, the consent of the parents, if known, should also be sent to Sweden.¹⁰⁹ AC has described that if consent is not in the file at AC after 1990, it is at KWS, as KWS (formerly SWS) did not send the consent during the periods when the mother has been entitled to confidentiality.¹¹⁰ After the major adoption reform in South Korea in 2012, adoption organizations must include the mother's consent in the file except for the adoption of children placed in a baby box. The exception is certain information about the family of origin

¹⁰⁸ MFoF, Tillsyn barnrapporter januari 2018, 2017-12-20, dnr 3.3.6:19/18.

¹⁰⁹ Agreement between Swedish council for Intercountry adoptions, Sweden and Social Welfare Society Inc, Korea. Signed 1980-03-18. R 34 Xko.

¹¹⁰ AC's comments on draft text South Korea. Received by the Adoption Commission on 2024-05-30.

which are subject to confidentiality in Korea. In those cases, KWS writes a separate certificate to support the existence of a signed consent¹¹¹.

All children from our file review who were adopted from China, except one who was a relative adoption, have been described as surrendered and thus there are no consent documents in the files.

Table 6.1 Proportion of files with specific consent documents from the child's parent

Country	Percentage of files with a specific consent document from the mother	Percentage of files with a special consent document from the mother - when her name is evident	Percentage of consent documents stating that the consent is for adoption	Percentage of consent documents stating that the consent is for intercountry adoption
Chile	7 %	9 %	71 %*	71 %*
Colombia	12 %	21 %	67 %*	1 %*
South Korea	32% (of which 12 % also the father)	59% (of which 28% also the father)	100 %*	100 %*
China	1 %**	x	x	x
<i>Poland</i>	0 %	0 %	x	x
<i>Sri Lanka</i>	20 %	29 %	100 %*	83 %*
<i>Ethiopia</i>	3 %	10 %	100 %*	100 %*

Note! The results for the last three countries (in italics) for which we examined private and individual adoption acts should be interpreted with more caution due to the smaller number of acts in the sample.

* The result is uncertain. It is based on few data, as there are few files containing summary documents.

** This refers to a relative adoption that was handled by AC.

Our file review of private and individual adoptions from Sri Lanka, Ethiopia and Poland shows that special consent documents are often missing there too. In the files from Sri Lanka, such a document is included in around 30 percent of the files where there is a named mother. In the files from Poland, there are no consent documents in the file at all, although there is a full name of the mother in almost half of the cases. In the files from Ethiopia, a separate consent document is included in about 10% of the files with a named mother.

The relatively few consent documents in the files from South Korea, Chile, Ethiopia and Sri Lanka always or usually state that the consent is for intercountry adoption. In the consent documents

¹¹¹MFoF, Travel report South Korea 2023, Dnr 2023-368, p. 14.

from Colombia usually indicates that the consent is for adoption, but almost never that it is for intercountry adoption.

Most of the consent documents included in the adoption files are also signed with a signature or fingerprints. The consent documents included from South Korea, Colombia and Chile are signed by the child's mother. Often someone else has also witnessed the signature.

In the few consent documents found in the private and individual adoption files, the mother has usually signed with a signature or thumbprint. However, in several Sri Lankan cases, there is a stamp that hides her signature. This has occurred in several adoptions brokered by an orphanage director with whom the NIA advised the applicant not to cooperate.

6.3.7 Swedish operators have not ensured that the necessary consents are in place

Our file review was carried out on the basis of the file held by the Swedish adoption organization or by the National Archives, in cases where the organization has transferred the documents there. In order to check whether there is information in other archives that we may have missed, we have carried out a sample survey of nine files from the district court and five files from social services. This investigation indicates that there do not appear to be any more specific consent documents in the district court or social services files. None of our nine district court files or five social services files contain a specific consent document from a parent of origin in the file, even though the parents' names were stated in the file. This indicates that there is not a significantly larger proportion of files with special consent documents than we have seen in our file review.

Neither the district court nor the social services seem to have made efforts to request consent when it has been lacking without clarification. This is despite the fact that, until the valve on special reasons was introduced in 2018, there has always been a requirement for consent to be ordered under Swedish law. The investigation shows that the district court has not requested consent or made any searches for consent when it has been lacking. In one case from Chile, we see that the district court has asked for other supplementary information from the applicants but has not requested consent, even though consent was lacking and the child's ur-

the birth parents are named in the file. Nor is there any mention of consent in the social services' report on whether the adoption is in the child's best interests. In another case from Chile, the names of both original parents are found in the AC's file at the National Archives. Despite this, the applicants have written "unnamed parents" in their application to the district court. The district court has then assumed that this is correct and has not asked for any consent. The district court's decision therefore also states "unnamed parents", even though this is not correct. In a case from South Korea, the district court's decision also states that the child's parents are unknown, even though they are named in AC's file at the National Archives.

The fact that Swedish actors have generally not made efforts to ensure that the required consents have been obtained is also confirmed by our interviews with social secretaries, district court administrators and former staff and managers at NIA, MIA and MFoF.

6.3.8 Still today, more than half of adoption files lack specific consent documents

Our review of all AC files from 2024 shows that there are still often no documents in the file that clearly show that the necessary consent has been obtained. This is despite the fact that Article 16 of the 1993 Hague Convention stipulates that the child's country of origin must provide evidence that the necessary consents have been obtained to the receiving country.

The HCCH 2023 guidance states that States should ensure that the original document or a certified copy of the consent to adoption is sent to the receiving country.¹¹²We therefore consider that it is not sufficient for the social investigation or the court order to state that a parent has abandoned the child, but that a specific consent document is required to certify this. Article 16 of the 1993 Hague Convention also stipulates that the identity of the parents of origin may not be disclosed if it cannot be disclosed in the State of origin. This has been taken into account in the analysis. A parent of origin is indicated by name in most files from 2024 (approximately 70% of files). If we only consider those files where there is a named parent, a specific consent document from a parent is included in less than half of these (just over 40% of these files, compared to just over 30% of all files). This means that we

¹¹²HCCH (2023), p. 82 f.

only see some improvement compared to the past. In some cases, there are descriptions of why parental consent is missing. In addition to the more than 40 percent of cases with a named parent where there is a special document certifying that they have given their consent, another 20 percent of the files with a named parent state that a parent wants the child to be given up for adoption - but without there being any signed consent or other special document in the file certifying this. In about 60 percent of the files where there is a named parent, there is either a signed consent document or a statement somewhere in the file that a parent wanted the child to be given up for adoption. However, parental consent may have been obtained even if it is not documented in the Swedish adoption file.

Whether the child is in the care of social services or not, the consent of the child's guardian is required. In some cases, this may be the child's parent even if the child is in care. If custody has been transferred to someone other than the parents, there should be a documented consent from the new guardian.

In about one third of all files from AC 2024, we have noted that there is a specific consent document in the file from either the child's parent or other guardian. In the adoptions from Thailand, there is a separate consent document from the child's parents. In the adoptions from South Korea, the head of KWS has consistently provided a documented consent, and there is also a special document (affidavit) certifying that the mother has given the child for adoption to KWS. In addition, several of the adoption files state that the special guardian has given consent, but there is no specific signed consent document in the file attesting to this. The AC claims that there are consents from the child's legal representative in more cases than we could see in the files. However, during our review, we did not note any specific consent documents from the child's legal guardian in the files from those countries. (If we have missed it and one were to include these as well, it would mean that there is a specific consent document from either a parent or other legal guardian in just over half of the files (about 56%).

In the case of Colombia, the AC refers to the fact that the adoptive parents receive consent documents when they are in the country to finalize the adoption. As regards India, the AC refers to a document

called NOC ("No Objection Certificate") to show that consent exists. However, in this document only the Central Authority CARA states that they have no objection to the adoption. A staff member of the AC explains that this document certifies that consent has been obtained by the local authorities in India, although it is not stated in the document.

6.4 Lack of documentation and inaccuracies mean that the right of origin was not respected

The investigator's assessment: Key information to satisfy the right to know one's origin is often missing from adoption files. Overall, there have been systematic shortcomings in documentation in most of the countries we investigated, and Swedish actors have not made sufficient efforts to provide the conditions for fulfilling adopted persons' right to their identity and origin. For children from China, information on the child's background is consistently lacking due to the fact that all children placed for adoption have been described as abandoned.

Our file review shows that there is far from always a social investigation with information about the child and the parents, even when it does not concern abandoned children. In the majority of cases, there is also no original birth certificate with information about where and when the child was born and its original name. On the other hand, a date of birth is almost always given, although for abandoned children this is often an estimated date. There have been some improvements over time in the documentation of the child's background.

There are also outright inaccuracies in adoption files, such as incorrect dates of birth or children being described as orphans when they have known parents. Incorrect information in the files and falsified documents make it difficult for adopted persons to find their origins. This means that some adopted persons are deprived of their original identity.

6.4.1 Introduction

The right of children to their identity and to know their origins has been a fundamental principle throughout the period that international adoptions have been mediated to Sweden. The right to origin has been regulated in Swedish law since 1917. In the 1959 UN Declaration of the Rights of the Child, one of the ten principles was that the child shall have the right from birth to a name and a nationality.¹¹³ According to Article 24 of the UN Covenant on Civil and Political Rights (ICCPR), adopted in 1966, every child shall be registered immediately after birth and given a name and the right to acquire a nationality. The CRC further clarified the child's right to his or her identity and origins. According to Article 7, the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know who his or her parents are and to have their care. One way of ensuring this right as far as possible is for a child to be registered at birth and for a State to ensure that the information on the child's origins held by the authorities is preserved, in particular as regards information on the identity of the parents and medical history.¹¹⁴ Similar provisions on birth registration, names and nationality are contained in Article 30 of the 1993 Hague Convention. According to Article 30, the authorities concerned shall ensure that the information on the origin of the child held by the authorities is preserved, in particular as regards information on the identity of the parents and medical history. The authorities shall also ensure that the child or his or her representative has access to such information, under appropriate guidance, to the extent permitted by the law of the State.

The right to identity and knowledge of origin has thus been recognized throughout the period under review. In order for an adopted person to have their right to their identity and origin recognized, relevant information must be included in the adoption file. Inadequate documentation in the adopted person's file makes it difficult for the adopted person to search for his or her origin. Explicit requirements for documentation were not regulated in Swedish law until 2005, but at that time it was not specified what documentation should be included in the files. Already in the NIA handbook for adoption organizations from 1983

¹¹³ 1959 Declaration of the Rights of the Child.

¹¹⁴ SOU 2020:63 *The CRC and Swedish law*, p. 359.

However, it states that adoption agencies should gather as much information as possible about the origin and previous circumstances of the children and pass this information on to the adoptive parents and the social welfare authorities.¹¹⁵ The revised 1997 Handbook also requires that in adoptions from Hague countries, a report should be submitted with the child's certificate, giving details of the child's identity, availability for adoption, background, social environment and family history, as well as the medical history of the child and his/her family and the child's special needs. The country of origin should also provide evidence that the necessary consents have been obtained and the reasons for the placement decision¹¹⁶.

6.4.2 Information on the child's background is relatively often missing from the file, but there have been some improvements over time

Those adopted from China consistently lack information about their origin as all are described as abandoned

The adoptees from China have been exclusively documented as abandoned. When the FFIA began to provide adoption services in China in 1993, these were usually abandoned girls from rural areas. The children were left outside the police station and the police took them to an orphanage or they were abandoned by the mother immediately after birth in a hospital. Children could also be left on the street or outside the orphanage. Sometimes the children had little notes in their pockets with information about when they were born. However, no name was ever given.¹¹⁷ The staff at the orphanage chose nicknames to match the child's characteristics and appearance.¹¹⁸

A basic problem in adoptions from China is therefore that there is very little background information about the children, which seriously hampers the adoptees' ability to search for their origins. Since the Swedish adoption organizations have not been allowed to have direct contact with the orphanages, it has been difficult to check how the orphanages have investigated the children's background. The Chinese authority CCAA has expressed that it will often be impossible for the adopted

¹¹⁵ NIA (1983), *International Adoptions. Handbook for adoption organizations*, pp. 5, 8, 18-19.

¹¹⁶ NIA (1997), *International Adoption Intermediation. Handbook for adoption agencies*. Revised 1997, pp. 19-20.

¹¹⁷ NIA Travel report for the FFIA trip to China May-June 1993, No 72:455/93.

¹¹⁸ A-C. Gudmundsson et al (2015), p. 171.

to find the biological parents because there is no such information.¹¹⁹

The Swedish adoption organization BV has described that adoptees from China have sometimes received more information in connection with return journeys and visits to orphanages than is contained in the documentation the adoption organizations received from the Chinese authorities.¹²⁰ This has also been reported by the Dutch adoption organization Wereldkinderen.¹²¹ One adoptee we spoke to says that in her adoption file in China there were documents that her adoptive parents had not received in connection with the adoption, describing who found her and where she was found. She later sought out the man who found her. He described how he and a police officer had found her in a small town and that they forged the documents so that she would end up in a good orphanage in a bigger city in the province.

Date and place of birth are often indicated in the files

In the vast majority of the adoption files we have examined, the date of birth of the child is stated. This applies to adoptions mediated via a Swedish authorized adoption organization and private and individual adoptions. However, in the case of abandoned children, it is usually an estimated date.

However, information on where the child was born is not as often given in the file. In the files from Chile and Colombia, the place of birth is stated in about 80 percent of the files and in the files from South Korea and Sri Lanka in just over 60 percent of the files. In the files from Ethiopia and Poland, place of birth is indicated in about half of the files. In the files from China, place of birth is only included in about 20 percent of the files.

¹¹⁹ NIA Travel report of the NIA visit to China and Thailand, June 15-26, 2002, No 74:452/01.

¹²⁰ Interview with BV 2023-10-16.

¹²¹ Report of 2009-10-01 by the Director of Wereldkinderen February 2003 to September 2009.

The files rarely contain an original birth certificate with the original name of the adoptee

Adoption files rarely include an original birth certificate with the child's original name. It is most common in the files from Colombia, where it appears in 30% of the files. It is present in 14% of the files from Chile, and in about 10% of the private and individual files we examined from Sri Lanka. In the files from China and the private and individual files from Poland and Ethiopia, an original birth certificate with the child's original name is included only in exceptional cases. In South Korea, it has been present since 2015, when South Korea introduced the requirement that birth registration must be supported by documents from the maternity hospital, but before that it was not present.

There may be various explanations for the absence of original birth certificates in the adoption file. For example, many children are not born in hospitals but far out in the countryside. Parents have then had to travel to the nearest town to register the child and obtain a birth certificate, which has not always been possible or prioritized.¹²²For surrendered children, there have been no original birth certificates for obvious reasons.

In the countries we examined, a new birth certificate was issued in connection with adoption to varying degrees. If we take into account both original birth certificates and birth certificates issued in connection with adoption, the child's original surname is given in about a third of the files from Colombia, in about a quarter of the files from Chile and Sri Lanka and less frequently in the other countries.

Many adoptees from Chile have lost their rights as indigenous people

The fact that many adoptees do not have a birth certificate with their original name can be seen as particularly problematic in a country like Chile, where a significant proportion of the people who have been adopted internationally belong to an indigenous people. Our file review shows that about half of the children adopted from Chile to Sweden - and where the place of birth is shown in the file - were born in the regions of Auracania and Biobio, which is the original home of the Mapuche indigenous people. Also the Chilean

¹²²AC comments on draft text, received on 2025-03-25.

adoption.se has estimated that about half of those adopted from Chile to Sweden belong to the Mapuche indigenous people¹²³

According to Article 30 of the Convention on the Rights of the Child, a child belonging to a minority or an indigenous people has the right to his or her own culture, religion and language. However, adopted persons belonging to the Mapuche indigenous people have lost their name, language and culture through adoption to Sweden. They therefore have very little chance of reclaiming their cultural traditions and identity as Mapuche.¹²⁴ Many adoptees from Chile have the names of their Swedish adoptive parents on their birth certificates and not the surnames of their original parents, which means that they cannot prove their identity as Mapuche in Chile either.¹²⁵ They may therefore find it very difficult to reclaim their special rights as an indigenous people, such as access to land and financial support.¹²⁶

Large differences between countries in the amount of information available on child health - but clear improvement over time

There are major differences between the various countries of origin in the amount of information available on the child's health. The adoption files from China and South Korea almost always contain information on this, and China in particular has extensive medical reports. Health descriptions, on the other hand, are only found in around 10% of the files from Chile, Sri Lanka, Ethiopia and Poland. In Colombia, health descriptions are found in more than 60% of the files, but they are usually very brief.

¹²³See also Second Chamber of Parliament Chile (2019), *Report of the Special Commission to investigate the conduct of State bodies in relation to irregularities in the adoption and enrollment processes of minors and the control of their travel abroad* (), p. 85.

¹²⁴Information from the meeting with first families in Temuco, Chile, October 27, 2022 and Alina Namuncura Rodenkirchen (Mapuche activist adopted to Germany).

¹²⁵Second Chamber of Parliament Chile (2019), p. 85.

¹²⁶Information provided at the meeting with first families in Temuco, Chile on October 27, 2022 and Alina Namuncura Rodenkirchen (Mapuche activist adopted to Germany).

Table 6.2 Information on the background of the children in the files

Country	Percentage of files with date of birth	Share of files with place of birth	Percentage of files with original birth certificate with child original name	Percentage of files where the original name appears on a birth certificate**	Percentage of files with health description
Chile	98 %	79 %	14 %	26 %	14 %
Colombia	98 %	80 %	30 %	34 %	62 %
South Korea*	100 %	62 %	2 %	2 %	98 %
China*	89 %	22 %	0 %	0 %	99 %
<i>Poland</i>	<i>100 %</i>	<i>55 %</i>	<i>0 %</i>	<i>12 %</i>	<i>10 %</i>
<i>Sri Lanka</i>	<i>100 %</i>	<i>63 %</i>	<i>11 %</i>	<i>23 %</i>	<i>7 %</i>
<i>Ethiopia</i>	<i>100 %</i>	<i>45 %</i>	<i>3 %</i>	<i>6 %</i>	<i>3 %</i>

Note! The results for the last three countries (in italics) for which we examined private and individual adoption acts should be interpreted with more caution due to the smaller number of acts in the sample.

* In China, and also to some extent South Korea and Ethiopia, there is limited data due to children being described as abandoned.

** This applies precisely if an original name is documented in a birth certificate. The child's original name is sometimes recorded in other documents in the file.

Documentation on the child's health has clearly improved over time. Our review of all AC's adoption files from 2024 shows that a medical report is always included. This can be valuable in making the best possible match between child and parent. It can also be important for adoptees to know their early health status.

Based on the health descriptions included in the files, we can see that there has been a change over time in the proportion of children with special needs. In our file review of our seven selected countries from the 1970s to the 2020s, few children were described as having special needs. With the exception of adoptions from China, the proportion of files indicating that the child has special needs has been between zero and eight percent. Children adopted from China have been described as having special needs in a quarter of cases. This also changes over time. From 2007 onwards, just over 60 percent of children from China have been declared to have "special needs", and from 2009 onwards 75 percent.

Our review of all AC's files from 2024 shows that 35-40 percent of the children adopted via AC in 2024 were assessed as having "special needs" according to the documentation. However, there are large

differences in this group in terms of how great the special needs are and can be. In addition to the children who are explicitly described as having "special needs", there is a further group of up to 25-30% of children where some risk factor or uncertainty about needs is described.

The amount of information available about the parents varies

As regards information on the child's original parents, there is a wide variation between countries, partly due to the proportion of abandoned children. In China, where all children are reported as abandoned, there is no information at all on the child's parents. In South Korea, there is usually some information about the parents in cases where the child has not been abandoned. There are usually first and last names and ages of both the child's mother and father, and at least some description of their life situation. However, SWS decided in 1997 to include only the first names of the mother and father in the children's Child Studies because Korean law protects parents who do not want to be known. In the files we reviewed from Ethiopia that do not concern abandoned children, there is information about the mother's name and her life situation in just over half of the files.

In Chile, Colombia, Sri Lanka and Poland, the percentage of abandoned children is very low among those placed for adoption in Sweden. Despite this, information on the parents' names, age, address and living situation is far from always included in the file. The files from Chile contain the most information about the mother's living situation, full name and age. In Chile, the mother's ID number is also often included, which makes it possible to search for her via the population register. In the files from Colombia, up to 70% of the files contain information on the mother's life situation and 55% of the files contain her name. In the private and individual files from Sri Lanka, the mother's name is found in about 80 percent of the files, but information about her life situation is found in less than half of the files. In the private and individual adoptions from Poland, information on the mother's name and living situation is given in about 40% of the files.

There is consistently more information about the child's mother than father. This is particularly evident in Colombia and Sri Lanka.

Table 6.3 Percentage of files with information on the parents of origin

Country	Name of the mother	Name of the father	Mother's age	Father's age	Parent's address	The mother's life situation	Father's life situation
Chile	79 %	47 %	68 %	43 %	26 %	90 %	78 %
Colombia	55 %	12 %	42 %	12 %	5 %	68 %	38 %
South Korea*	51 %	43 %	55 %	53 %	2 %	61 %	56 %
China*	0 %	0 %	0 %	0 %	0 %	0 %	0 %
<i>Poland</i>	45 %	34 %	22 %	5 %	0 %	41 %	22 %
<i>Sri Lanka</i>	78 %	15 %	44 %	7 %	15 %	52 %	11 %
<i>Ethiopia</i>	42 %	16 %	6 %	10 %	3 %	39 %	19 %

Note: The results for the last three countries (in italics) The results for the last three countries (in italics) for which we examined private and individual adoption files should be interpreted with more caution due to the smaller number of files in the sample.

Name means that both first and last name are present.

Information on living situation means that there is some kind of information on living situation in addition to name, age and address.

* The proportion is affected by the proportion of abandoned children. In China, the lack of data is explained by the fact that these are abandoned children adopted to Sweden. In both South Korea and Ethiopia, there are approximately 40 percent abandoned children in our sample, which affects the proportions in the table.

6.4.3 Incorrect or contradictory information may indicate falsification or concealment of origin

In cases where the information in the adoption file is inaccurate - whether due to mistakes or deliberate misrepresentation - it becomes very difficult for adoptees to trace their origins and find their original family.

In adoption files from South Korea, conflicting and sometimes inaccurate information has been systematically found - orphan hojuk

Children adopted to Sweden from South Korea have been registered as orphans in a separate family register, even in cases where they had known parents alive (often called orphan hojuk). In these cases, the children have become "orphans on paper". The South Korean government instructed in 1976 that all children to be adopted internationally should be registered with the same family origin, Han Yang, in a separate family register.¹²⁷This is confirmed by our file review. From the outset

¹²⁷Ankestyrelsen (2024), *Adoptionsformidlingen fra Sydkorea til Danmark i 19/0'erne og 1980'erne*, p. 61 f.

from at least 1980 onwards, there is always a document showing that the child is registered in a separate family register, and in the place of the parents' names it says "no record" or "unknown". The system was in place until 2012 and in our file review all children are registered in an orphan *hojuk* until 2014. Although the child's family record states that the parents are unknown, information about the child's parents can be found in the child's social report. This means that an adopted person from South Korea may have two documents with different information: a document stating the name of the parents and a document stating that the child is an orphan. The orphan *hojuk* system has led to the risk that children with known parents may believe they are orphans. This can confuse and complicate the search for origins - especially if you are not aware that South Korea had such a system.

According to KWS, the system was not created to hide the child's background but to create a legal birth registration for those children who were not registered in the mother's or father's birth register. KWS states that in cases where the child has known parents, this information has usually been included in the documentation at KWS and has also been sent to Sweden.¹²⁸ However, we have seen examples where information about parents has not been sent to Sweden even though there are known parents. In these cases, the consequence is that there is directly incorrect information in the file and a concealment of origin, as the child is stated as an orphan even though there are known parents. One of our interviewees, who was adopted from South Korea in the 1970s, says that the information on the parents of origin was not included in the documents given to the adoptive parents at the time of adoption. It was only when the adoptee as an adult requested the adoption documents from KWS that it became clear that there was information about the mother's name, even though the Swedish file states that the child is an orphan.

Even in cases where information on the child's parents has been transmitted to Sweden and is contained in the Swedish file, this information has not always reached the relevant actors in Sweden. It is unclear how often this has occurred. However, through our file review and random samples of files at the district court and social services, we have seen examples that SWS's social investigation was not attached to the application for adoption to the district court. The district court has therefore in the adoption order,

¹²⁸Statement made at the meeting of the Korea Welfare Society in Seoul on March 21, 2023.

on the basis of the Korean family registration (orphan *hojuk*), indicated the child as an orphan. This is despite the fact that we can see in the file at AC that complete information about the child's parents is included in the documentation from South Korea. We have also seen examples of the adoptive parents stating to social services that the child is orphaned, despite the fact that information about the child's parents is contained in SWS's social investigation.

Misinformation has occurred in most of the countries we reviewed

A characteristic feature of the adoptions from Chile is that the children were accompanied by a detailed description of the child's background, which the AC's representative or one of the social workers she hired wrote in a letter to the adoptive parents. In 70 percent of the adoption files we examined from Chile, there is such a letter. It has subsequently emerged that the information about the children's background has sometimes been incorrect. Both testimonies in the media and the interviews we conducted with adoptees who have been reunited with their families in Chile show that the background stories are often not correct.

In adoptions from South Korea, there are testimonies from adult adoptees who discovered mistaken identities or even shared identities with each other.¹²⁹A woman adopted to Sweden in 1985 discovered when she searched for her origins that she had been mistaken for another girl at the orphanage in South Korea. They were adopted to two different countries with the wrong name, date of birth and background.¹³⁰From South Korea there are also several cases of incorrect birth dates, where the child has been stated to be younger than it really was.¹³¹According to AC, incorrect birth dates are due to SWS estimating the age of the children found abandoned.¹³²Several adopted persons believe that the adoption organizations deliberately registered the children as younger than they were in order to make them more adoptable.

In Sri Lanka, false documents have been a common feature of adoptions brokered by private actors in the country. NIA

¹²⁹MFoF. Email from the Swedish Embassy in Seoul to the MFoF on April 15, 2020, dnr 3.1.2:1149/19 nr 29.

¹³⁰Madeleine Shim In Young Björk's *Sommar & Vinter* on Swedish Radio 2019-07-17 and 2019-12-25; A. Arpi (2023), p. 106 ff.

¹³¹Meeting with Adopted Koreans Association (AKF) on March 25, 2022; Information from meeting with researcher Tobias Hübinette on January 10, 2024; C. Villaume Fägerstrand (2022), p. 11 and 63.

¹³²AC's comments on the draft test South Korea. Received 2024-05-30.

wrote in their annual reports in the 1980s that there were reports of incomplete and false documents in adoptions from Sri Lanka. The head of the DPCCS stated at a meeting with FFIA in 1987 that 98% of all adoptions outside the DPCCS orphanage had some kind of problem, such as false birth certificates, false mothers or false addresses.¹³³ In our file review, we have seen several examples of incorrect birth dates in the private adoptions from Sri Lanka in the mid-1970s, where the child turned out to be older than stated in the adoption documents.

One of our interviewees, who was adopted from Colombia in 1984, has discovered several inaccuracies in her documents after being reunited with her family of origin. The documents state that the mother was poor and left the child at the orphanage, but the mother later told us that the nuns at the maternity home took the child immediately after birth and announced that it was gone. The social investigation and consent documents give the wrong name of the mother and the wrong place of birth and address. Our interviewee is aware of a similar case from Colombia where it was found that the family was not poor at all as stated in the adoption documents, but that the adoptee was stolen from the parents.

In the Hunan child trade, children's documentation was falsified to make it appear that the children were abandoned. The Dutch investigation revealed that the few adoptees from China who found any background information often found that the information was incorrect. This was particularly true of birth certificates and proof of relinquishment.¹³⁴ However, the Swedish files for China do not contain proof of relinquishment or any other written decision that the child is available for adoption. Apart from the case of the Hunan scandal, we have not been able to identify any specific cases in which falsified or incorrect information has been discovered in the adoptions from China. Such facts often only come to light when adoptees are reunited with their parents of origin.

In the survey of members' experiences of irregularities in their adoptions from Ethiopia conducted by the Association of Ethiopian and Eritrean Adoptees (AEF), false documentation was one of the

¹³³ FFIA "Report" 1987-03-23 within NIA 1987-03-25 dnr 61:128/87.

¹³⁴ Committee on the Investigation of Intercountry Adoption (2021), *Unofficial translation report. Committee on the Investigation of Intercountry Adoption*, pp. 36-37.

most common confirmed irregularity.¹³⁵We have interviewed several people from Ethiopia who report that there has been incorrect information in their adoptions. This included inaccurate information about the child's background, the parents and how and why the child was given up for adoption, particularly in adoption documents from the 1970s. In one case, the child was presented as abandoned, although it was actually given to the man who was later convicted of illegal adoption activities. In another case, the child was incorrectly stated to be a twin. In several cases, a known parent was stated to be unknown. The date of birth has also proved to be incorrect in several cases.¹³⁶In our file review, we have seen an adoption via AC in the 1970s where the child was assessed to be at least one year older than the information from Ethiopia indicated.

Risk that parents of origin in Ethiopia are sometimes wrongly reported as dead

In the case of Ethiopia, there are reports of parents of children adopted to Sweden being wrongly declared dead. There are also examples of conflicting information in the adoption files as to whether a parent is alive or not. The Ethiopian government has also stated that some children's documentation has been manipulated to make it appear that the children are orphans even though their parents were alive, in order for adoption organizations to avoid lengthy court proceedings.¹³⁷Taken together, this implies a risk that birth parents have sometimes been wrongly declared dead even in adoptions to Sweden, at least in the 1970s. The adoptions from Ethiopia are also characterized by a comparatively high proportion of files where a parent has been stated to be dead. There have been in about 20% of private and individual files from Ethiopia. The most common is that the mother is reported to have died in connection with childbirth. All the examples we have seen are from before 1983. In none of these cases has there been a death certificate in the file. Our sample of AC files from Ethiopia in the 1970s shows that there, too, a parent is stated to be dead without there being a death certificate.

¹³⁵AEF 2022-05-31 "Letter to the Adoption Commission: Mapping and deepening of irregularities related to adoptions from Ethiopia and Eritrea".

¹³⁶ Also information received by the Adoption Commission by e-mail on 2024-08-29.

(137) K. Joyce in The Atlantic 2011-12-21 "How Ethiopia's Adoption Industry Dupes Families and Bullies Activists".

evidence in the file. Even if there is no death certificate in the file, the information on the death of a parent may of course be correct.

In the adoption files from other countries, we have very rarely seen any examples of a parent being declared dead (0-5%). In no case has there been a death certificate in the file.

Sometimes there is contradictory information in adoption files

Contradictory or directly contradictory information in adoption files means that some information is incorrect. This makes it difficult for the adoptee to trace his or her origins. In our file review, we found contradictory information of some kind in about one in ten files. However, this varies between countries. In Chile, we found it in about 20 percent of the files, in South Korea and China about 10 percent of the files and Colombia about 5 percent of the files. Also in the private and individual files from Sri Lanka, Ethiopia and Poland, we have noted conflicting information in 10-20% of the files.

In Chile, the inconsistencies include contradictory information about the original parents, for example, the mother of the child is listed as unknown in one document, while in other documents there is a full name or extensive information about her. In the files from China, the contradictions include who was involved in delivering the child to the SWI. There is also conflicting information about when the child was found and delivered to the orphanage. In South Korea, the contradictory information, as described above, has involved children being registered as orphans in a separate family register even when they had known parents (orphan hojuk). In addition, the conflicting information has often involved different dates of birth.

We have also seen examples of this in interviews with people adopted from South Korea to Sweden.¹³⁸We have also seen examples where some documents state that the child was "found abandoned" while other documents state that the mother gave her consent to the adoption. Even in the private and individual adoptions in Ethiopia in the 1970s and 1980s, different dates of birth are sometimes stated in different documents. We have also seen examples of contradictory statements

¹³⁸See also SKAN's notification to the South Korean Truth and Reconciliation Commission. *Application for initiation of investigation concerning human rights violations and incidents of historical significance in the field of international adoption*, received by the Adoption Commission 2024-05-14.

descriptions of the parents of origin and the reason for adoption. In the Sri Lankan files, the contradictory information most often concerns the description of the child's father. He is sometimes listed as unknown in the Sri Lankan adoption decision, although other documents contain information about him. We have also seen some examples of contradictory information concerning the mother's living situation. In the files from Poland, there are some cases of different names of the child's father.

We have also seen examples where the mother is stated to be anonymous, while her name appears elsewhere in the file.

Our very limited sample survey of files from the district court and social services archives shows that in some cases there is more information in the social services file than in the AC's file at the National Archives, for example birth certificates drawn up in connection with adoption. In one case from Chile, there is more information about the child's father in the social services file than in the AC's file. In addition, there are some differences in how the child was left, so that it is unclear to what extent the child was taken into care or whether the parents themselves left the child. In one case from South Korea, according to the district court's judgment, the mother has consented to the adoption and her name is also included in the report on the child's background. Despite this, the Swedish certificate of identity states that "information on parents is missing".

Recurring patterns in the description of the child's background and reasons for adoption may indicate inaccuracies

In our interviews, adoptees from South Korea born in the 1960s and 1970s, among others, told us that the documentation seems to be based on a template that has been used for everyone. Children have repeatedly been found on the steps of a church, at a police station or outside a hospital. We have investigated this in our review of 100 files from South Korea, but have not seen any clear patterns in where the child was found. The most common is that the child was found on a street in a city. Our file review also shows a variation in terms of the reason for adoption, but there is a pattern here to some extent. According to the file review, before 1988 it was common for parents who already had several children to give up the last child because they did not have the financial means to care for the child. Since 1988, the reason has often been that the mother is young and unmarried and has no contact with the father. Sometimes it is a young unmarried couple who do not have the means to care for the child.

What raises suspicions of misrepresentation is that from 2003 onwards, there is a recurring statement that the mother cannot contact the child's father because his mobile phone is not working, is switched off or is out of order. In our limited sample, this is mentioned in about a third of the adoption files we examined from 2003-2023.

In the case of Ethiopia, there are certain patterns in the descriptions of why the children are adopted. In AC's adoptions in the 1970s, in the sample of files we examined, it was common for the mother to be unmarried and the father unknown. For example, in 1975, the court's adoption decision contained almost identical wording to this effect, namely that the father was unknown and the mother "has agreed to offer her son/daughter who was born out of wedlock for adoption to the applicants". One of AC's agents in Ethiopia who arranged adoptions in the 1970s said that after a while she found that the social worker's background descriptions became very similar, that he "did not vary much". In the private adoptions of the 1970s, it was more common for the child to be placed for adoption because the child's mother had died in childbirth. In Ethiopia, more children were placed for adoption from hospitals than in the other countries studied - either because the mother died during childbirth, which was common in the 1970s, or because the mother abandoned her child in the hospital shortly after birth, which was common in the 1980s.

In Chile, there are also some patterns in the child's background stories. Our file review shows that in about 60 percent of the cases, the reason for adoption is stated to be that the mother is single and cannot take care of the child. Often this is a temporary relationship where the father left the mother when he found out about the pregnancy and he does not want to take responsibility or contribute financially. The mother leaves the child for financial reasons, because she cannot keep her job, often as a maid, or because she already has several other children from the past to support. Often the mother is young and lives at home with her parents, who do not have the financial means to care for another grandchild or do not accept the child.

Adoption files from Colombia often simply state that the parent(s) have abandoned the child because no one can take care of the child or without further explanation. When it is stated why the mother left the child, it is usually because she was abandoned by the child's

father during pregnancy or that he does not recognize the child, and that the mother does not have the financial means to care for the child. Often she already has children. In some cases, it is a young mother who has become pregnant in a casual relationship and is unable to care for the child. The fact that the mother does not have the financial means to take care of the child is given as a reason for the adoption in almost a third of the files. Where the mother's work is mentioned, it is almost always as a housekeeper or maid. Relatively often, social or psychological problems of the mother are described, for example that she has not been able to take care of the child, has tried to harm the child, is not interested in the children, abuses drugs or is homeless.

This kind of pattern in the descriptions of the child's background and reasons for adoption may of course reflect real-life circumstances. Many original parents were poor, and single mothers have felt compelled to give up their child for social and cultural reasons. But recurring patterns in the descriptions may also indicate that the data is not always accurate.

Errors in adoption documents have also occurred in countries other than those we examined in depth

Inaccurate information in adoption files has been a problem in adoptions from several countries. Inaccuracies in the documentation of private adoptions from Thailand emerged as early as the 1970s, as we showed in section 6.2.7. A recurring theme is that the child was reported as abandoned, although it later turned out that this was not true. Adoptees and families of origin from India have testified that many of those adopted from India to Sweden come from state-funded children's homes where they were registered as abandoned, but later turned out to have been lost, disappeared or stolen.¹³⁹⁾The children's rights organization Against Child Trafficking (ACT) has also discovered inaccuracies and false documents in adoption files during its trips to India and meetings with mothers of origin

¹³⁹ DN Debatt 2018-03-07.

¹⁴⁰Meeting with ACT on 2023-10-04 and 2024-04-15.

6.4.4 Adoption records have sometimes been destroyed or kept inaccessible to adoptees

There are reports that adoption documents have been deliberately destroyed

Adoptees seeking to trace their origins have sometimes been told that their documents have been destroyed. This may be due to a lack of administration or archiving procedures, but in some cases it may also be a deliberate act to conceal an illegal adoption. A children's home in Lautaro, Chile, was run by a Swedish missionary couple who mediated adoptions to Sweden. It is reported that many documents from this orphanage were deliberately burned in 1995 when the director was dismissed from the orphanage. The documents burned included those from 1964 when the first children arrived at the orphanage. Between 2010 and 2016, the Kebebe Tsehay State Orphanage in Ethiopia had a director who was suspected of corruption and trafficking. When she became aware of the suspicions, she traveled to Kenya. Before leaving, she allegedly burned documents from the orphanage. AC cooperated with this orphanage and placed occasional children from there during this period. See volume 2, chapters 4 and 6. An adopted person from India we interviewed tells us that the director of the orphanage has claimed that our interviewee's documents were destroyed in a flood, while another person at the orphanage has said that this was not the case. Our interviewee says that it has been a common story in India, all papers have been eaten by rats or destroyed in floods. One lawyer described to our interviewee that in India all documents are burned after 10 years.

Individual Swedish brokers have preserved documents in their own archives

Several of the Swedes who have been involved in adoption mediation in Ethiopia have kept documents with information about the children in their own archives. This applies to both people who mediated adoptions privately and through the AC. Many adoptees from Ethiopia are frustrated at not being able to access their adoption records when these persons do not want to disclose their records. In many cases, the persons are getting old and some have passed away. In several cases, AEF has turned to the intermediaries

children to get the documents but were told that the children of the deceased had disposed of the documents or that the documents had been thrown away in connection with the emptying of estates.¹⁴¹

The two people who may have placed the most children from Ethiopia to Sweden have had their own documentation from the adoptions. AC's employee in Ethiopia from 1982-2012 had her own archive of 560 files, which she handed over to AC when she left. AC went through everything and supplemented the existing files, but most of it was, according to AC, duplicates and did not add any new information. AC's representative in Ethiopia 1974-1976, who placed 159 children through AC, has collected information about the Ethiopian children she placed in a book. She states that many years ago AC would have taken a copy of the book, but AC has stated that today they have no such copy. We have seen the book and most of it is information that should be in the adoptee's file and probably does not add any extra information. In some cases, however, there is information that might add something extra, such as the name of the parents, their telephone number or place of residence, or a picture of the mother. We have asked the person to make a copy of their book and submit it to the National Archives or AC.

In 2011, the MIA made an effort to collect private adoption agencies' archives of adoption records. The agency wrote that it is important for the sake of adoptees that documentation about adoptions is preserved and that the National Archives can receive archives from individual actors who mediated adoptions. The National Archives then sent a letter to eight people who had brought children to Sweden from various countries of origin, offering to accept records.¹⁴²The National Archives has also drawn up a list of people who may have individual archives of adoption documents. Several more names are mentioned there.¹⁴³

¹⁴¹Meeting with AEF 2023-08-31; "Tips from AEF on persons involved in adoptions from Ethiopia and Eritrea", received by e-mail 2023-10-13; E-mail to the Adoption Commission 2024-06-19.

¹⁴²Letter from MIA to private operators "Regarding documentation of adoption activities" 2011-05-25 MIA dnr 47:95/11.

¹⁴³National Archives "List of private adoption agencies that may have adoption documents", according to National Archives unknown origin, received by the Adoption Commission via e-mail 2023-09-29.

6.5 Adoption files are often unclear about how and why children were given up for adoption

The investigator's assessment: In order for Swedish actors to be certain that an adoption is in the best interests of the child, there needs to be documentation from the country of origin showing that the conditions for international adoption have been met. Among other things, it needs to be clear that the child's social situation has been investigated and that the child has been judged to be in need of adoption.

Social investigations and explanations as to why the child is being placed for intercountry adoption are relatively often missing from private and individual adoption files. It has also not been clear in the adoption files from several countries who decided that the child is available for adoption.

6.5.1 Introduction

The principle that adoption may only take place if it is in the best interests of the child has been expressed in various ways in Swedish law since 1917. The principle of the best interests of the child is also one of the fundamental principles of the Convention on the Rights of the Child. In relation to adoption, the Convention provides that States shall ensure that the best interests of the child are a primary consideration (Article 21). According to the Committee on the Rights of the Child, the best interests of the child shall be a primary consideration in adoption decisions.¹⁴⁴ The best interests of the child are also expressed in the 1993 Hague Convention (Article 1) and the 2008 Council of Europe Convention (Article 4). A prerequisite for determining whether an adoption is in the best interests of the child is to ensure that the child has been properly made available for adoption.

¹⁴⁴Ombudsman for Children, Swedish translation of *the Committee on the Rights of the Child's General Comment No. 14 (2013) on the right of the child to have the best interests of the child a primary consideration (CRC/C/GC/14)*, pp. 38 and 48.

6.5.2 It is not always clear from the files how it is ensured that the adoption is in the best interests of the child

It is not always clear whether a social inquiry has been conducted and by whom

- it is particularly rare in private and individual adoptions

A large proportion of the adoption files we examined do not state who investigated the child's background and sometimes it is not clear whether any investigation was carried out. This applies in particular to the private and individual adoptions we examined from Sri Lanka, Ethiopia and Poland. In less than 5 percent of the files, it is clear who investigated the children's background.

A social investigation is more often included in the files on adoptions mediated via the Swedish authorized adoption organizations. The files from South Korea always include a social inquiry.

In most files from China, there is some type of social investigation in that the notary's office has documented when, where and how the child was found in its declaration of abandonment, and the SWI has also documented this type of information in its report on the child's development.

In the files from Colombia, there is information that a social investigation of the child has been carried out in approximately 70 percent of the files. The ICBF or one of the private orphanages carried out the investigation. In contrast, social investigations are included in less than half of the files from Chile. In cases where it is stated who investigated the child's background, it is usually AC's social worker in Chile, but sometimes a social worker at the court or at the hospital. When there is no social investigation, however, there is often a brief mention of the child's background in the court's decision on the transfer of custody or in the AC representatives' letters to the Swedish adoptive parents.

There has been a clear improvement over time in the frequency with which a social investigation is included in the files. It is included in all AC adoption files from 2024.

In private and individual adoptions, there is relatively often no explanation of why the child is being adopted

In the private and individual adoptions from Sri Lanka, Ethiopia and Poland, there are relatively often no descriptions of why the child is being given up for intercountry adoption. In our sample of files from Poland and

Sri Lanka has such information in a little more than half of the cases, and in the files from Ethiopia in just over two thirds of the cases.

The files on mediated adoptions from South Korea and Chile almost always state why the child is to be adopted internationally. There are often full descriptions of this. In Colombia, too, the reasons for the adoption are usually given, although they are often relatively bland. It may be, for example, that the mother has abandoned the child to the orphanage or the court, or that she could not take care of the child. Especially in the early adoptions from Colombia, there is a lack of information about why the child is being adopted. In China, the reason for adoption has almost always been that the child was found abandoned.

Only in some countries has it been clear who decided that the child is available for adoption

In the private and individual adoption files from Sri Lanka, Ethiopia and Poland that we examined, it was almost never clear from the file who decided that the child was available for adoption. In the files from China, it is also unclear which actor decided that the children are available for adoption. In Colombia, it is stated in about 30 percent of the files, and then it has been the ICBF that has decided that the child is available for adoption. In the files from Chile and South Korea, on the other hand, it has almost always been clear who has decided that the child is available for adoption. In Chile it has been the court, and in South Korea it has been the adoption organization CPS/SWS/KWS.

In the adoption files we examined, we almost never noted the inclusion of a specific document issued by an authority declaring that the child is available for adoption. This applies to all the countries examined. Our review of all the AC's adoption files from 2024 shows that there is now more often a written decision from an authority stating that the child is available for adoption. The proportion of adoption files that contain such a document is partly a matter of interpretation.

Private and individual adoption files relatively often lack information on who gave the child up for adoption

In the private and individual files from Sri Lanka, Ethiopia and Poland, information on the person who gave the child up for adoption is relatively often missing. In the files from Poland, this is stated in about half of the cases, and in the files from Sri Lanka and Ethiopia in about 70% of the cases. In Chile, Colombia and, above all, South Korea, it is almost always clear who gave the child up for adoption. In China, where abandoned children are always involved, it is never clear who first left the child, but in just over half of the files it is clear who found the child and passed it on to the local police and the SWI or orphanage.

Table 6.4 Information on ensuring that the adoption is in the best interests of the child

Country	Percentage of files indicating who investigated the child background	Percentage of files where it is clear why the child needs adopted	Percentage of files where it is clear who decided that the child is accessible to adoption	Percentage of files with a written decision from an authority that the child is accessible for adoption	Percentage of files with information on who gave the child up for adoption
Chile	57 %	94 %	91 %	7 %	90 %
Colombia	72 %	87 %*	30 %	4 %	84 %
South Korea	100 %	95 %	98 %	0 %	99 %
China	75 %	100 %	0 %	0 %	**
<i>Poland</i>	5 %	56 %	5 %	0 %	51 %
<i>Sri Lanka</i>	0 %	56 %	7 %	0 %	67 %
<i>Ethiopia</i>	3 %***	68 %	0 %	0 %	71 %

Note! The results for the last three countries (in italics) for which we examined private and individual adoption acts should be interpreted with more caution due to the smaller number of acts in the sample.

* However, it is often simply stated that the parents have abandoned the child or that the child has been abandoned because they cannot take care of the child, but without further explanation.

** Only children found abandoned.

*** However, in several files we have noted that it is unclear, but that it is possibly the authority MOLSA that has investigated the child's background.

6.5.3 For abandoned children, information on when, where and how the child was found is not always available

In the adoptions from China to Sweden, the children have in all cases been described as abandoned and the children have been found in different places. But also in the adoptions from South Korea and Ethiopia, the children placed for adoption in Sweden have relatively often been abandoned.

In these cases, for obvious reasons, there is no information on the child's parents or information on the child's background. However, there should be information on when, where and how the child was found and by whom to show that it is indeed an abandoned child. Such information can also be important clues for adoptees searching for their origins.

However, our file review shows that it is not always clear when, where and by whom the child was found. There is more such information in the files from China compared to the files from South Korea and especially Ethiopia. In the files from China, around 90% of the files contain information on when the child was found and also *where* the child was found. But it is only in just over 50% of the files that it is clear who found the child. Often it is stated that the local police handed the child over to the SWI, but it is unclear who found the child and contacted the police. AC has stated that in China there is a document issued by the police stating who found the child, where and when. However, this document is only stored in China and has not been handed over to the adoptive parents or the adoption organization.

In the files from South Korea concerning abandoned children, there are more than 60% of the files contain information on *when* and *where* the child was found. Information on who found the child is only found in just over 20 percent of the files. It was mainly in the 1970s that it was not always clear where the child was found, but then it was more common to state who had found the abandoned child.

More than half of the private and individual adoption files from Ethiopia concerning abandoned or orphaned children contain information on where the child was found. It is much rarer for them to state who found the child or the date the child was found.

Table 6.5 Data on when, where and how children have been found

Country	Percentage of files concerning abandoned children	Percentage of files with information on when the child was found	Percentage of files with information on where the child was found	Percentage of files with information on who found the child
Chile	5 %	x	x	x
Colombia	6 %	x	x	x
South Korea	40 %	62 %	67 %	23 %
China	96 %	91 %	92 %	54 %
<i>Poland</i>	0 %	x	X	x
<i>Sri Lanka</i>	0 %	x	X	x
<i>Ethiopia</i>	42 %	8 %	54 %	15 %

Shares are calculated here on the basis of the files dealing specifically with abandoned children. Not shares of all files.

Note! The results for the last three countries (in italics) for which we examined private and individual adoption files should be interpreted with more caution due to the smaller number of files in the sample.

6.6 Doubtful compliance with the subsidiarity principle

The investigator's assessment: In order for Swedish actors to be sure that the principle of subsidiarity has been complied with, there needs to be documentation showing that the country of origin has examined and found that there is no suitable care alternative in the child's home country before the child is placed for adoption in Sweden. Although the principle of subsidiarity was first expressed by the UN in the 1986 Declaration, the principle has been recognized in practice since the 1950s. Therefore, information on how the principle of subsidiarity has been complied with should have been included in adoption files throughout the period examined and especially from the late 1980s.

It is rarely clear from the adoption files what efforts the countries of origin have made to seek national solutions before the children are deemed available for adoption to Sweden. In several countries, the adoption process has often been so rapid that there is an increased risk that the principle of subsidiarity has not been respected.

Some improvements have been made over time, but Sweden still does not sufficiently ensure compliance with the subsidiarity principle. Swedish actors rely on countries of origin to use intercountry adoption as a solution after other options have been carefully considered, but do not control it.

6.6.1 Introduction

A fundamental principle in adoption is the principle of subsidiarity, which means that a child should only be adopted by a family in another country if the child cannot grow up with his or her original family and there is no other suitable care alternative in the child's home country. The principle has been expressed in both international and Swedish practice since the 1950s. Bill 1978/79:108 states that it is generally considered best for a child to stay with his or her own biological family or at least to stay in the home country as a foster or adopted child. However, being adopted abroad is preferable to growing up in an institution.¹⁴⁵ The principle of subsidiarity was expressed in the 1986 Declaration¹⁴⁶ and confirmed and clarified in the 1989 Convention on the Rights of the Child and the 1993 Hague Convention.

6.6.2 It is rarely clear that the country of origin sought national solutions before adopting the child to Sweden

Our file review shows that it is rare to find documentation in the file showing that the countries of origin have sought national solutions before the children become available for adoption to Sweden. Such efforts may have been made without it being apparent from the adoption file in Sweden. However, it often appears that intercountry adoption has often been a first choice and not a solution when other possibilities have been exhausted.

In the files from Chile, just over 20% of cases indicate that a national solution was first sought. This figure has not changed over time. In the case of Colombia, there has been some improvement over time. In the early files from Colombia, it is almost never stated that national solutions were sought before the child was placed for adoption in Sweden (in less than 5 percent of the files). After the introduction of the principle of subsidiarity in 1993 and up to 2013, just over 10 percent of the files state that a national solution was sought. After 2013, when Colombia further tightened the requirements, about half of the files comment that a solution was sought within the immediate family.

¹⁴⁵Prop. 1978/79:108 *on the organization of international adoptions, etc.*, p. 9 f.

¹⁴⁶Declaration of Social and Legal Principles relating to the Protection and Care of Children, in particular with regard to national and international foster care and adoption.

In the files from China and South Korea, we have not seen any information about national solutions being sought to care for the child before it becomes eligible for intercountry adoption. This is despite the fact that many of the adoptions from South Korea and China took place after the principle of subsidiarity was introduced into the Convention on the Rights of the Child. How South Korea applies the principle of subsidiarity has been a recurring question for the Swedish supervisory authority since the 1970s. Since the 1960s, South Korea's ambition has been to reduce and eventually completely stop intercountry adoptions. Since the 1980s, South Korea's economy has been such that the country should have been able to solve the situation for the children nationally. South Korea has been criticized for not ending its international adoption program despite its huge economic growth from the 1960s onwards.

Nor do any of the private and individual files from Sri Lanka and Ethiopia we examined show that a national solution was sought before the child was adopted in Sweden. Researchers and other stakeholders have pointed out that Ethiopia is one of the countries that has had challenges in implementing the principle of subsidiarity until the 2010s.¹⁴⁷ In Sri Lanka, it took until the 2000s before national adoption was prioritized for children in need of a new family.¹⁴⁸

In the case of Poland, less than one in ten files reviewed indicated that a national solution was sought before the child was adopted in Sweden. There has been some improvement over time. The 1990 agreement between the Polish Ministry of Health and the Polish organization TPD stipulated that children should be adopted by a Polish family in the first instance,¹⁴⁹ and in 1992 the Supreme Court ruled that the principle of subsidiarity applied in Poland even though it was not regulated by Polish law. Nevertheless, only 25% of the files from 1993 onwards show that a national solution was sought first. In 1995 Poland ratified the 1993 Hague Convention and legislated on the principle of subsidiarity¹⁵⁰.

⁽¹⁴⁷⁾ B. Mezmur (2010), "*The sins of the 'saviors': Child trafficking in the context of intercountry adoption from Africa*". Paper presented at the Special Commission of the Hague Conference on Private International Law, The Hague, Netherlands, June 17-25, 2010, Information Document no. 2; Wereldkinderen and Against Child Trafficking (2009), *Fruits of Ethiopia. Intercountry Adoption: The Rights of the Child, or the 'Harvesting' of Children? A Study on Intercountry Adoption in Ethiopia*.

¹⁴⁸ <https://www.ui.se/landguiden/lander-och-omraden/asien/sri-lanka/>. Retrieved 2023-05-25; FFIA Newsletter January 2013, received from FFIA; FFIA Country Report 2014, received MIA 2014-06-11, no. 3.3.2:367:1/14; FFIA Country Report Sri Lanka 2007, received MIA 2007-06-04, , no. 64:352:1/07.

¹⁴⁹ NIA. Report of the NIA visit to Warsaw February 25-28, 1991 - see also brief first report March 1991, dnr 72:338/91.

¹⁵⁰ See e.g. MIA. Authorization decision BFA - Poland of 8 October 2007, dnr 61:502/07.

There have been some improvements in the reporting of compliance with the subsidiarity principle, but shortcomings remain. Our review of all the AC's adoption files from 2024 shows that in just over a third of the files it is not clear that the country of origin has tried to find solutions for the child within the country before it is placed for international adoption. This applies in particular to adoptions from India and South Korea. As regards India, the AC states that one of the documents issued by the Central Authority and included in the file (NOC) means that the Authority has ensured compliance with the principle of subsidiarity. However, as an adoption agency, they are not entitled to access this information as it is confidential. In India, there are guidelines outlining the steps that need to be taken before an intercountry adoption can be considered and a digital system to search for domestic parents for a given period of time. Only then, when all possibilities of finding a family in India have been ruled out, is an intercountry adoption possible. In South Korea, the AC emphasizes that it is not clear from the files, but that it is well known that there is a well-regulated control in the country before an international adoption becomes relevant. My assessment is that general rules and guidelines are good, but are not enough to ensure that sufficient measures have been taken in individual cases. The system as a whole has been trusted, but compliance with the rules has not been ensured.

In the other two thirds of the files, it is described that the child cannot be taken into national care, and usually some explanation is given. This may be that there is no suitable family in the country because there are so many children available for adoption, that no domestic family has shown an interest in adopting the child after the placement, or that there are no families willing to adopt the child and match the child with a family. In some cases, the age of the child, a disability or the abuse of drugs by the original parents are described as complicating factors in finding in-country solutions.

On the other hand, concrete attempts to find national solutions are more rarely found in the files. It is described in less than 20% of the files, and this includes attempts to place the child with relatives.

6.6.3 In South Korea and Chile, the process has been so fast that the risk of non-compliance with the subsidiarity principle increases

Our file review for South Korea shows that it has been quick from the time the child was found abandoned until Swedish parents have been appointed for the child. For half of the abandoned children, this has happened within 2.5 months of being found. Looking at all children in the file review (not just abandoned children), half of the children were less than four months old when Swedish adoptive parents were appointed. This raises questions about whether the child's background has been sufficiently investigated and whether South Korea has made sufficient efforts to find other care solutions for the child within the country.

In our interviews with people who were adopted in the 1970s and 1980s, we also found several examples of the adoption process in South Korea being very fast and also of decisions being made in the wrong order. One adoptee was selected for international adoption a week after being left at the police station. Another said that the processing time in South Korea was two months from finding the child to arriving in Sweden. The SWS decision that the child was available for adoption was made when the child was already in Sweden. Another one of our informants told us that the SWS director was appointed as the guardian and approved the adoption when the child was in Sweden. In other words, the child left the country before it was determined that the child was available for adoption.

The adoption process in Chile has also been very fast. According to representatives of the Criminal Investigation Department in Chile, the processing times for international adoption cases have been significantly shorter than the legal processing time for adoption in Chile should have been. According to them, the legal processing time in Chile should have been at least four months, but they note that the processing time varies from just a few days up to more than 90 days in a few cases.¹⁵¹ Our file review shows that it has taken an average of 18 days from social investigation to decision on transfer of custody, and then another 20 days before the child arrives in Sweden. The children from Chile were also often very young when they arrived in Sweden. Almost half of the children from Chile have been under four months old when they arrived in Sweden. The fast process in Chile raises questions

¹⁵¹MFoF *New information from the criminal investigation in Chile on international adoptions on January 25, 2019.*

whether the children's backgrounds have been sufficiently investigated and whether Chile has made sufficient efforts to find domestic solutions for the children before deciding to adopt them to Sweden.

Children from Sri Lanka have also been very young when they arrived in Sweden. A third of the children were under 3 months old. In other countries, the children were slightly older when they arrived in Sweden, especially children from Colombia and China.

6.6.4 In cases where children are described as abandoned, it is rarely clear what efforts have been made to find the parents

Our file review shows that it rarely appears that actors in the countries of origin have searched for the child's parents or relatives in cases of abandoned children. The files from China almost always state that the original parents or other relatives could not be found. However, all abandonment certificates state similarly, roughly "Her birth parents and other relatives have not been found up to now" and there is no detailed description of what efforts have been made, nor usually how long the search has lasted, although this was a requirement under Chinese law.

The efforts made to find the original parents or relatives of abandoned children are very rarely mentioned in the private and individual files from Ethiopia, when the child is reported as abandoned. However, from 1982 onwards, it is usually stated that the authorities in Ethiopia placed an advertisement in a newspaper a few weeks before the court made a decision on adoption to see if anyone claimed the child within the prescribed time. The advertisement states that the child is proposed for adoption.

6.6.5 Colombia case shows insufficient search for child's family

In our interviews in Colombia, we have been told that in the 1970s and 1980s, the responsible authorities did not always carefully investigate whether there was someone in the child's family who could take care of the child. The child was quickly declared abandoned and adopted out of

¹⁵²The failure to thoroughly investigate whether there was someone in the child's family who could care for the child before it was adopted abroad is particularly problematic in the light of the long-standing armed conflict in Colombia, which has increased the risk of children being taken or separated from their parents. A clear example of this is the case of a child adopted to Sweden in 1993 via AC. The boy and his mother had been kidnapped by a group of paramilitaries in south-western Colombia in December 1992, and the boy had subsequently been found abandoned 25 miles from his home town. The boy was declared abandoned by a court in Pasto and the court subsequently decided to adopt the boy to a Swedish family. It later emerged that the ICBF had advertised in the local media that an abandoned child had been found and advertised on three occasions for the child's parents via the local radio station - but gave the wrong name for the boy and the searches were not nationwide but in the region where he was found. The boy's grandmother initiated proceedings to revoke the adoption. In 1995, the Supreme Court of Pasto declared the adoption null and void, rejecting the declaration of abandonment¹⁵³.

6.7 Deviations from a legally secure adoption process

The investigator's assessment: Swedish actors have in various ways deviated from a legally secure adoption process in order to adopt more children and to speed up the process. Circumventing the safeguards surrounding the adoption process entails a risk that the adoption will not take place with respect for the child's fundamental rights.

In some countries, children have been brought to Sweden without any adoption decision having been taken in the country of origin. In Chile, this has been done by Swedish parents being given custody of the children in Chile, and in South Korea by the children being brought to Sweden as foster children. In Colombia, Poland and Ethiopia, the children have sometimes arrived in Sweden before a final adoption decision has been made.

¹⁵²Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición (2022), *Hay futuro si hay verdad - Informe Final. La Colombia fuera de Colombia. Las verdades del exilio* ¹⁵³Swedish Embassy Bogotá, cryptogram to the Ministry of Foreign Affairs 1995-06-21, dnr R34, Vco, 139.

In Chile, children have sometimes been given Swedish names on a birth certificate, even before the court has decided on the transfer of custody.

In Sri Lanka in particular, adoptive parents have adopted children privately without the approval of an agency and have received a child other than the one for which they received a birth certificate, so-called "child swapping".

Deviations from the adoption process have also occurred in the form of so-called "cushion adoptions" where Swedish women have wrongly registered as the biological mother of a child in another country. Another procedure is false paternity confirmations where Swedish men falsely claim to be the biological father of a child. Another example of deviation is pregnant women traveling to Sweden to give birth to a child and allowing a Swedish couple to adopt the child nationally. These practices are examples of unethical actions aimed at circumventing the international adoption process.

6.7.1 Introduction

Deviating from the normal adoption process at that point in time means that the safeguards in place to take into account the best interests of the child have not been respected. There is a risk that the adoption will not be carried out with respect for the child's fundamental rights.

6.7.2 Children have sometimes been brought to Sweden without an adoption decision

In some countries, children have arrived in Sweden without an adoption decision having been taken in the country of origin. Sometimes this has been because the other country did not have adoption legislation or because the adoption legislation of the country of origin was not considered possible to apply to intercountry adoptions. It may also have been because there were long waiting times in the courts of the country of origin and the child therefore left the country before the adoption was completed there.

Custody transfer in Chile was a way to circumvent Chilean law

Chile's adoption law required a probationary period of two or four years before the child could be adopted. During the probationary period, the child and the adopters were to live together to ensure that the adoption was in the best interests of the child.¹⁵⁴In order to facilitate adoptions to Sweden, the AC, together with the Chilean Ministry of Justice, developed its own model in 1973, whereby the Chilean court made a decision on the transfer of custody to the Swedish prospective adoptive parents. The adoption was then carried out in the Swedish court without waiting for the statutory trial period in Chile. By transferring custody to the prospective adoptive parents and then adopting the child in Sweden, it was possible to circumvent Chile's adoption legislation and speed up the adoption process.

The children have sometimes been brought to Sweden as foster children to be adopted later

In South Korea, the adoption process was simplified in 1972 so that it no longer required a court decision on adoption, but only a decision on an exit permit, before the child left the country. The reason for this change was that the long waiting times in the South Korean courts meant that children remained in foster care in South Korea for a long time. Between 1973 and 2012, SWS consented to children being placed in foster care in Sweden for later adoption by decision of a Swedish court.¹⁵⁵During this period, all children placed for adoption from South Korea came to Sweden as foster children, and on arrival in Sweden had the director of SWS as their guardian. One consequence of the procedure was that the children, as we understand it from the archive material, did not have a legal guardian in Sweden before the adoption decision was made in Sweden. Our file review also shows that it took an average of one year from the child's arrival from South Korea until a decision on adoption was made in a Swedish court. In the files we examined, the time between the child's arrival in Sweden and the adoption decision in court varied from just over a month to almost four years. This means that

¹⁵⁴ Article 2 Law No 16 346 of 1965.

¹⁵⁵ Letter from the National Board of Health and Welfare to SWS, October 2, 1972, HB2/14:5, R 34 Xko.

that in many cases children have been without a legal guardian in Sweden for a long time.

A similar procedure was used in the 1970s in adoptions from Ethiopia to Sweden. At that time, many children from Ethiopia came as foster children because of the long waiting times in Ethiopian courts.¹⁵⁶ This occurred both in private adoptions and adoptions via organizations, i.e. via AC. AC judged that, from a child rights perspective, it was better for the children to come to Sweden as foster children than to leave the children for a long time in institutions with a high mortality rate.¹⁵⁷ Within a year, the adoption was carried out first in an Ethiopian court and then in a Swedish court.

Children from Colombia and Poland have sometimes arrived in Sweden before a final adoption decision has been made

Children from Colombia have sometimes been brought to Sweden before an adoption decision has been taken. In the 1980s, many children left Colombia without a final adoption decision (sentencia). The 1989 law required that the final court decision be made and the child's new birth certificate registered before the child left the country. A judge at a family court in Bogotá told us in an interview that the fact that, before 1989, children could leave the country without a final adoption order left room for irregular adoptions. In the files we examined and where dates are given, 44 percent of the children from Colombia arrived in Sweden before the final adoption decision was made in Colombia. That decision was taken

in these cases, it is usually a few months after the child arrives in Sweden, but it varies from a few days to almost 2 years after arrival.

Even from Poland, prospective adoptive parents have brought children to Sweden before it is clear that they will be allowed to adopt the child. NIA became aware of this in the mid-1990s. In one case, a court in Poland had decided that a family could bring a child to Sweden for medical care and rehabilitation.¹⁵⁸ In the file review we have seen examples of children coming to Sweden a month before a decision on adoption has been made in Poland.

¹⁵⁶ PM 1973-04-07 submitted to the National Board of Health and Welfare NIA 1973-10-12 dnr 14:116/72 and 79:455/73.

¹⁵⁷ Meeting with AC and BFA 2024-03-11.

¹⁵⁸ From the National Archives, confidential material.

6.7.3 In Chile, children have sometimes been registered with Swedish names before the adoption decision

In some birth certificates issued in connection with adoption, a Swedish name is given - either the surname of the prospective adoptive parents or a Swedish first name. In the case of Chile, Swedish names are included in 85 percent of the birth certificates issued in connection with adoption and included in the files we examined. In Chile in particular, this is problematic because this birth certificate was usually drawn up a few days or weeks before the decision to transfer custody was taken in Chile. At least 20-25 percent of Chilean children appear to have been given Swedish names before the decision to transfer custody to the prospective Swedish adoptive parents has been made, and thus also before the child arrives in Sweden and long before an adoption decision is made.⁽¹⁵⁹⁾ According to Chileadoption.se, a social worker in the village of Perquenco, located just north of Lautaro, has registered over 200 children with Swedish names before the adoption decision was made

In Colombia, a Swedish first or surname has been included in approximately 90 percent of the birth certificates drawn up in connection with adoption, but in these cases the birth certificate has usually been drawn up on the same day or a few days after the adoption decision. In our file review of private and individual files from Sri Lanka, Ethiopia and Poland, we have only in exceptional cases seen examples of Swedish names being stated in the birth certificates, and in those cases they were drawn up after the adoption decision.

Our review of all AC's files from 2024 shows that some form of birth certificate is included in the vast majority of files. Sometimes it is an original birth certificate and sometimes a newly corrected one. The files from Colombia now contain original birth certificates. The birth certificates in the files from India, on the other hand, are usually drawn up shortly after the court decision on adoption, and only the child's new surname and the adoptive parents are listed. The absence of an original birth certificate from India is due to the country's rules on the anonymity of the family of origin.

¹⁵⁹ See also Sveriges Radio P1 2024-10-18 "The DNA trail in Chile - Anna's journey home."

¹⁶⁰ Meeting with Chileadoption.se 2024-04-23.

6.7.4 "False births" and "cuddly adoptions" in Chile and elsewhere in the 1980s

The AC representative in Chile reported in 1981 that a large number of private adoptions had been carried out, in several cases probably through so-called "false births".¹⁶¹ Also in 1987, the NIA office received information that Swedish families had carried out so-called "cushion adoptions" in Chile.¹⁶² This type of circumvention of the international adoption process has also occurred in other countries. In 1980, the NIA became aware that Swedish families were traveling to Brazil and contacting birth centers where they were assigned a child. A birth certificate was issued stating that the Swedish woman had given birth at the clinic. The NIA found that this was punishable under both Swedish and Brazilian law.¹⁶³ As early as the 1970s, Swedish media had reported that adoptive mothers went into maternity wards in Brazil with a pillow under their shirt and came out with a child, which was then registered as her biological child.¹⁶⁴ In the early 1980s, the NIA also received reports of two "sham adoptions" from Bolivia mediated through a Swedish authorized organization, and of one case of "pillow adoption" from Malaysia to Sweden.¹⁶⁵

6.7.5 Polish pregnant women have traveled to Sweden in the 1990s to give up children for adoption to Swedish couples

Another approach that has been used to circumvent the intercountry adoption process is for pregnant women to travel to Sweden to give birth to a child who is then adopted nationally. The examples we have seen date from the 1990s and have involved children born to Polish women. In 1993, the Swedish media reported that Swedish couples had paid pregnant Polish women to come to Sweden and give birth here. The Swedish couple was able to contact a lawyer in Poland and ask for a sum of money. A pregnant Polish woman then came to the family and stayed with them for the last few months before giving birth. After the reasonable period of six weeks had passed, the Polish

¹⁶¹ NIA. Annex to NIA minutes 1980-01-30, Minutes 1980-04-17.

¹⁶² NIA. Minutes 1986/87 No 7 1987-02-18.

¹⁶³ NIA Informs No 4 1980.

¹⁶⁴ According to DN 2021-02-21.

¹⁶⁵ NIA minutes 1980-09-19; NIA minutes 1982-02-25.

the woman signed a certificate stating that she wished to give up the child.¹⁶⁶This issue has received attention in the Swedish Parliament. A parliamentary motion in 1993 described how the procedure had become increasingly common¹⁶⁷

There are media reports that this practice also occurred in adoptions from Finland to Sweden in the 1970s. In 1973, the Swedish media reported that at least 200 Finnish children had been sold to Swedish families. In these cases, a Finnish woman came to Sweden and gave birth to her child, which was then given to a Swedish family for adoption.

Money was used as an enticement to unmarried pregnant women with poor finances.¹⁶⁸

6.7.6 False paternity cases in Poland in the 1990s and in Thailand in the 1970s

In Poland, false acknowledgments of paternity have also been used to circumvent the intercountry adoption process.¹⁶⁹In 1995, reports of false acknowledgments of paternity by Swedish men emerged. The NIA described a case where a man claimed to be the father of a child born to a woman in Poland. The intention was that his wife would adopt the child. However, he later stated that he was not the father of the child.¹⁷⁰The Swedish Embassy had also noted that there had been an increasing number of false confirmations of paternity, where foreign men had claimed paternity of Polish children. This had been reported in the Polish media and in one case involved a Swedish citizen.¹⁷¹Sometimes false paternity had been arranged directly between the biological mother and the prospective Swedish parents and sometimes through an intermediary.

False paternity cases have also occurred in adoptions from Thailand in the 1970s. In 1977 and 1978, it emerged that Thai children came to Swedish families by registering the Swedish adoptive father as the biological father of the child. He could then apply for a passport for the child without the Ministry of the Interior becoming involved in the case. A Thai lawyer had arranged the adoptions and asked the adoptive parents to return the false documents when

¹⁶⁶ TT 1993-02-28.

¹⁶⁷The Swedish Parliament. Motion 1992/93:So445 by Liselotte Wågö (m). Adoptions of children born in Sweden by foreign women.

¹⁶⁸ GT 1973-12-27 "Swedish families go to Finland and buy children".

¹⁶⁹The report is the basis for an article in *The Economist* 2013-07-26 "Illegal Adoptions in Poland - Baby on Sale".

¹⁷⁰ Fax from NIA to the Swedish Embassy in Warsaw 1995-12-01.

¹⁷¹Fax from the Swedish Embassy in Warsaw to the NIA, 1995-12-20.

they arrived in Sweden and then sent them an adoption consent from the child's biological parents.¹⁷²The NIA also describes another procedure whereby one of the biological parents applies for a passport for themselves and the child and travels out of the country, for example to Hong Kong or Kuala Lumpur. There, the adoptive parents would meet and take care of the child and also receive an adoption consent from the parents. Both practices circumvent Thai laws. The NIA points out that in these cases there are no documents that allow the adoptive parents to complete the adoption procedure in Sweden.

There is thus a risk that an adoption cannot be realized.¹⁷³A former employee at the NIA describes that there was a problem with smuggling of babies from Thailand. Quite a few children had arrived before the NIA, with the help of the ambassador, managed to put a stop to the procedure¹⁷⁴

6.7.7 Adoptive parents have adopted children without valid consents and authorizations

Adoptive parents have sometimes adopted children without valid consent on the route of placement

In 1985, a requirement was introduced that anyone wishing to adopt a child from another country must have the consent of the Social Welfare Board to receive a child for adoption, which also included approval of the contact the applicants intended to use to find the child. The Social Welfare Board was obliged to indicate in its decision on consent the type of agency to which the decision applied. If a Swedish authorized organization was to provide mediation assistance, the decision was to be formulated in such a way that it applied generally to mediation through all organizations authorized by the NIA. In the case of a private adoption, however, the name of the intermediary organization should be stated in the decision.¹⁷⁵It was not permitted to use a different method of mediation than that specified in their consent.

In Sri Lanka, problems arose in 1986 and 1987 with Swedish families who had obtained consent to adopt through a Swedish authorized association, using their consent to adopt

¹⁷² NIA minutes February 1977 and December 1977; NIA briefing March 1978.

¹⁷³ NIA minutes January 1978; NIA informs March 1978.

¹⁷⁴ Interview with former NIA staff member 2022-10-13.

¹⁷⁵ Prop. 1984/85:16 *on certain questions concerning international adoptions*, p. 13.

through a private contact in Sri Lanka.¹⁷⁶This is evident from our review of the archives, and we have also seen examples of this from 1986 in our file review. There are also several examples of adoptive parents who traveled to Sri Lanka to adopt a child through BV, during the trip adopted another child through BV's cooperation. The second child was then adopted privately without BV's intermediation, but still with the help of BV's contact person.¹⁷⁷In 1983 it was also discovered that BV had contacted adoptive families directly to inform them that they could adopt a sibling of the child they had previously adopted, even though these families no longer had valid consent.

There have also been cases where children from Ethiopia have been adopted privately despite the fact that the approval of the agency route only applied to adoption via a Swedish authorized adoption organization. In 1990, the NIA became aware that there was also a risk in Poland that Swedish adopters were breaking the law by using a different method of mediation than that specified in their consent. In 1995, the NIA saw several examples of Swedes who had consent for adoption through an authorized Swedish organization being helped in various ways to adopt by other means.¹⁷⁹Our file review shows that in some cases, individual adoptions from Poland have been carried out despite the fact that the consent only applied to adoption through an authorized Swedish adoption organization. Adoptions in contravention of the consent obtained have also occurred in adoptions from Romania. In 1994, the FFIA brought to the attention of the NIA that Swedes were using their consent to adopt through a Swedish organization to adopt privately from Romania¹⁸⁰.

¹⁷⁶Three examples of incorrect handling of cases concerning consent under Section 25 of the Social Services Act NIA dnr 49:380/86; Five examples where consent was used incorrectly, see NIA's letter to the Swedish Embassy in Colombo 1986-11-07, NIA dnr 49:402/86; Letter from the Swedish Embassy in Colombo to the NIA 1986-10-29, NIA dnr 49:402/86; Letter from the FFIA to the NIA 1986-10-08 and memo to the NIA from a social secretary 1986-10-16, both NIA dnr 69:360/86. ¹⁷⁷BV's letter to NIA regarding an individual adoptive family 1983-06-15, received NIA 1983-06-16 (no file number); BV's report to NIA on children who have come through BV's organization in an appendix to BV's letter to NIA regarding an individual adoptive family 1983-06-15, received NIA 1983-06-16 (no file number).

¹⁷⁸NIA official memorandum 1983-08-11 (no number given, but possibly 69:172/83).

¹⁷⁹Letter from the NIA to the Swedish Embassy in Warsaw, January 31, 1995, No 72:28/95.

¹⁸⁰FFIA letter "Regarding individual adoptions in Romania" to NIA 1994-08-04, NIA dnr 69:321/94.

Adoptive parents have sometimes taken in a different child than the one they were told about - 'child swapping'

When NIA visited Sri Lanka in November 1991, families who had adopted through BV described that 'child swapping' had become very common, i.e. the adoptive parents brought home from Sri Lanka a different child from the one they had been given. NIA's survey of 35 families who had adopted through BV between June and December 1991 showed that 16 of the families had experienced child swapping. Five of them had experienced two or more child exchanges.¹⁸¹In our sample of BV files from the 1980s, 3 out of 8 files also show that there has been a child exchange. In one case from 1981, the adoptive parents were informed by BV on the day they were to travel to Sri Lanka that they were to have a different child than the one they thought, because the child's mother had fallen ill and could not give her consent to the adoption. The family traveled anyway and adopted another child without consent for that particular child. In another case from 1981, the child the adoptive parents were supposed to pick up died during their stay in Sri Lanka, and they adopted another child instead without obtaining a new consent. Several of our interviews with Sri Lankan adoptees also revealed that their adoptive parents were supposed to have another child, but the mothers changed their minds at a late stage and the Sri Lankan authorities quickly arranged for another child.

6.8 Swedish actors' actions when irregularities are uncovered

The investigator's assessment: Sweden has cooperated with countries where there have been irregularities in international adoption activities. It has been incumbent on Swedish actors to ensure that adoptions from these countries to Sweden have been carried out correctly.

There are several examples where Swedish adoption agencies and the Swedish supervisory authority have taken relevant action when problems and irregularities were detected. Swedish

¹⁸¹Report from NIA's visit to Sri Lanka 23-30 November 1991, NIA no. 60:607/91 - received from FFIA; NIA's authorization decision 1992-03-18 no. 60:81/92; NIA's statement in response to an appeal from BV regarding NIA's decision to limit the association's authorization in relation to what the association had requested 1992-05-20 NIA no. 60:81/92.

adoption agencies have repeatedly withdrawn or declined unsafe partnerships. The NIA has put a lot of work into dealing with problems and irregularities associated with private adoptions from Colombia and Sri Lanka, among others, although the measures have not been sufficient. At the same time, we see many examples of Swedish actors not acting forcefully enough when they have received information about irregularities. For example, they have failed to find out more information or to critically examine an activity when information about irregularities has emerged.

Swedish adoption activities have generally been characterized by a high level of trust. There are several examples where Swedish actors have relied too much on the measures taken in the country of origin. The government has trusted the Swedish supervisory authority and has rarely acted when irregularities have been reported. The supervisory authority has relied on the Swedish adoption organizations and their contact persons in the countries of origin to ensure that adoptions are carried out correctly. The adoption organizations have in turn trusted that actors in the countries of origin have fulfilled their obligations to, for example, obtain consent and ensure that it is in the best interests of the children to be adopted internationally, even if there was no concrete evidence of this. Even when irregularities have come to light, Swedish actors have generally relied on the measures taken to prevent the recurrence of irregularities, which have often proved insufficient.

The Swedish actors' actions have often been aimed at preventing the problems and irregularities that have come to light from affecting the possibility of continuing to place children for adoption in Sweden.

6.8.1 Swedish operators have in many cases known about irregularities when they occurred

Swedish actors have generally been aware of the cases of trafficking in children during the 1970s-1990s that we have described in section 6.2. The NIA and the Swedish adoption organizations were already aware of irregularities in privately mediated adoptions from Sri Lanka and Colombia to Sweden around 1980. In both these countries

the ongoing trafficking of children linked to Swedish adoptions was openly discussed early on. In the 1980s, the NIA also received information that in private adoptions from Colombia and in both private and organized adoptions from Sri Lanka, so-called false mothers were involved in adoptions to Sweden. The NIA was also aware of the existence of so-called "baby farms" in privately arranged adoptions from Sri Lanka to Sweden in the 1980s and that BV's contact person in the country had turned adoption mediation into a business. In addition, in the case of Sri Lanka, there was intensive correspondence between Swedish and Sri Lankan actors for a long time, and the Sri Lankan and Swedish press reported on adoption scandals and child trafficking involving children intended for Swedish families. NIA was also aware early on that child trafficking had occurred in adoptions from Poland to Sweden in the 1990s and 2000s. The NIA received confirmation from the Chinese adoption authority that Swedish cases were part of the systematic child trafficking that took place in China in the 2000s.

The NIA has also been aware of the various ways of deviating from the ordinary adoption process, as described in section 6.7, used by adoption organizations and Swedish parents to speed up, simplify or enable more adoptions. For example, the NIA has been fully aware that AC circumvented Chile's adoption legislation from 1973-1992 by transferring custody to the prospective adoptive parents and then adopting the child in Sweden. NIA has also been aware that Swedish adoptive parents, especially in Sri Lanka in the 1980s, sometimes used the consent they received to adopt via a Swedish organization to adopt privately, and that they sometimes took home a different child than the one they had received a child decision for. The NIA has also been aware of "false births" (also known as "pillow adoptions") in Chile in the 1980s, Polish pregnant women traveling to Sweden in the 1990s to give the child up for adoption to Swedish couples, and Swedish men falsely confirming the paternity of Polish children in the 1990s in order to circumvent the adoption process.

It is unclear to us how much information the government has received about irregularities. At least in some cases, the government has had information about irregularities, such as the trafficking of children in private adoptions and that the adoption process has sometimes been circumvented. The NIA has sometimes reported in its annual reports that irregularities have occurred. In the late 1990s, the Government also requested specific reporting from the NIA on irregularities in adoption.

tion activities. We have not been able to see whether any further dialogue has been held on irregularities or whether the Government has asked the agency follow-up questions. The Ministry of Social Affairs, as the responsible ministry, received regular information about the activities. However, we cannot see from the archive material what information the Ministry of Social Affairs received about irregularities and how they handled the information. However, the Ministry for Foreign Affairs (UD) has received information about irregularities from the Swedish embassy in the various countries of origin.

The Embassy has often informed the MFA and the NIA when they have received information about irregularities. The Swedish Embassy in Sri Lanka has played a very active role, informing Swedish actors about what government and authority representatives in Sri Lanka have reported and sending a number of newspaper articles to the MFA and the NIA about child trafficking in Sri Lanka involving children intended for Swedish families.¹⁸² The Swedish Embassy in Chile also informed both the MFA and the NIA about recurring reports in the Chilean media about child trafficking and that the Chilean police conducted three investigations into AC's activities in Chile. In other countries of origin, the Embassy has had a more passive role, and in the case of China, the Swedish Embassy has found it difficult to obtain relevant information in China. However, it is unclear how much of the information that the Ministry of Foreign Affairs and the other Government Offices have had has been passed on to the Government.

There are examples where it appears that information about irregularities or apparent problems in adoption activities has not reached the Swedish supervisory authority or government. One example is the case of the kidnapped boy in Colombia who was adopted to Sweden in 1993, where AC reportedly knew early on the circumstances surrounding the boy and his background without informing the NIA. The Swedish Embassy in Bogotá was aware of the case but did not inform the MFA¹⁸³.

¹⁸²NIA Minutes 1981-12-17; Letter from the Swedish Embassy in Colombo to the Ministry of Foreign Affairs Stockholm 1981-12-02, beskickningsarkivet dnr III:201 R 34 (also NIA dnr 72:331/81); Letter from the Swedish Embassy in Colombo to the Ministry of Foreign Affairs Stockholm 1981-12-03, received NIA 1981-12-04 dnr 72:331/81; Letter from the Swedish Embassy in Colombo to the Swedish Ministry of Foreign Affairs "Adoptions from Sri Lanka" 1982-01-19, received NIA 1982-01-22 dnr 72:331/81; Letter from the Swedish Embassy to the Ministry of Foreign Affairs Stockholm 1981-12-24, received NIA 1981-12-29 dnr 72:331/81.

¹⁸³Folket i Bild, Stolen child, 6-7/96.

6.8.2 Some irregularities have come to light much later

There are certain irregularities which - from what we can see - have become known afterwards, often in connection with adopted persons becoming adults, searching for their origin and then sometimes discovering irregularities in their adoption cases. This includes the fact that birth parents, for example in Chile and Ethiopia, have not always received the right or sufficient information to be able to give informed consent. This also applies to the examples we highlight from Chile, where parents have been told that their child has died during childbirth or while in hospital.

Earlier in this chapter, we described how adoption files sometimes lacked basic information about the child's background, specific consent documents, who investigated the child's background and decided that the child was available for adoption, and what efforts were made to find in-country solutions before the child became available for intercountry adoption. In addition, the original birth certificate with the original name of the adoptee is often missing. For abandoned children, there is not always information on when, where and how they were found. All this is important information to ensure that it is in the best interests of the child to be placed for adoption in Sweden, and for adoptees to know their origin. The Swedish adoption organizations have of course been aware of this throughout the period of adoptions to Sweden. However, we do not see from the archive material that the adoption organizations have informed the Swedish supervisory authority that important information is missing from the files, or that the issue has been discussed between them. It is only since 2017 that the authority itself, within the framework of its supervision, has systematically reviewed adoption files. They have found that important documents are often missing. Specific consent documents have been systematically missing from the files and Swedish actors have not ensured that the necessary consents exist. Neither the adoption organization, the courts nor the social services have made any effort to obtain consent - and the Swedish supervisory authority has not required or checked this.

6.8.3 Swedish operators have not taken strong enough measures to avoid irregularities

As noted above, Swedish actors have in many cases been aware of irregularities in Swedish intercountry adoption activities as they have occurred or are occurring, and have often informed other Swedish actors of irregularities. However, the extent to which relevant actors have taken relevant action based on this information varies. There are many examples of Swedish actors not having checked the extent of Sweden's involvement in irregularities uncovered in the countries of origin. The measures taken to prevent the irregularities from continuing have often proved insufficient.

The NIA did not investigate suspicions of irregularities in Chile in the 1970s but relied on the AC

In 1975, the Chilean criminal police investigated AC's representative and her brokering of adopted children to Sweden. Although there were suspicions of irregularities in the adoptions in Chile in the 1970s and the NIA was informed of this as early as 1975, the NIA did not carry out its own investigation into how the operations worked in Chile. From the NIA's archival material, we cannot see that the NIA conducted any investigation of the adoption activities in Chile. Former employees of the NIA do not recall any discussions at the agency about how children came into AC's operations.¹⁸⁴All in all, the NIA is very invisible in the correspondence concerning the police investigations in Chile. The correspondence is between AC, the Swedish Embassy in Chile and the Ministry for Foreign Affairs in Stockholm. Nor did the NIA travel to Chile during the entire period when the adoptions were in progress. Both the AC and the Swedish Embassy assessed that the police investigations had no basis but were part of a political game played by the Chilean military dictatorship against Sweden.

¹⁸⁴Interviews with former NIA employees on February 16, 2023 and April 24, 2023.

Swedish actors have tried to address problems in private adoptions, but it has not been enough

During the 1970s and 1980s, many private adoptions from Colombia and Sri Lanka, among others, were mediated to Sweden. In the case of Sri Lanka, the NIA, the Swedish adoption organizations, the Swedish Embassy in Colombo and the Swedish Ministry for Foreign Affairs began to receive information about irregularities in Sri Lanka linked to Sweden from 1979. Both Swedish and Sri Lankan actors speak of improper and illegal adoption activities linked to Sweden.¹⁸⁵The Sri Lankan government stopped adoptions on three occasions after irregularities were uncovered and amended its adoption law to prevent the private mediation of adoptions, but it continued anyway. Around 1980, Sri Lankan representatives repeatedly asked the NIA and the Swedish Ministry of Social Affairs for help in preventing private placements because they saw them as posing great risks of child trafficking and other irregularities.¹⁸⁶Sri Lankan representatives publicly criticized Sweden's lack of action at several international conferences on intercountry adoptions. In addition, the other Nordic countries have criticized Sweden for not severely restricting private adoptions.¹⁸⁷

Swedish actors have put a lot of effort into trying to control the private adoptions that took place without the involvement of NIA and AC. Among other things, the NIA ran an experiment in 1975-1977 in which it requested information from municipal social services about how many children had arrived in Sweden privately and with the help of which contact.¹⁸⁸The NIA received information from both

¹⁸⁵NIA's report from a trip to Colombo, Sri Lanka 1979-10-21--27, received by the Swedish Embassy in Colombo 1979-12-26, diplomatic archives no. I:10 R 34; NIA no. 49:39/80; Embassy in Colombo no. XII:47 1980-04-01 R 34; UD dnr 22:A 190 R 34 1980-10-24; UD dnr 22:A R34 1980-10-07; UD 1980-10-03 dnr 1157 R34; Letter from UD Stockholm to Swedish Embassy in Colombo 1980-10-03, received Swedish Embassy 1980-10-06 dnr IV:151 R 34; Letter from the Swedish Embassy in Colombo to the Ministry of Foreign Affairs Stockholm 1980-10-24, Beskickningsarkivet dnr III:190 R 34.

¹⁸⁶NIA's report from a trip to Colombo, Sri Lanka 1979-10-21 to 1979-10-27, received by the Swedish Embassy in Colombo 1979-12-26 beskickningsarkivet dnr I:10 R 34; NIA:s rese- rapport Sri Lanka 1982, see beskickningsarkivet 1983-12-05 dnr 11/154 R 3; Letter from NIA to the Swedish Embassy in Colombo 1983-08-25 NIA dnr 72:147/83, available in beskickningsarkiv 1983-09-02 dnr 11/106 R 34; NIA Dnr 40:123/83; NIA verksamhetsberättelse 1982/1983 samt NIA Dnr 49:48/83.

¹⁸⁷Memo from the NIA to the Government 1983-02-15; NIA dnr 40:123/83; Embassy in Colombo 1983-09-02 R 34.

¹⁸⁸NIA, Attempts to obtain statistics on children arriving without the cooperation of NIA and AC 1975 to the first quarter of 1977, dnr 49:1071/75.

social services and the AC about private individuals in Sweden who were suspected of arranging international adoptions, and the NIA urged them in writing to cease the activity immediately.¹⁸⁹In the activity report for 1979/80, the NIA writes that, through the reports from the municipalities, they had gained a relatively good overview of the routes by which children come to Sweden for adoption.¹⁹⁰

Increased regulation and control of adoptions was seen as important to reduce illegal adoption activities and stop private adoptions. The NIA therefore sought cooperation agreements with both Colombia and Sri Lanka. Discussions started in 1976/1977 and continued for many years to come, but no agreements were ever reached. AC was involved in the failure to reach an agreement in Colombia.

Shortly after the adoption scandal in Colombia was revealed in 1981, the Swedish Minister of Social Affairs issued a press release stating that private adoptions must be prevented. The Minister of Social Affairs advised against all parents "who on their own intend to travel to other countries solely for the purpose of privately bringing a child home to Sweden for adoption" and encouraged those wishing to adopt a child to contact the organizations.¹⁹¹The NIA also met with the Swedish Immigration Service (SIV) in 1981 to discuss practical procedures for residence permits for foreign adoptees and how to control private adoptions.¹⁹²

In 1981, the NIA approached the Minister of Social Affairs with proposals to further regulate private adoptions and seek a similar solution to the other Nordic countries. The NIA proposed that adoption could only be carried out through private contact in exceptional cases, but then only after approval by a central body, such as the NIA.¹⁹³In 1983, the NIA told the government that the measures taken in Sweden have not been sufficient to address illegal and inappropriate adoptions and that private adoptions should be restricted. In its memorandum, the NIA describes that in meetings with representatives of the responsible authorities in Colombia and Sri Lanka

¹⁸⁹NIA, Placement of adopted children from Colombia, 1983-10-26, dnr 49:194/83; NIA, official note 1983-07-11, dnr 49:194/83.

¹⁹⁰NIA (1980), *Annual Report July 1, 1979 - December 31, 1980*.

¹⁹¹NIA, Press release from the Ministry of Social Affairs 1981-07-24 with comment by Minister of Social Affairs Karin Söder, dnr 72:174/81.

¹⁹²NIA, Memorandum from the Swedish Immigration Service, Adopted children in Sweden, 1981-10-16, dnr 40:225/81.

¹⁹³NIA's "Memorandum on adoptions mediated outside authorized organizations" 1981-11-05, submitted to the Minister of Social Affairs at a meeting 1981-11-16, NIA dnr 49:300/81.

with the Ministry of Social Affairs and the NIA had called for help from the Swedish authorities to tackle the trafficking of children by private brokers.¹⁹⁴

However, the result was only a tightening of requirements in the form of the social welfare board obtaining the opinion of the NIA on the agency route for private adoptions.¹⁹⁵ However, irregularities in private and individual adoptions have continued even after that, which shows that the measure was not strong enough to prevent irregularities.

The NIA has expressed that the adoptions from Sri Lanka are the ones that have created the most work and concern for the agency, especially the privately brokered adoptions. The NIA has conducted seven monitoring missions to Sri Lanka, sought to establish a cooperation agreement to regulate privately brokered adoptions, exchanged information with various stakeholders on private intermediaries in Sri Lanka and warned both adoptive parents and the private intermediaries in Sweden that the NIA became aware of. The Swedish Embassy in Colombo has played an active role in gathering information about private agencies in Sri Lanka and passing it on to Sweden, and in 1984, on its own initiative, carried out an in-depth survey of adoption activities in Sri Lanka with regard to the homes that placed adopted children in Sweden.¹⁹⁶ In view of the NIA's new task in 1985, to give an opinion on the reliability of the placement system, the NIA paid particular attention to investigating the conditions for making such assessments in Sri Lanka. They also reached an agreement with the Ministry of Social Affairs in Sri Lanka on a number of common guidelines.¹⁹⁷ Despite all these efforts by Swedish authorities, reports of irregularities in private adoptions continued. Even in the 1990s, the NIA reported back to the government that reports of irregularities and bribery continued to flourish in adoptions from Sri Lanka¹⁹⁸.

¹⁹⁴ NIA, Memorandum "Concerning inappropriate adoptions", 1983-02-15, dnr 49:48/83.

¹⁹⁵ Ministry of Social Affairs memorandum Ds S 1983:14 *International adoptions, review and proposals for action*; Prop. 1984/85:16.

¹⁹⁶ NIA Annual Report 1983/1984; Swedish Embassy in Colombo dnr 12/130 R 34 1984-11-02.

¹⁹⁷ NIA's opinion on the method of mediation in adoption 1986-05-21 NIA dnr 46:66/86; NIA's letter 1986-08-22, available in the FFIA archives.

¹⁹⁸ NIA Annual Report 1983/1984; Annex to NIA Annual Reports and Country Reports 1993-1997 in which NIA reports on developments in the field of adoption in e.g. Sri Lanka; "Report from NIA's visit to Sri Lanka on November 23-30, 1991", NIA dnr 60:607/91 received from FFIA.

According to the historian Cecilia Lindgren, Poland, unlike Sri Lanka, for example, succeeded in curbing private adoptions by gradually tightening its regulations and establishing formal cooperation through Swedish authorized organizations.¹⁹⁹The NIA rejected several private adoption applications where the adoption costs were considered too high. From 1994 onwards, the NIA also rejected adoptions made through direct contact with families or hospitals in Poland, in accordance with the changed Polish adoption policy²⁰⁰.

The Swedish adoption organizations have on several occasions stayed away from irregularities and declined unsafe cooperation

AC has rejected partnerships with actors it perceived to have acted unethically. One example is the lawyer in Colombia who was arrested in 1981 for stealing and selling up to 500 Colombian children for adoption abroad. The lawyer had contacted AC and offered them children, but AC had refused. According to the country officer, AC had wondered where the lawyer had gotten the children from and perceived that "he was only after money"²⁰¹.

In the case of Sri Lanka, there are several positive examples of how Swedish adoption organizations have acted in relation to intermediaries in Sri Lanka. On several occasions, FFIA acted with caution when making new contacts and turned down requests because they perceived them as frivolous. The Children Above All (BFA) has broken off cooperation with orphanages that proved to be disreputable. AC has been critical of the adoption business in Sri Lanka and chose not to continue the business after 1983.

FFIA first cooperated with two private orphanages at the beginning of its mediation activities in Colombia, but reacted to the contracts signed between the adoption organization and the orphanages and the fact that there was a lot of money involved, both in costs to the orphanages and in legal fees. They therefore decided to work exclusively with the ICBF.²⁰²At the same time, AC brokered adoptions from seven of the private orphanages licensed by the ICBF.

¹⁹⁹ C. Lindgren (2010), p. 160.

²⁰⁰ Dagens Nyheter 1994-03-23 "Private adoptions stopped in Poland".

²⁰¹ DN 1981-07-23 "Myndighet varnar för privata förmedlare".

²⁰² Interview with former FFIA Director of Operations, 2022-09-26.

In Chile, the AC drew attention to child trafficking, which led to fewer children being placed for adoption. AC's representative in Chile described in 1984 that there were fewer children for the organizations working as AC. The 1989 AC mission report stated that there was a risk that AC would be completely outcompeted with its strict ethics.²⁰³ The AC representative in Chile clearly distanced himself from payments in connection with adoption. This is evident from AC's travel reports and various letters and reports from AC's representative in Chile to AC's office in Stockholm²⁰⁴

AC broke off cooperation with the Ethiopian man who had been arrested in 1977 for illegal acts in connection with adoption brokering even earlier, when it was discovered that he had tried to bypass the Swedish queues and deliver children directly to families in Sweden. In the 1990s, AC advised BFA against cooperating with the man.

The AC also broke off contacts with the Thai lawyer who was arrested in 1977 for child trafficking, after suspicions of wrongdoing arose. The NIA issued information on this to the social services²⁰⁵.

NIA has not acted forcefully enough on irregularities in BV's operations in Sri Lanka

In addition to the problems in the private adoptions, the NIA also had to deal with problems in the adoptions from Sri Lanka by the organization BV. NIA continued to authorize BV for adoption activities in Sri Lanka throughout the decade of problems with their contact person. BV openly described these problems. The NIA took some action, but it was not enough to resolve the problems. In 1981, it was discovered that the Swedish adoptive families were providing financial support to the birth mothers through BV's support services at the maternity homes, which was against NIA regulations. The NIA initially took no action of its own but asked AC to discuss

²⁰³ AC. Travel report Chile May 16 - 25, 1989. AC E4 Chile country binder 1975-87.

²⁰⁴ See e.g. AC. "Report from trip to Chile 1985-02-01 - 1985-02-11". 1985-02-19. AC E4 Chile Landpärm 1975-87; AC. "Report from trip to Chile 1985-02-01 - 1985-02-11". 1985-02-19. AC E4 Chile Landpärm 1975-87; Letter from AC's representative in Chile to AC's office in Stockholm on March 29. The year is not clear but should be 1986 or 1987. AC Corr Chile 1974-92; AC. Report from AC's representative in Chile on the adoption seminar in Concepcion between December 5 and 8, 1987. The document is undated but should be from spring 1988. AC E4 Chile Country map 1975-87.

²⁰⁵ NIA informs June 1977.

However, when it emerged in 1983 that BV had approached adoptive families directly to say that they could adopt a sibling of the child they had previously adopted even though these families did not now have valid consent, the NIA made it clear to BV that this was inappropriate.²⁰⁷In December 1984, the NIA decided to carry out an audit of the BV contact person's organization and subsequently required further audits. BV suspended its cooperation with the organization for three months from November 1990 because of the problems that had come to light. In March 1991, FFIA, AC and BFA insisted that the NIA should withdraw BV's authorization if BV continued to cooperate with this organization. The NIA took a serious view of the fact that the BV contact person had been involved in private adoptions to Sweden alongside his cooperation with BV.²⁰⁸From 1991, the NIA began to impose certain time restrictions and conditions on BV's authorization for Sri Lanka, such as no cooperation with the contact person in question or his activities.²⁰⁹However, during the NIA's visit to Sri Lanka later that year, it emerged that the contact person still had influence over the placement, that applicants were still staying at his guest house and using his services. In addition, so-called 'child swaps' had become very common. The NIA subsequently decided several times to limit the authorization in time and with certain conditions.²¹⁰On one occasion in 1992, BV appealed against the NIA's decision to limit the authorization.²¹¹The Government rejected the appeal and considered that the NIA had been justified in limiting the authorization period, but despite this, the NIA decided shortly afterwards to extend the authorization in order to give BV time and opportunity to meet the requirements

²⁰⁶ "Minnesanteckningar från kansliträff AC/NIA 1981-02-16" in AC's archive AU 1981-03-10 item 8a. (We only have a paper copy); Adjusted minutes from the meeting 1981-01-28, received NIA 1981-05-20 dnr 6:24/81.

²⁰⁷ NIA official memorandum 1983-08-11 (no number given, but possibly 69:172/83).

²⁰⁸ NIA's minutes in February 1991; NIA's statement in response to an appeal from BV concerning NIA's decision to limit the association's authorization in relation to what the association had requested on 20 May 1992 NIA dnr 60:81/92.

²⁰⁹ NIA's statement in response to an appeal from BV regarding NIA's decision to limit the association's authorization in relation to what the association requested 1992-05-20 NIA dnr 60:81/92.

²¹⁰ Report from NIA's visit to Sri Lanka 23-30 November 1991, NIA dnr 60:607/91 in from FFIA; NIA's authorization decision 1992-03-18 dnr 60:81/92; NIA's statement following an appeal from BV regarding NIA's decision to limit the association's authorization in relation to what the association requested 1992-05-20 NIA dnr 60:81/92.

²¹¹ BV's appeal to the Government on 14 April 1992, received by the NIA on 15 April 1992, no. 60:81/92; Government decision "Appeal by Sri Lanka Barns Vänner - Internationell adoptionsförening, SLBV angående auktorisation för internationell adoptionshjälp" (Appeal by Sri Lanka Barns Vänner - International Adoption Association, SLBV concerning authorization for international adoption assistance), 20 August 1992, Ministry of Social Affairs, no. S92/3675/J, case number 3.

²¹²NIA continued to receive reports from adoptive parents that the contact person still had considerable influence and financial interests in the adoption cases.²¹³

However, the NIA acted forcefully when in 1991 it reported to the police a Swedish woman who was cooperating with the BV contact person in private adoptions alongside his BV cooperation. She was said to have given advice to the applicant on how to avoid NIA opinions. They had to pay large sums to adopt through her. Based on our review of the archives, we cannot see that the NIA has initiated any investigation of the adoptions mediated through her. However, BV estimated that at least 20 Swedish families had adopted in this way during 1990.

When a Swedish woman who arranged adoptions for ISIA was arrested by Sri Lankan police in 1987 on suspicion of illegal adoption activities, representatives of the Swedish Embassy in Colombo defended her in the media on several occasions.²¹⁴ However, we do not see from the archival material that the NIA initiated any investigation of the adoptions she mediated to Sweden.

Swedish actors have not acted forcefully enough on reports of irregularities in Ethiopia

In 1977, AC was informed that the Ethiopian man who had helped them in the adoption agency a couple of years earlier was arrested for illegal currency handling in connection with adoption activities, and later sentenced to prison. A couple of years earlier, AC had decided to end its cooperation with the man when it was discovered that he had tried to bypass the Swedish queues and deliver children directly to families in Sweden.

²¹²Press release from NIA 1992-08-26; NIA Minutes 1992/1993 No. 1 1992-08-26 NIA dnr 60:81/92; NIA Minutes 1992/93 No. 3 1992-10-21.

²¹³Letters from spouses who adopted from Sri Lanka received NIA 1993-02-11 dnr 65:72/93; "Reply to NIA's questionnaire 1993-04-22, addressed to families who adopted children from Sri Lanka through SLBV between November 1992 and March 1993" 1993-06-16 NIA dnr 65:212/93.

²¹⁴Letter from the Swedish Embassy in Colombo to the Ministry of Foreign Affairs Stockholm 1987-02-04 "Publicitet om misstänkt barnhandel" UD dnr R34 (dnr not shown); The Island 1987-02-07 "Swedish Embassy explains adoption laws"; Daily News 1987-02-09 "Strict laws govern adoption by Swedes, says embassy".

²¹⁵Letter 1974-09-09; Letter from an adoptive family 1974-08-23; Letter 1974-09-02; Letter 1974-09-19; Letter 1974-09-06. All in AC's archive box "Adoptionscentrum Korr kontaktperson Etiopien E4B 1973-1977"; Letter 1974-09-17. In AC's archive box "Adoptionscentrum Korr kontaktperson Etiopien E4B 1973-1977".

mediated adoptions privately to Sweden and had several pending cases when he was arrested. The NIA already had information in 1975/76 that things were not going right in his agency. From the archive material, we cannot see that either AC or NIA have investigated how many of their adoptions to Sweden this Ethiopian man was involved in.

AC's then head of operations stated in an interview with us that she was not aware that AC had cooperated with the man.²¹⁶The NIA may have known about it anyway, partly because Dagens Nyheter reported on this adoption scandal involving Swedes in 1977.²¹⁷The Swedish Ministry for Foreign Affairs (UD) was aware that the man who arranged for children to be adopted in Sweden was arrested and detained, after AC informed the UD of this. There is an exchange of letters between the Swedish Embassy in Ethiopia and the Swedish Ministry of Foreign Affairs concerning the possibility of completing the 15-20 private adoptions that Swedish families had begun via the man.²¹⁸We also see from the archive material that the Ministry of Foreign Affairs asked AC to inform the families concerned.²¹⁹However, we have not seen that AC informed the Swedish families who adopted from the area in question in Ethiopia about the incident during the period in question. The AEF has become aware of this thanks to some adoptees having made contact on their own with their Ethiopian relatives in the area concerned in Ethiopia.

While the NIA had information as early as the mid-1970s that things were not going right in the adoptions in which the man was involved, the NIA has not succeeded in preventing his involvement in private and individual adoptions to Sweden. The archive material shows that he was also involved in private adoptions to Sweden in the 1990s. There are examples of the NIA approving the agency route in opinions on the agency route despite the fact that the man is mentioned as a contact person in the application from the prospective adoptive parent.

²¹⁶ Interview with the former head of AC, 2024-04-10.

²¹⁷DN 1977-04-15 "Clas Barkman: "Adoptionsstopp från Thailand""; Möte AC 2023-09-05; Adopted Ethiopians and Eritreans Association (AEF) 2018-03-13 "There is no Swedish law that protects the right of internationally adopted persons to know their origin".

²¹⁸Letter from the Legal Department at the Ministry of Foreign Affairs to the Swedish Embassy in Addis Ababa 1977-04-06 "Re adoptions", dnr 45 R34 yab.; DN 1977-04-15 "Clas Barkman: 'Adoptionsstopp från Thailand'".

²¹⁹Letter 1977-04-29. In AC's archive box "Adoption Center Korr contact person Ethiopia E4B 1973-1977".

²²⁰Appeal by the Association of Adopted Ethiopians and Eritreans, AEF, 2018-03-13 "There is no Swedish law protecting the right of internationally adopted persons to know their origin".

The records also show that in 1990 BFA asked him to be their contact in Ethiopia, but AC then contacted both BFA and NIA and warned them. BFA, who had been tipped off about him by adopters, then did not pursue him as a contact.²²²The archive material shows that AC stayed away from cooperation with this man after he was imprisoned.

In 2009, MIA began to receive clear indications of irregularities in Ethiopia, in particular lack of informed consent and incorrect documentation in adoption files. The information concerned adoptions in general, not specifically Swedish adoption cases. Based on the archive review, we cannot see that the MIA took any steps to find out whether these irregularities also occurred in the adoptions to Sweden, and MIA continued to authorize AC. In 2012, MIA again received clear signals of irregularities and warnings from, among others, UNICEF and ISS, which advised MIA against continuing adoption cooperation with Ethiopia. However, MIA continued to rely on AC and the actions taken in Ethiopia. From 2012, the MIA only granted authorization for one year at a time due to the criticism that had been directed at adoption activities in Ethiopia. From 2013, MIA justified the continued authorization on the grounds that the number of adoptions to Sweden had not increased and that the adoptions only took place from orphanages in Addis Ababa where there was a functioning administration. In addition, AC had a very experienced employee in Ethiopia who tried to ensure that the original parents understood what the adoption meant.²²³It was not until 2015 that the MIA gave AC authorization to terminate its activities in Ethiopia, and then it seems to have been at AC's initiative. AC has argued that the Ethiopian authorities were actively working to improve adoption activities, that they did not mediate adoptions from the parts of the country where irregularities are most prevalent, and that they had a reliable contact person on the ground in Ethiopia.

(221) "Opinion on the method of mediation in adoption 1993-04-01 NIA 46:46/93; Köping Municipality's request for NIA's opinion on private adoption contact 1993-01-29 NIA 46:46/93; Letter from the Ethiopian man to the applicant 1993-11-29 in "Request for opinion on private adoption contact in Ethiopia" NIA 46:106/94 94-03-07.

²²²Conversation 1990-01-02, in AC's box "E4b Korr/conversation NN Ethiopia 1990-1993"; Letter from AC's office 1990-10-31 in AC's box "E4b Korr/conversation NN Ethiopia 1990-1993".

²²³MIA authorization decision 2011-12-19 MIA dnr 61:559:16/11; Authorization decision 2012-09-25 MIA dnr 61:390/12; MIA authorization decision 2013-11-28 MIA dnr 3.1.2:514/13 nr 5; Document published by MIA, probably in MIA info 2013.

Swedish operators satisfied with insufficient information on child trafficking in China

The MIA has had difficulties in obtaining sufficient and reliable information from China on child trafficking in Hunan and elsewhere in 2005. MIA met with the Chinese authority CCAA in Stockholm in 2006 regarding child trafficking in Hunan and asked whether there were links to adoptions to Sweden.

The CCAA representative admitted that four children had been adopted to Sweden, but according to the Chinese security service's investigation, all the children were "really abandoned" and all legal requirements for adoption had been met.²²⁴The MIA did not receive any information about, or ask questions about, which children were involved or which Swedish adoption organizations the children had come through.²²⁵The MIA did not ask the Swedish adoption organizations operating in China (AC, FFIA and BV) to provide information about how many children they had placed from Hunan.

MIA visited China in March 2007 and again raised the issue of child trafficking in Hunan with the Swedish Embassy and the CCAA. MIA applied for permission to travel to Hunan Province, which was not granted. Both the MIA and the Swedish Embassy in Beijing noted that it was very difficult to obtain information about criminal investigations in Hunan.²²⁶At another meeting, the CCAA informed the MIA of the new procedures and increased controls that had been and would be put in place.²²⁷The MIA perceived that the Chinese authorities took the incident very seriously and took steps to prevent a recurrence.²²⁸The AC also had the impression that the Chinese authorities had shown that they did not tolerate the trafficking of children.²²⁹The AC has described that both the MIA and all three adoption organizations in Sweden made the assessment that it was possible to continue to mediate adoptions from China and that the measures taken in China were sufficient.²³⁰

In 2011, FFIA was contacted by three Swedish adoptive families who had been informed that their children had been involved in the Hunan

²²⁴MIA, Notes of meeting between CCAA and MIA on May 12, 2006 on child trafficking issues, No. 72 689.24/05.

²²⁵ Interview with the then Director General of the MIA on 2024-06-24.

²²⁶ MIA, Meeting at the Swedish Embassy on March 9 and 16, 2007, dnr 72 689/05.

²²⁷ MIA, Meeting between MIA and CCAA in Beijing on March 15, 2007, dnr 72:689/05.

²²⁸ MIA, Meeting at the Swedish Embassy on March 9 and 16, 2007, dnr 72 689/05.

²²⁹ MIA, email from AC to BV and FFIA, 2008-03-20, dnr 49:196:2/08.

²³⁰ Written comments from AC 2024-05-23.

valley. They asked MIA to investigate whether this was true.²³¹MIA contacted the Swedish Embassy in Beijing,²³²but the Embassy was unable to obtain information that would either confirm or contradict the credibility of the analysis in the particular case.²³³According to FFIA representatives, they received assurances from the CCAA that there was no child trafficking in their case. The FFIA believed the CCAA and has not received any other information since. There was nothing more they could do and they had to rely on the CCAA. According to the FFIA, the judgment and decisions of the Chinese actors must be respected when there is adoption cooperation. FFIA also believes that MIA reacted quickly and forcefully and that the Embassy handled it well²³⁴.

When child trafficking in China was again highlighted in Guizhou in 2009, it was unclear whether children adopted to Sweden were involved. This time, MIA requested information on how many children from AC, FFIA and BV had been placed for adoption from Guizhou - something MIA did not ask the organizations for after the Hunan scandal.²³⁵MIA also asked the Swedish Embassy in Beijing for help in obtaining more detailed information on what had happened, what measures the Chinese authorities had taken and whether any of the children in question had been adopted to Sweden, but received no response.

It is not clear from the archive material whether MIA took further action. However, in the inspection reports for AC, BV and FFIA from 2009, MIA writes that "the latest information from CCAA is that none of the children concerned have been adopted to Sweden".²³⁶(. CCAA assured during the Swedish adoption organizations' trip to China in autumn 2009 that none of the children adopted to Sweden from the projects in question have been illegally removed from their biological parents

The MIA has granted authorization while attempting to investigate information on child trafficking. When the MFoF asks questions to the CCAA in its 2020-2021 authorization review about the risks of child trafficking, the possibility for the state to control this trafficking and the effectiveness of

²³¹ MIA, letter from FFIA 11-12-20, dnr 47:847:1/11.

²³² MIA, email to the Swedish Embassy Beijing 2011-12-23, dnr 47:847:5/11.

²³³ MIA, response from the Swedish Embassy Beijing, 2012-01-11, dnr 47:847:16/11.

²³⁴ Interview with FFIA, 2023-09-21.

²³⁵ MIA, correspondence with AC, BV and FFIA 2009-07-02, dnr 72:426:3/09, 72:426:5/09, 72:426:6/09.

²³⁶ MIA, Supervision reports 2009, 2009-12-18, ref. 67:554:12/09, 67:569/09 and 67:570:21/09.

²³⁷ MIA, Joint travel report for the Adoption Center, Friends of Children and FFIA's trip to China in October 2009, dnr64:165:20/09, dnr 64:320:2/09, dnr 64:178:5/09.

the effectiveness of measures against it, they do not receive a proper answer. The CCAA states that it cannot answer the MFoF's questions²³⁸.

Government did not extend cooperation agreement with Vietnam due to irregularities

In 2008, Sweden temporarily suspended adoptions from Vietnam following allegations of corruption and reports of bribes to biological parents. The Swedish government subsequently decided not to renew the adoption cooperation agreement between Sweden and Vietnam. The government's decision was based on a report from the US Embassy in Hanoi, Vietnam. The report claimed that adoption activities in the country were not carried out properly, including that mothers were given money to give up their children and in other cases the parents were not aware that the children had been given up. Representatives of the MIA and the Ministry of Social Affairs visited Vietnam in 2008 to seek clarification on how the system worked but received no response from Vietnamese actors.²³⁹ Vietnam had also refused to sign international rules on adoptions.²⁴⁰ AC was critical of the government's decision and stated that there had been no irregularities in their adoptions from Vietnam. The then Director General of MIA stated in the media that the environment and conditions in Vietnam had deteriorated and were deemed too risky. It was not possible to continue operations in a legally secure manner.²⁴¹ However, a new agreement was signed a year later.²⁴² We do not know the reasons for that decision, but one reason may be that Vietnam signed the 1993 Hague Convention in 2010 and ratified it in 2012. Only a small number of adoptions were carried out in the 2010s and beyond.

²³⁸ MFoF, email to CCCWA 2020-05-29, dnr 3.1.2:1150:34/19.

²³⁹ Dagens Nyheter 2008-10-22 "Regeringen stoppar Vietnamadoptioner".

²⁴⁰ SVT Nyheter 2008-10-22; Meeting with a former NIA employee 2023-02-16; Meeting with Tobias Hübinette 2022-03-08; DN 2021-02-21.

²⁴¹ DN 2008-10-25.

²⁴² Meeting with former NIA and MIA staff members on February 16, 2023; Meeting with Tobias Hübinette on March 8, 2022.

When parents of origin have requested the return of their children, Swedish actors have not assisted or ensured that this does not happen again

There are at least two cases where parents in South Korea have requested the return of their children adopted in Sweden. In 1970, a couple of parents requested the return of their three girls from Sweden. The children had been given to SWS by a relative without the parents' knowledge.

Swedish authorities carried out an investigation into the children's situation and concluded that it was in the best interests of the children to remain with their families in Sweden. In 1974, another parent requested the return of their child from Sweden. This time too, the Swedish authorities concluded that it was in the best interests of the child to stay with his adoptive family in Sweden.

Although it was clear to the NIA that South Korea's adoption process did not ensure that children were adopted to Sweden without parental consent, no action was taken to ensure that this would not happen again. Instead, during the 1970s, the focus of both the NIA and the government was on getting South Korea to lift its temporary freeze on adoptions to Sweden and increase the number of children allowed to be adopted to Sweden.

In section 6.6 we described a case from 1992 in which a boy in Colombia was kidnapped and placed for adoption in Sweden. The boy's mother initiated proceedings to annul the adoption. In 1995, the Supreme Court of Pasto declared the adoption null and void on the grounds that it rejected the declaration of abandonment. The Supreme Court ordered the ICBF to take the necessary steps to return the boy to his grandparents in Colombia. The boy was then four years old.

Swedish actors argued that a foreign adoption approved in Sweden could not be revoked. The child was not returned to Colombia²⁴⁴.

²⁴³NIA. Letter from the Swedish Embassy in Seoul to the Ministry of Foreign Affairs 1976-10-26, received by NIA 1975-11-07, NIA 49:1021. E1:7, R 34 Xko; NIA. Minutes 1975:8, 1975-11-20; J. Koo (2021), The question of Adoption: "Divided" Korea "Neutral" Sweden, and Cold War Geopolitics, 1964-75. *The Journal of Asian Studies*. Vol. 80, no. 3, 2021, p. 563 f. See also Expressen 1975-11-07 "Korea-barnet får stanna i Sverige".

²⁴⁴Swedish Embassy Bogotá, cryptogram to the Ministry of Foreign Affairs, 21 June 1995, dnr R34, Vco, 139.

Serious abuses discovered at an orphanage in India with which AC cooperated

We interviewed a person who, together with two other Swedes, worked as a volunteer at an orphanage in northeast India for a few months in 2010-2011.²⁴⁵ AC had cooperated with this orphanage since at least 1986 and many children have been adopted to Sweden from there.²⁴⁶ Around 2011, Sweden was the only country to place children from this orphanage.

During their time at the orphanage, the volunteers witnessed serious abuses at the orphanage. These included recurrent serious physical, sexual and psychological violence by the management of the orphanage against children and house mothers. The violence was not directed against the young children who were being considered for international adoption, but against the older children.²⁴⁷ One of the members of the management was suspended for a period of time for assault with a weapon. The People's Vigilance Committee on Human Rights (PVCHR) has investigated the allegations of abuse at the orphanage, based on the testimony of volunteers, children and housewives²⁴⁸

The Swedish volunteers had several meetings with AC, MIA and the Government Offices where they told about the abuse. They felt that the MIA understood that there were serious abuses but that AC considered their "claims to be unfounded". The volunteers did not want AC to stop the adoption activities at the orphanage but they wanted AC to

- freeze all subsidies for the orphanage's activities,
- work with international organizations that also contributed to the orphanage's activities to stop the contributions for a period,
- take steps to remove the current management of the children's home; and

²⁴⁵We have also received extensive documentation in the case, including memoranda from meetings with the AC and MIA, as well as testimonies from children and house mothers at the orphanage.

²⁴⁶ DN 2012-05-18 "Adoption center criticized for cooperation with Indian orphanage".

²⁴⁷ Letter to Maria Larsson, Minister for Children and the Elderly, 2012-02-01.

⁽²⁴⁸⁾ J. Jacobsson (2013) *A Swedish Authority's Decision To Not Act Against Grave Violations Of Children's Rights*. A Petition. Internationella Engelska Gymnasiet på Södermalm (IEGS).

- support the volunteers' complaint to the National Human Rights Commission (NHRC) in New Delhi.²⁴⁹

AC stated that they had made several inspections of the orphanage but had found no evidence to support the volunteers' allegations. The AC stated, *inter alia*:

Orphanages are not good homes for children to grow up in and corporal punishment unfortunately happens in many orphanages around the world. The dividing line between us and the volunteers is how we should work on the problem. The volunteers want us to remove the management but we are only a partner and do not run the orphanage. Instead, we believe in cooperation and education of both staff and the older children.²⁵⁰

In a meeting at the MIA, AC explained that they wanted to remain in the orphanage and work on a long-term basis to address the problem. They felt that the situation would worsen if they were not there. MIA replied that MIA's task was to supervise the Swedish adoption organizations' mediation activities regarding adoptions. The assistance activities of the local branches in other activities did not fall under MIA's supervisory responsibility. Nor did MIA consider that it had the authority to comment on or require changes to internal affairs in the countries of origin, such as who is the director of an orphanage. This was a matter for Indian authorities. The MIA felt that they could not order the AC to endorse the NHRC notification or take action to remove the management of the orphanage. The MIA did not consider that AC had failed in its adoption agency activities and did not initiate an enforcement case²⁵¹.

The volunteers reported the MIA to the Parliamentary Ombudsman (JO) as they considered that the MIA should have opened a supervisory case against AC and contacted the Indian authority CARA, which authorized the children's home. They argued that this was contrary to Article 7 of the 1993 Hague Convention. After obtaining "certain documents" from the MIA, the Ombudsman closed the case as there was no reason to continue the investigation²⁵².

²⁴⁹MIA's minutes of the meeting of August 31, 2011 with former volunteers at NN, India, 2011-09-06, dnr 49:487/11 nr. 18.

²⁵⁰Copy of article in *Fria tidningen* "Abuse and violations at adoption center orphanage", MIA dnr 49:487:17/11.

²⁵¹MIA. Letter to volunteers 2011-11-29, dnr 49:487/11.

²⁵²JO decision of April 23, 2012, ref. 1963-2012.

In a letter to the Prime Minister, the volunteers wrote that they had repeatedly informed AC, MIA, Sida, the Government Offices and the Minister of Social Affairs about what was happening at the orphanage, but without result. They wrote that it is very clear that it is out of AC's interest how the older children are treated. What is central to the AC has only been to ensure the smooth delivery of adoptable young children. AC clearly stated that the organization would not make any demands for the abuse to stop. Making demands on the management of the orphanage was, according to the AC, unreasonable as it would lead to the orphanage breaking off contact. The volunteers wrote that they believe this shows a deep problem where the adoption activities at the orphanage have become a trade in children, rather than trying to improve the living conditions of the children:

Today, there are more parents who want to adopt than there are children suitable for adoption. This contributes to fierce competition between different actors, which ultimately leads to the adoption agencies becoming dependent on the providers. On paper, adoption income and AC's contribution to the orphanage are separate but in reality it is different. The close linkage is indicative of a corrupt system and is ultimately a key factor in why the children in the orphanage are not heard in their cries for help.

Furthermore, the volunteers write that AC's and MIA's ignorance creates an acceptance in the adoption industry, where the boundaries of what is acceptable are constantly shifting. Instead of following national and international legislation, MIA adopts unwritten rules based on "respect for the country of origin"²⁵³

²⁵³Letter to Fredrik Reinfeldt. Received by the Government Offices of Sweden on March 20, 2012, no. SB2012/2519. Received by the MIA on April 11, 2012, no. 49:487:60/11.

6.9 Sweden has cooperated with countries where there was an increased risk of irregularities and accepted things that were not accepted in Sweden

The investigator's assessment: Sweden has cooperated with countries where there was a high risk of irregularities. Sweden has agreed to pay generous fees and donations despite the fact that this may have created financial incentives and increased the risk of irregularities. This applies, for example, to donations to Chinese orphanages, high donation and care fees to private orphanages and maternity homes in Colombia and high adoption fees in South Korea. The link between maternity homes and adoption activities in Colombia, South Korea and Sri Lanka has increased the risk of irregularities. The way AC organizes its adoption activities in Chile in particular has also posed a risk of irregularities.

Sweden has also adopted from countries where certain general risk factors for irregularities have existed. These include cooperation with countries with high levels of poverty or other social circumstances, countries in crisis, countries with widespread corruption or dictatorships such as Chile, South Korea and China. In addition, Sweden has cooperated with countries that have stated that they do not have regulations in place to prevent irregularities in adoption activities. All of this entails a risk of irregularities and that more children than would have been justified from a child rights perspective have been placed for international adoption. These are also factors that make it more difficult to ensure that the adoption is in the best interests of the child.

Sweden has also accepted certain procedures in the countries of origin that we have not accepted in Sweden at the present time. Sweden has, for example, cooperated with countries that allow consent to be given before birth, and also cooperated with countries that in various ways make it impossible or more difficult for adopted persons to find out their origin.

6.9.1 Swedish actors have paid generous fees and donations - which may have created financial incentives and increased risks

In several countries, generous donations and contributions from adopters and adoption agencies, combined with high demand for children for adoption, have created financial incentives and a risk that more children than justified from a child rights perspective are placed for intercountry adoption and that child trafficking occurs.

It is permissible for authorities and orphanages in the children's countries of origin to charge a fee in connection with the adoption. However, there must be no risk that intercountry adoption activities provide so much financial benefit that a dependency on income from such activities is created in the country of origin.²⁵⁴ According to the HCCH, there must be no grants, donations and/or cooperation projects in connection with an adoption.²⁵⁵ However, there is nothing to prevent adoptive parents and other relatives from donating money after the adoption to orphanages in the child's country of origin, for example in connection with Christmas, birthdays or funerals. Generous care fees and donations in the context of an adoption risk creating an incentive to provide children for adoption, which in turn increases the risk of irregularities.²⁵⁶ International adoption may also provide economic benefits to the country of origin compared to a placement in the child's country of origin and discourage the country from developing its social systems for the support and protection of parents and children, thus undermining the principle of subsidiarity.

Swedish adopters have paid high donation fees to Chinese orphanages

Donations by foreign adoptive parents to Chinese orphanages have been part of the Chinese adoption process. The orphanages have received large amounts of money from Swedish adoptive parents. For many years, the donation was USD 3 000 per child for international adoptions, which was three times higher than the GDP per capita of the country

²⁵⁴ Prop. 2003/04:131 *International adoption issues*, p. 41.

²⁵⁵ HCCH (2023), p. 51.

⁽²⁵⁶⁾ E. Loibl (2019), *The Transnational Illegal Adoption Market. A Criminological Study of the German and Dutch Intercountry Adoption Systems*, pp. 409 f.

1998. In 2009, the donation fee was increased to USD 5 000. The donation fee continued to be paid until 2018.

There has been confusion as to whether the donation was mandatory or voluntary. The NIA and the Swedish adoption organizations understood that the donation to the orphanage was mandatory and that they could not proceed in the adoption process if they did not pay the donation. At the same time, the Chinese actors believed that it was voluntary. Initially, the adoptive family had to pay the donation in cash, directly to the orphanage when they received the child. This was later changed so that the donation was paid to the central authority and then transferred to the orphanage in the province.

The system has been criticized because it was based on orphanages being paid per adopted child. As a result, there was a financial incentive to obtain as many intercountry adoptions as possible.²⁵⁷ The number of orphanages involved in the intercountry adoption program grew from about 30 in the early 1990s to about 300 in the mid-2010s.²⁵⁸ Some government institutions and orphanages became dependent on donations and fees from the adoption agency and paid to access children. As the supply of children decreased, a child trafficking market was created involving individuals, orphanages and government agencies. In some orphanages, employees were paid to find babies for international adoption. The orphanages that were not part of the intercountry adoption program could in turn make money by selling children to the orphanages that were part of the system.²⁵⁹ Although the donation fees improved the standards and quality of many orphanages, there were several examples of irregularities where local officials and orphanage staff used the money for their own benefit. This was evident in the Hunan scandal, where officials bought new cars and renovated their private houses with donation funds.²⁶⁰ In addition to becoming a financial driver for orphanages, the intercountry adoption donation system has also been criticized as

²⁵⁷Cantwell (2017), *The Sale of Children and Illegal Adoption*, November 2017, Defense for Children, Ecpat and Terre des Hommes, pp. 56-57.

²⁵⁸ Interview with FFIA representative 2023-09-21.

²⁵⁹Smolin (2010), *Child Laundering and the Hague Convention on Intercountry Adoption: The Future and Past of Intercountry Adoption*, University of Louisville Law Review, Vol. 48:441, s. 495.

²⁶⁰Meier/Zhang (2008), *Sold into adoption: The Hunan baby trafficking scandal exposes vulnerabilities in Chinese adoptions to the United States*, Cumberland Law Review, Vol. 39:1, s. 99-102.

an effective way for the Chinese state to defray the costs of children in social care.²⁶¹

The donations were to be used for the children remaining in the orphanages for their care, maintenance and education.²⁶² But it has not been clear what the money has been used for. Families and Swedish adoption organizations were initially allowed to visit the orphanages and could see that improvements were being made for the children. From 1996, however, China limited the possibilities to visit the orphanages and thus also the possibilities to see what the donations were used for.²⁶³ According to the CCAA, the orphanages should provide a receipt to those who paid the donation and inform about what the donation is used for and the orphanages should be available for supervision.²⁶⁴ According to Chinese authorities, it would be possible to obtain an itemization of what the donations were used for.²⁶⁵ Both FFIA and adoptive families we interviewed testify that no such itemization of what the money was used for has been provided.²⁶⁶ Nor have we seen any annual reports on the donations in the archive material, and the officials we interviewed have not seen any such report.

Initially, the Swedish adoption organizations did not see the donations in China as a problem in itself. The problem was rather that the adoptive families had to travel around with large amounts of cash. Nor can we see that the Swedish actors have raised the issue of the donation fee or considered the donation as voluntary. It has continued to be paid until 2018. Only in the MFoF's supervision report for 2018 does it appear that during the year the authority investigated the corruption risk of voluntary donation in China's system. The MFoF also initiated a supervision case on the reported care costs of adoption organizations in China. According to the supervision report, cooperation contacts in China and adoptive parents are informed that donations are not permitted under Swedish law. In the same year, 2018, the Chinese central authority announced that the donation or care fee would be removed²⁶⁷.

²⁶¹Luo and Smolin (2005), *Intercountry Adoption and China: Emerging Questions and Developing Chinese Perspectives*, pp.602-603.

²⁶²NIA, Travel report of the NIA visit to China and Thailand, June 15-26, 2002, No 74:452/01.

²⁶³Interview with FFIA representative, 2023-09-21.

²⁶⁴MIA, e-mail dated 2008-01-30, dnr 41:76:1/08.

²⁶⁵FFIA, Travel report for visit to China, November 2004.

²⁶⁶MIA, e-mail dated 2008-01-30, dnr 41:76:1/08.

²⁶⁷MFoF, dnr 3.1.2 1150/19.

Swedish adopters have paid high donation and care fees to private orphanages and maternity homes in Colombia

Sweden has also accepted high donation and care fees to private orphanages in Colombia. The private orphanages in Colombia have had a very independent position in relation to the state authority and the control system, and have been financed by, among other things, fees from adoption organizations and donations from adoptive parents who previously adopted from the orphanages. The private orphanages have been more successful in facilitating adoptions to foreign families compared to the state orphanages. Over time, eight orphanages in Colombia have been licensed by ICBF. Sweden has cooperated with all of them through the adoption organizations.²⁶⁸Our review of the Swedish organizations' adoption fees for the period 2006-2020 shows that the cost of adoption through private orphanages is significantly higher than adoption through the ICBF.²⁶⁹Problems have gradually come to light with private orphanages and maternity homes being financed with high donation and care fees.

In the early 2000s, donations to private orphanages began to be questioned from several quarters. The inquiry into international adoptions, which issued its final report in 2003, highlighted the private orphanages in Colombia as an example of fees charged in the form of a fixed amount and which included costs over and above the actual costs. The inquiry pointed to the risks of orphanages and other actors in the country of origin becoming dependent on large sums of money from international adoption activities and that the income from the activities could lead to the children becoming a commodity.²⁷⁰The Government pointed out in the subsequent bill that the large sums of money provided in addition to reimbursement of actual costs could make it more financially advantageous to place children for intercountry adoption than to provide support for the child to remain in his or her family environment or to be cared for appropriately in his or her country of origin. Such a situation could lead to a trend where more children are adopted to other countries than is justified by the situation in the country of origin²⁷¹.

²⁶⁸ MIA, Report of the MIA inspection mission to Colombia, March 15-24, 2006, No 74:19:40/06.

²⁶⁹ Authorization applications from AC, FFIA and La Casa for the period 2006-2019.

²⁷⁰ SOU 2003:49, *Adoption - at what cost?*, pp. 130-134 and 144-147.

²⁷¹ Bill 2003/04:131, p. 27.

When problems with private orphanages and maternity homes being financed with high donation and care fees came to light in the 2000s, no changes were made in Sweden. The Norwegian authorities demanded that donations should not be paid to the private orphanages and also informed MIA of this.²⁷² This was after it emerged, among other things, that the orphanages continued to charge donations and that members of the Colombian parliament had spoken out about problems with donations. However, our review of MIA's archives does not reveal any information from Norway about donations and risks of child trafficking. The then Director General of the MIA says that she does not recall any exchange about donations to the private orphanages.²⁷³ The MIA did not take any action in response to this.

In 2006, Colombia tightened the rules on donations. There was a total ban on foreign donations to orphanages as compensation for the adoption of children.²⁷⁴ The adoption organizations reported the previous donation fees as care fees, which was approved by the MIA, even though the fees were increased.²⁷⁵ The MIA analyzed the organizations' adoption costs and concluded that they were reasonable.⁽²⁷⁶⁾ In the same year, the MIA began to impose stricter requirements on the adoption organizations' reporting of care fees and other costs in accordance with the stricter provisions of the LIA. It emerged that the care fees went beyond the direct costs associated with the adoption of an individual child, including the funding of maternity homes.²⁷⁷ In 2014-2015, the issue of care fees was raised again. The MIA argued that it was no longer allowed to pay care fees for adoptions from Colombia.²⁷⁸ However, the adoption agencies disagreed and argued that there was no prohibition on paying a fee for the child's care and maintenance.²⁷⁹ The MIA continued to authorize adoption through the orphanages. From the archival material we can see that the adoption organizations adapt the designation of the fees to what is approved by the ICBF.

²⁷² Bufdir, e-mail to MIA and the Danish Adoption Authority, 2006-06-29, dnr 04-8439/19.

²⁷³ Interview with the then Director General of the MIA 2024-06-24.

²⁷⁴ Article 74 Law 1098 of 2006.

²⁷⁵ MIA, Inspection report AC 2006, dnr 67:639/06.

²⁷⁶ Interview with the then Director General of the MIA 2024-06-24.

²⁷⁷ MIA, email to AC 071115, dnr 61:524:10/07, MIA, email from AC 071116, dnr 61:524:11/07 and MIA, Decision authorization AC Colombia, dnr 61:524/07.

²⁷⁸ MIA, email to AC 131119, dnr 3.1.2:511:6/13.

²⁷⁹ MIA, email from AC 131209, dnr 3.1.2:511:12/13.

The fees paid to the private orphanages, which were previously referred to as care fees, were later changed to "other costs" or "project costs"²⁸⁰.

Swedish actors have paid high adoption fees in South Korea, which has contributed to the country not developing a national child protection system

The high adoption fees in South Korea have been a recurring issue for the Swedish authorities since the 1970s, but have always been explained by the high costs in South Korea, the fact that the children are taken care of by foster mothers and many medical examinations of the children. During its inspection visit to South Korea in 2023, MFoF found that intercountry adoptions generated ten times more revenue for adoption organizations than national adoptions. According to the MFoF, even if the fees charged by the organization for inter-country adoptions are reasonable and do not represent a financial gain, or the possibility for the child to grow up in the country is not taken into account in the individual case, the fees may still provide an incentive for adoption organizations to promote inter-country adoptions instead of trying to find a long-term solution for the child in South Korea.²⁸¹ Sweden has accepted South Korea's high adoption fees despite the fact that the country has had exceptional economic growth since the 1960s and has been one of the world's leading economies. It has been more economically advantageous for South Korea to place children for intercountry adoption than to place children for domestic adoption or to place children in foster care. South Korea has not built up a social safety net for single mothers, which has meant that many mothers have seen no other way out than international adoption. By choosing to cooperate with South Korea, there is a great risk that we have helped to prevent the development of national solutions.

²⁸⁰ MFoF, Auktorisationsansökan AC Colombia 2018-2019, dnr 3.1.2 :636 :7/17.

²⁸¹MFoF, Travel report South Korea 2023, Dnr 2023-368, p. 22.

6.9.2 The organization of adoption activities has in some countries has led to an increased risk of irregularities

AC's organization in Chile posed risk of irregularities

The AC's organization in Chile is different from how they have worked in other countries. In Chile, the AC representative built up his own organization with social workers, a number of foster mothers who took care of the children and a pediatrician who was paid for the work they did for the AC.²⁸²The AC representative had a very independent mandate from the AC and worked directly with the Chilean child and juvenile courts. It was not until 1988 that Chile's child protection agency Sename was given a role in the adoption process. Our file review shows that two judges at the Santiago and Temuco courts made more than half of all decisions to transfer custody to Swedish parents.

AC had its own social workers who investigated the situation of children for the Chilean courts. According to AC, their social workers investigated the children's situation on behalf of the local child protection courts, because the social workers working in the hospitals and for the courts were so busy that the investigations took too long. Our file review shows that AC's social workers have investigated the children's situation in just over 40 percent of the files where it is clear who carried out the social investigation. According to the AC, it is mainly the names of three social workers that appear on the reports for the children who were adopted to Sweden.²⁸³One of the social workers was employed by the AC, one was employed by the AC's representative and one social worker was paid per assignment. In our review of the files, we have identified two other commonly used social workers who were employed by the AC.

The fact that the AC had its own social workers who investigated the children's background for the courts in Chile meant that there was a great risk that more children would be made available for adoption than was necessary. That this was a risky arrangement was made clear by the guidelines eventually produced by EuroAdopt, which AC was also instrumental in developing. According to EurAdopt, special precautions must be taken to avoid any impact on the number of children placed for inter-country adoption.

²⁸²AC. Adoption Center's activities in Chile, 2016-08-16, received by MFoF on 23 August 2016, dnr AD36:256:11/15; AC. *Chile*. 1978-09-12. AC E4 Chile country binder 1975-87.

²⁸³AC. Adoption Center's activities in Chile, 2016-08-16, received by the MFoF on 16 August 2016, ref. AD36:256:11/15.

national adoption or specifically for the particular receiving organization. In principle, dual roles for the representative are to be avoided.²⁸⁴ AC has told us that with today's perspective on intercountry adoption mediation, they would not have allowed the representative to work so closely with social workers, foster mothers and doctors.²⁸⁵ NIA never questioned AC's specific organization with its own social workers in Chile. The Swedish authority has been passive and relied on the AC representative and the Chilean social workers she hired.

The social workers employed by the AC earned approximately three to four times more than the social workers employed by the Chilean child welfare courts.²⁸⁶ According to the HCCH, undue financial gain can occur when the salary of the accredited body's representative in the State of origin is too high compared to the average salary of workers in that country performing the same type of work outside the adoption context.²⁸⁷ Moreover, one of the AC's social workers was, for a period of time, paid for each investigation that resulted in an adoption. According to EurAdopt, such a remuneration system should be avoided as it could lead to the commercialization of adoption activities, which was also noted and addressed by the AC office in Stockholm.

The organization of Swedish adoption activities in Ethiopia may also have entailed certain risks

There are some similarities between the organization of the adoption work in Chile and that in Ethiopia. AC had several agents working in Ethiopia who during the 1970s worked directly with the court in Addis Ababa. One of the agents placed 160 children over a period of three years, but she was not paid by AC and did so in her spare time.

²⁸⁴EurAdopt. *EurAdopt Guidelines on financial factors in co-operation with counterparts and co-workers in countries of origin*, p. 17 f.

²⁸⁵AC. Comments on draft text Chile. Received by the Adoption Commission on September 6 2024.

²⁸⁶AC. Adoption Center's activities in Chile, 2016-08-16, received by MFoF on 23 August 2016, dnr AD36:256:11/15; Letter from the Swedish Embassy in Chile to AC's office in Stockholm on 7 January 1985. AC Corr Chile 1974-92.

²⁸⁷The Hague Conference on Private International Law. *Accreditation and adoption accredited bodies. General principles and guide to good practice Guide no 2*, p. 75 ff. See also Bill 2003/04:131 s. 40.

²⁸⁸EurAdopt (1988), *EurAdopt Guidelines on financial factors in co-operation with counterparts and co-workers in countries of origin*. Adopted by the EurAdopt General Meeting in Aarhus, Denmark, April 7, 2002, p. 17; AC. "Report from trip to Chile 1985-02-01-1985-02-11", 1985-02-19, in AC E4 Chile Country File 1975-87.

From 1982, the Ethiopian authority was given a role in the adoption process. Since 1982, the AC has had a staff member in Ethiopia who worked half-time for the AC on adoption activities, full-time from 2004. This representative was linked to the AC through a mission contract with monthly remuneration and, like the AC representative in Chile, had a very independent mandate. She was highly trusted by both the AC office in Stockholm and the Swedish authority (NIA and MIA)⁽²⁸⁹⁾

AC's representatives in Ethiopia have at times had many different roles. At least in the 1970s, they had direct contact with mothers and worked in orphanages. AC also employed its own lawyers to represent the adoptive parents in court and a social worker to investigate the children's background. Our file review shows that it seems to be a few judges in Addis Ababa who made most of the decisions on adoption to Sweden in the 1970s, both private and mediated via AC.

It is the country of origin that is responsible for investigating the child's situation and need for international adoption.²⁹⁰ It is the child's needs that should govern and not the demand of the applicant. Both AC's representatives and other Swedes living in Ethiopia were involved in "finding" and placing children with Swedish parents at least in the 1970s and 1980s. In the archive material and the file review, we see several examples of AC's representatives trying to find children for Swedish applicants. They have sometimes tried to accommodate parents who want small children, or children of a particular gender. In the private adoptions from Ethiopia in the 1970s, Swedes living in Ethiopia also played a central role in placing children for adoption with Swedish parents. In the 1980s, it was often aid workers and SIDA employees who helped, but also missionaries, midwives at Save the Children or counselors at the maternity hospital. We have seen several examples of Swedes living in Ethiopia actively looking for children in hospitals, for example, on behalf of Swedes who want to adopt children.

Since 1982, Ethiopia has decided that all adoptions should go through the Ethiopian authority MOLSA, including individual adoptions. However, even when MOLSA is the formal contact, the files examined show that other actors have helped with the adoptions.

²⁸⁹Written answers from AC's representative to the Adoption Commission's questions, received via e-mail 2023-11-08.

²⁹⁰See, inter alia, Article 4 of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

A personal representative has forwarded the application documents to MOLSA, acted as a proxy for the applicants, signed the adoption contract and represented the adoptive parents in court. Sometimes it also appears that they tried to find a suitable child, and sometimes the child also lived at home with the person while waiting for the adoption to be finalized.

The link between maternity homes and adoption activities in Colombia and South Korea, for example, have posed a risk

In several countries, there have been major gaps in the social safety net for single mothers and there has also been a strong social stigma surrounding children born out of wedlock and single mothers. There has therefore been a need for the help that maternity homes have provided in the form of housing, hospital care and financial support. In South Korea, however, there has been a tangible risk of a conflict of interest in SWS's dual mission of being responsible for maternity homes, providing counselling to mothers and arranging adoptions. This risk existed until 2021, when counselling was moved from adoption organizations to local authorities. In some cases, this has led to counseling not being objective and mothers feeling pressured to give up their child for adoption. The Swedish Embassy in Seoul wrote to MFoF in 2019 that it appears that several women have felt pressured to give up their children in connection with the counseling they received at the adoption organizations' maternity homes ⁽²⁹¹⁾.

In connection with the Swedish supervisory authority's trip to South Korea in 2014 and in the authorization decisions in 2016, 2018 and 2020, the issue of lack of objectivity in counseling mothers has been discussed.

MFoF expressed in 2020 that it is problematic that adoption organizations give advice to parents who are considering giving up a child, but that the information about lack of objectivity referred to events far back in time ²⁹².

In the case of Colombia, Swedish actors have not problematized the link between maternity homes and adoption activities, despite the fact that, for example, the UN Committee on the Rights of the Child has expressed concern on several occasions that women in private maternity homes

²⁹¹ E-mail from the Swedish Embassy in Seoul to MFoF 2020-04-15, dnr 3.1.2:1149/19 nr 29.

²⁹² MFoF. Decision on authorization for adoption mediation abroad, 2020-11-27, dnr 3.1.2:1149/19 nr 26.

homes risk being influenced in their decision to keep or give up their child and that the maternity homes have promoted the sale of children for adoption. All of the eight private orphanages that have been licensed by the ICBF over time and with which the Swedish adoption agencies have cooperated have operated maternity homes. During the MIA mission in 2003, an orphanage operator in Colombia also pointed out that it was ethically difficult to defend a maternity home in the immediate vicinity of the orphanage, and they had had two cases where mothers had filed complaints because they had been forced to give up their children. ICBF recognized that some orphanages needed to do a better job of informing mothers of all the options available to them.²⁹³ However, AC's experience, having visited maternity and orphanages annually since the 1970s, is that the homes offered mothers a fine and thoughtful care and treatment. They have met both mothers who have chosen to keep their children and mothers who have given up their children for adoption and perceive that the mothers have been treated with great respect ⁽²⁹⁴⁾.

Many children from Sri Lanka were also adopted directly from their mothers' homes. This applies to both private adoptions and adoptions through organizations. This has been problematized in particular by Swedish actors in cases where maternity homes have functioned as so-called "baby farms". But the activities of BV's contact person's maternity home have also been criticized.

6.9.3 Swedish actors have mediated adoptions from countries with weak social systems

There are a number of general factors that can increase the risk of irregularities. These include adopting from countries with high levels of poverty or other cultural or social circumstances. Leaving children for adoption due to poverty and social pressure to give up their child can create situations where children are more vulnerable to exploitation. Also, adoptions from dictatorships or countries with widespread corruption or ongoing crisis situations can increase the risk of abuse. Paradoxically, these are also the countries where the need for international adoption has been greatest.

²⁹³ NIA, travel reports AC Colombia, dnr 69:386/03.

²⁹⁴ AC comments on draft text Colombia 2024-09-05.

Adoption from countries with high poverty or other social circumstances

One factor that can increase the risk of irregularities in intercountry adoptions is adopting from countries with high levels of poverty and other cultural or social circumstances. Leaving children for adoption due to poverty and social pressure to give up their child can create situations where children are more vulnerable to exploitation.

In Ethiopia, the extreme poverty in the country was one of the reasons why international adoptions from the country started in the 1960s. Foreign missionaries, health care workers and aid workers who visited Ethiopia saw the great need for support and how children died in hospitals.²⁹⁵ At the same time, adopting children from such a poor country, with a culture with a completely different view of what adoption is and with many illiterate people, can involve an increased risk. This increases the risk of irregularities, such as misunderstandings about what adoption is and what is being consented to.

The surge in intercountry adoptions from Sri Lanka in the 1970s can largely be explained by poverty and other social conditions in the country, combined with the increased demand for children in rich Western countries and the high level of tourism in the country. Children of poor parents were given up for adoption for purely economic reasons, and unmarried mothers also gave up their children for adoption for social and cultural reasons.²⁹⁶ Previous inquiries have pointed to the increased risk of abuse involved. The Dutch inquiry concludes that poverty or other social and cultural circumstances of birth mothers were exploited in Sri Lanka.²⁹⁷ The Swiss inquiry also notes that poor women in Sri

²⁹⁵C. Lindgren (2010), p. 123; A-C. Gudmundsson et al (2015); AC's application for authorization for Ethiopia 2005-2014; MIA's "Report from MIA's inspection trip to Ethiopia 17-26 March 2011 MIA dnr 74:754:55/10; AC's report to MIA "Notes from trip to Ethiopia 2010-10-02-10" received MIA 2010-11-08 dnr 64:308:12/10; AC's publication "Ethiopia - fascinerande och annorlunda" inkom MIA 2011-02-10 dnr 74:754:20/10; Meeting AC 2023-09-05; Lecture "Unknown background" organized by AC via Teams 2023-04-03; S. A. Steenrod (2022), *The Legacy of Exploitation in Intercountry Adoptions from Ethiopia: "We Were under the Impression That Her Birth Parents Had Died"*. *Adoption Quarterly*. Vol. 25, No. 2, s. 81-108.

²⁹⁶See e.g. NIA travel report Sri Lanka 1982; Letter from the Swedish Embassy in Colombo 1983; Commissie onderzoek interlandelijke adoptie (2021); Le Conseil fédéral, Suisse (2020), *Illegal adoptions of children from Sri Lanka: historical review, search for origins, outlook. Federal council report in response to the Rebecca Ruiz postulate 1/4181 of 14 December 201/*.

²⁹⁷Intercountry Adoption Review Committee (2021).

Lanka were exploited to deliberately get pregnant and sell their children for adoption.²⁹⁸

Adoption from countries in crisis

In the context of natural disasters and wars leading to the separation of children from their parents, situations often arise which are misused to carry out intercountry adoptions.²⁹⁹In 2005, the UN Committee on the Rights of the Child published general comments stating that children should not be adopted during an ongoing crisis.³⁰⁰Since then, there has been a consensus that adoptions should not take place in the immediate aftermath of armed conflicts and natural disasters, including climate-related disasters.³⁰¹One reason for this is that children are often separated from their families in such situations and may therefore be wrongly assumed to be adoptable. The second reason is that the capacity of the authorities is often so affected by the emergency that it is not possible to guarantee that adoptions are carried out in a legally secure manner.³⁰²

In Colombia, the protracted armed conflict in the country has left many children orphaned and has increased the risk of children being taken or separated from their parents. Children were sometimes adopted internationally after their parents were abducted or killed in the conflict.³⁰³Although it is not possible to establish a direct causal link between the armed conflict and international adoptions, there are examples of irregularities linked to the effects of the war and the situation of the population in the country.³⁰⁴The case of the boy adopted from Colombia to Sweden in 1993 is a clear example of the risks involved in adopting children from countries where there is a conflict.

Most of the adoptions from Chile to Sweden took place during Augusto Pinochet's military dictatorship, which lasted from 1973 to

²⁹⁸ The Federal Council, Switzerland (2020).

²⁹⁹ Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, A/HRC/34/55, thirty-fourth session February 27-March 24, 2017.

³⁰⁰ CRC/C/GC/6, *General Comment No 6 (2005) of the Committee on the Rights of the Child, Treatment of unaccompanied and separated children outside their country of origin*, p. 91. ³⁰¹ United Nations Human Rights Treaty Bodies (2022), *Joint statement on illegal intercountry adoptions*, p. 10.

³⁰² N. Cantwell (2017), p. 45.

³⁰³ Meeting with Defensoría del Pueblo 2022-11-02.

³⁰⁴ Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición (2022); Swedish Foundation for Human Rights and Plan Angel (2022), *Report about irregular inter-country adoptions of Colombian children linked to the armed conflict*.

The political significance of the adoptions is clear from the archival material we have seen.³⁰⁵ Today, AC states that they should not have cooperated with Pinochet's military regime in Chile.³⁰⁶ The opposite should then apply to other countries, such as South Korea. The majority of adoptions from South Korea were carried out during the military dictatorship 1961-1988.

Adoption from countries with high levels of corruption

Corruption means taking advantage of a public position to obtain undue gain for oneself or others. Corruption does not necessarily involve someone gaining a financial benefit. So-called "friendly corruption" takes place without any demand for compensation or quid pro quo. The widespread occurrence of corruption is a risk factor as public officials are used to demanding and receiving payment for both legal and illegal approvals and services.

In meetings with various actors in Colombia, we have been told that corruption in the country has been widespread. Despite well-developed adoption legislation, there is a risk of irregularities even in intercountry adoption activities as a result of widespread corruption³⁰⁷.

In Sri Lanka, too, corruption in the country has led to an increased risk of irregularities, as previous investigations from the Netherlands and Switzerland have pointed out. AC has also described that they were critical of the situation in Sri Lanka because of the corruption in the country and that there was a lot of money involved in the adoptions.³⁰⁸ Former employees of FFIA have also described that there were major risks due to the corruption in the country and that there was corruption within the adoption authority DPCCS.

There has been corruption within SWS in South Korea. A memo from the Swedish Embassy in Seoul in 1989 states that a former chairman of SWS mismanaged the organization, embezzled a lot of funds, employed relatives and friends in various positions and used intimidation against employees, including the union activists in the organization.

³⁰⁵ See also P. Lundberg, J. Sköld and A. Mahmoud (2022), pp. 240 ff.

³⁰⁶ Statement by AC President Wilhelm Kaldo in the Agenda program broadcast on 24 November 2024.

³⁰⁷ Meeting with Defensoria del Pueblo 2022-11-02.

³⁰⁸ Notes from conversation between BV and AC 1982-03-09, AC's archive.

tion. Social workers felt that he had run the business like a businessman with the motto "in with many children" without regard to social aspects for the families. According to the Swedish Embassy, no proper audit had taken place at SWS, even though the Ministry of Social Affairs had the right to carry out an audit. The Embassy suspected that corruption also existed within the Ministry³⁰⁹.

Adoption from a dictatorship and 'closed country' like China

The Swedish actors have been aware of the risks of cooperating with China, as a dictatorship and closed country with a one-child policy. Cooperation was made more difficult by the fact that adoption organizations were not allowed to have direct contact with orphanages in China.

It was not possible to check how the orphanages worked and what background work was done. Representatives of FFIA describe that "there was no access behind the scenes, the Chinese actors answered yes or no to questions, but not much more information was obtained".³¹⁰The Swedish supervisory authority and the Swedish embassy in Beijing have also had difficulties in getting satisfactory answers from the Chinese authorities. For example, whether there was a link to Sweden in the cases of child trafficking that have been revealed, whether the donations to the orphanages are voluntary or not and how the money is used. The regulator (in particular the MIA) has tried to act and ask questions to the CCAA about child trafficking, donations, but accepted that they have not always received satisfactory answers from the Chinese authorities. It is clear that the Chinese authorities have been reluctant to ask critical questions and have closed their doors when problems have arisen. There has been no opportunity for effective transparency.

Adoption from countries with no regulation in place to prevent irregularities

Sweden has cooperated with several countries that have chosen not to accede to international conventions. Sweden has cooperated with South Korea despite the fact that the country has not ratified the 1993 Hague Convention and has entered a reservation against Article 21(a) of the

³⁰⁹ Embassy of Sweden in Seoul. Memo Adoptions from Korea to Sweden, 1990-01-30 R 34 Xko.

³¹⁰ Interview with representative of FFIA 2023-09-21.

It also requires that intercountry adoptions be decided by competent authorities and after a home country placement has been considered. It was only in 2017 that South Korea withdrew its reservation. Sweden has cooperated with Ethiopia despite the fact that the country has not signed or ratified the 1993 Hague Convention, which the UN Committee on the Rights of the Child has recommended Ethiopia to do on several occasions. In 2010, there were advanced plans for Ethiopia to accede to the Convention, but that work stalled. Ethiopia did not apply the principle of subsidiarity or seek domestic solutions before intercountry adoption until around 2011. Although Ethiopia ratified the UN Convention on the Rights of the Child in 1991, it was not until 2014, when the AC terminated adoption mediation from Ethiopia, that it ratified the Optional Protocol on the sale of children, child prostitution and child pornography.

Sweden has also cooperated with countries that themselves admitted that they did not have laws to prevent child trafficking. For example, Sri Lankan government representatives have described that their laws were not sufficient to prevent child trafficking and that they did not have the possibility to check that adoptions are carried out correctly.

There is also an increased risk of irregularities when the number of intercountry adoptions suddenly and rapidly increases in a country, as the existing infrastructure cannot cope with the activity. This has been highlighted by the UN Special Rapporteur on the sale and sexual exploitation of children.³¹¹ Sweden has taken such a risk in countries such as Poland and Ethiopia. Intercountry adoptions from Ethiopia grew rapidly in the 2000s, increasing fivefold from 2003 to 2009.³¹² The number of foreign adoption agencies in the country also increased from around 20 to 70 between 2003 and 2008.³¹³ However, the number of adoptions to Sweden remained roughly the same as before, which may have meant that Sweden in particular was more sheltered from irregularities than many other countries. At the same time, the rapid increase in the number of adoptions generally meant that the Ethiopian authorities found it more difficult to check that the activities were carried out correctly. Adoptions from Poland increased significantly

³¹¹A/HRC/34/55. *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography*, thirty-fourth session February 27-March 24, 2017, p. 60.

⁽³¹²⁾P. Selman (2012), *The Global Decline of Intercountry Adoption: What Lies Ahead? Social Policy and Society*. Vol 11, No 3, pp 384-385.

³¹³Meeting AC 2023-09-05; E. J. Graff in *The Pacific Sun* 2017-05-03 "They steal babies, don't they?".

when Poland started to open up to the West in the mid-1980s. At that time, Poland had no specific regulation for international adoptions, nor was there any authority overseeing the activity. Adopters could go directly to an orphanage to adopt a child or to individuals who put them in contact with a child. Even if the court decided on the adoption, the lack of rules and supervision became a breeding ground for illegal adoptions and unethical behavior.

6.9.4 Sweden has accepted certain procedures in the countries of origin that had not been accepted for national adoption

There are several examples of procedures in countries of origin that Swedish operators have accepted in order to obtain children for adoption, despite the fact that during the period under review they were not accepted in Sweden.

This applies, for example, to countries where children's right to their origin is prevented or made more difficult by the fact that they only place surrendered children for adoption, allow mothers to remain anonymous or register children as orphans despite having known parents. It also applies to countries that allow someone other than the child's guardian (parent or legal guardian) to consent to the adoption or that consent is given before the birth of the child.

We have accepted adoptions from countries that make it impossible or difficult for children to exercise their right to origin

Sweden has chosen to adopt from countries where there is a complete lack of information about the children's background, thereby accepting that none of these children will be granted their right to their origin. This is most evident in the case of China, where only abandoned children have been placed for adoption, but also in several other countries Swedish actors have accepted adoptions without any background information. In some cases, we have done so because they were abandoned children. In other cases, we have accepted that countries have allowed the mothers to remain anonymous, for example in India, which prevents adopted persons from later seeking their origins. In still other cases

we accepted, seemingly without reason, that background descriptions are completely missing.

It is not clear from the archive material that there has been any discussion of the suitability of placing children from China, bearing in mind that the vast majority of children lack background information. Nor can we see that the Swedish actors have discussed or problematized the difficulties of ensuring how the children became available for adoption. AC representatives say that they did not question that China had children who were abandoned anonymously and had unknown backgrounds. They trusted the Chinese authorities. It is only afterwards that problems with this have emerged³¹⁴

Sweden has also accepted South Korea's system of registering even children with known parents as orphans. Our review of the archives shows that Swedish authorities, courts and the AC have not questioned this system. We cannot see that the issue has been discussed in connection with authorization or during any of the supervisory authority's trips to South Korea. The supervisory authority and the AC have regarded the system of establishing a separate family register in which the child is listed as an orphan as a purely administrative procedure and have not problematized the fact that it may have led to children with known parents believing that they were orphans.

It is only in 2014 that there is documentation showing that MIA wonders how Swedish authorities and adoptive parents have thought when they received documents with conflicting information, a social report with information about the family and a family registration stating that the child is an orphan³¹⁵.

Swedish agencies have facilitated adoptions from countries that allow pre-birth consent, which is not accepted in Sweden

The requirement to obtain the mother's consent upon recovery was recognized by the 1967 Council of Europe Convention on the Adoption of Children and incorporated into Swedish law in 1968.³¹⁶ Despite this, Swedish actors have accepted to adopt from countries that allow consent to be given

³¹⁴ Interview with AC 2023-05-15.

³¹⁵ Email from MIA to researcher Tobias Hübinette on July 23, 2014, ref. MA2014-432.

³¹⁶ Article 5 p. 4; Prop. 1968:114 *med förslag till lag om ändrad lydelse av 4 kap. 5 § föräldra- balken, m. m.*, p. 17.

before the birth of the child or in connection with childbirth, i.e. contrary to Swedish, and internationally recognized, requirements for consent.

The supervisory authority has not considered that the fact that it was permitted to obtain consent to adoption in connection with childbirth in South Korea until 2012 was an obstacle to authorization. Swedish actors have cooperated with Ethiopia, whose law, even in the 2000s, has allowed children to be given up for adoption before the child is born. Swedish actors have also cooperated with Sri Lanka despite the fact that at least in the 1980s there were so-called "baby farms", where pregnant women sold their children for adoption even before birth.

In our file review for Poland, we have seen examples of pregnant women relinquishing parental rights during pregnancy. In one case, the prospective adoptive parents described that pregnant women who wish to give their child up for adoption contact the Polish organization and renounce in writing all further rights to the child. In the case of Chile, in about one in ten files, it appears that the mother decided to adopt during pregnancy.

7 Conclusions on irregularities, consequences and proposals

7.1 Introduction

Based on the assessments in chapters 5 and 6, I can conclude that the regulation and organization of Sweden's international adoption activities have not prevented the occurrence of irregularities.

Our review paints a picture of a seemingly well-organized system of intercountry adoption that was under state control and supported by the state. Those who have come into contact with adoption activities, not least children and adoptive parents, have had a legitimate expectation that adoptions within the framework of this system have been carried out without irregularities. When this turns out not to be the case, it is understandable that strong feelings of betrayal and disappointment may arise.

The purpose of this chapter is to try to answer the question of why irregularities may have occurred and what could have been done differently. This chapter also sets out the part of our mission that concerns the analysis of the consequences of irregularities in the adoption process for birth parents, adopted persons and adoptive parents.

I would like to remind you that my assignment has been to clarify the occurrence of any irregularities in Sweden's intercountry adoption activities and how the responsible actors have acted and dealt with any irregularities. The assignment has not been to evaluate the activities, i.e. whether the intercountry adoption activities have been in the best interests of children - neither in the individual case nor for children as a group.

7.2 Intercountry adoption grew out of a desire to give children a better future

The investigator's conclusion: The international adoption business has grown out of a strong desire to remove obstacles to make international adoption possible and to give as many children as possible a better future. Although the Swedish actors have tried to maintain a high ethical level and have not accepted all cases, they have operated in an international arena where there has been competition for children for adoption. This may have influenced the acceptance of procedures that were not always in accordance with Swedish law. International adoption has been perceived as something different from national adoption, which has led to lower requirements being set for international adoption than for national adoption. Children adopted from other countries to Sweden have thus been treated differently from children born in Sweden at the time of adoption.

International adoption became visible as a phenomenon in Sweden from the mid-1950s. It is the Swedish aid activities in other countries, not least in South Korea, that make it possible for Swedish families to give foreign children a new family through adoption. Inter-country adoption then grew rapidly in scope, not only in Sweden but also in many other countries in Europe and the United States. Adopting children from another country becomes an accepted way to start a family. The practice is initially unregulated, particularly in the children's countries of origin. Initially, children come exclusively from countries affected by war and widespread poverty. The initial activities are conducted as far as possible in accordance with existing rules, but even more out of a desire to provide children with a better upbringing than they could have had in their countries of origin. It is clear that the early activities were not in line with today's rules and views on children, but perhaps also not in line with the rules that actually existed then. It was characterized by a pioneering spirit and a strong will to remove obstacles to enable adoption and "save" as many children as possible. International adoption has been perceived as something different from national adoption, which has led to lower requirements for inter-

national adoption than in domestic adoption, for example in terms of consent. During our work, the Adoption Center (AC) has stated that it is wrong to use Swedish perspectives and laws as a basis for assessing what is to be regarded as improper conduct. According to the AC, such an approach means that the laws of other countries are seen as inferior from a child rights perspective and means that virtually all historical adoptions are unethical ⁽¹⁾.

Although Swedish operators have tried to maintain a high level of ethics and have not accepted all procedures, they have operated in the context of an international movement in which many operators have been active.

There has been competition for children for adoption, which may have affected the acceptance of procedures that have not always been in accordance with Swedish law, but which have been in line with how other countries view adoption and how other organizations have worked. Children adopted from other countries to Sweden have thus been treated in a different way than children born in Sweden for adoption, for example with regard to the requirement for the mother's consent.

7.3 Irregularities in Swedish international adoption activities

The investigator's conclusion: There have been irregularities in the international adoptions to Sweden, in the form of both illegal adoptions and unethical behavior. For example, there have been confirmed cases of child trafficking in the Swedish international adoption business in every decade from the 1970s to the 2000s. Children have also been adopted to Sweden without the free and informed consent of their parents in some cases. There has also been false information and inaccuracies in adoption documents. Swedish actors have also deviated from a legally secure adoption process in various ways in order to adopt more children and to speed up the process.

The Swedish actors have not sufficiently ensured that the children have been made available for adoption in the right way and that the adoption has been in the best interests of the children. A special consent document from the child's parent or other guardian has rarely been

¹AC. *Adoption Center's comments on the Memorandum on Irregularities in Intercountry Adoptions for the Expert Group Meeting on 11 December 2023.*

been included in the documentation sent to Sweden in intercountry adoption cases. Social investigation and explanations as to why the child is being placed for intercountry adoption have not always been included, especially in the early private and individual adoptions. In addition, key information to fulfill the right to know one's origin has often been missing from adoption files, and Swedish actors have not made sufficient efforts to fulfill this right.

Chapter 6 shows that irregularities have occurred in international adoptions to Sweden from all seven countries that we carried out an in-depth review of: Chile, Colombia, Ethiopia, China, Poland, Sri Lanka and South Korea. Our more general review of adoption activities in other countries shows that irregularities have also occurred in, for example, India, Thailand, Taiwan and Vietnam. By irregularities, we mean both illegal adoptions and unethical actions. There are examples of children being declared dead on behalf of their parents and adopted to Sweden, of children being given up for adoption by someone other than their parents, and of mothers not being given sufficient information to be able to give informed consent or being pressured to give consent to adoption. There have also been cases of false information and inaccuracies in adoption documents, such as incorrect dates of birth or children being described as orphans when they have known parents.

The irregularities in the Swedish international adoption process that emerged in the investigation cannot be dismissed as isolated incidents or coincidences, but have occurred repeatedly on different occasions over several decades. Even in cases where the Swedish actors have succeeded in dealing with an irregularity discovered in adoptions from a particular country at a particular time, new irregularities have been discovered in other forms or in other countries. This shows that the intercountry adoption business is a high-risk business, which requires careful control to prevent irregularities. The scale of irregularities shows that Swedish operators have not done a good enough job of this.

Different types of irregularities have occurred over different periods of time, in different countries and in different types of adoptions (private, individual or inter-organizational). In some countries and periods of time, irregularities have been more widespread and systematic. The most obvious and

Perhaps the most serious irregularities we have detected have occurred in private and individual adoptions, particularly in the 1970s and 1980s. These include child trafficking, falsified documents, adoption without voluntary and informed consent, child abduction and circumvention of the adoption process. However, irregularities have also occurred in adoptions mediated through Swedish authorized adoption organizations, especially in the early adoptions from the 1970s and 1980s. In some cases, there have also been abductions, adoptions without the consent of the child's parents or other guardians, trafficking in children or actors making a financial profit from adoption activities. There are also cases of falsified documents or false information in adoption files, obtaining consent under false pretences or without sufficient information on what adoption entails, and various deviations from a legally secure adoption process. In Chile, children have sometimes been given Swedish names in a birth certificate, before the court has taken a decision on the transfer of custody and long before the adoption decision has been taken.

Certain irregularities and problems in adoption activities have occurred systematically throughout the period under review, from the 1960s to the present day. The main problem is inadequate documentation, which poses problems in two important respects. Firstly, the lack of documentation makes it impossible or difficult for adoptees to find out about their origins. In China, there is a general lack of background information on the children, as they are all described as abandoned, and in South Korea the majority of children have been registered as orphans even though their parents were known. In other countries, too, the names of the parents or the child's original name are often missing, with the result that many adoptees from Chile, for example, have lost their rights as indigenous people. Secondly, the lack of documentation makes it unclear whether the adoption was in the best interests of the child. A special consent document from the child's parent or other guardian has often been missing as a basis in the Swedish adoption acts concerning international adoption. It has rarely been clear from the individual cases what efforts the countries of origin have made to seek national solutions before the children are deemed to be available for adoption to Sweden. In addition, in several countries the adoption process has often been so fast that there is a large

In addition, in early private and individual adoptions, social investigations and explanations of why the child is being placed for intercountry adoption have relatively often been lacking.

Documentation has improved in several respects over time, for example in terms of documenting the child's background through a social and medical report. However, the documentation in the Swedish adoption files is still too inadequate for the Swedish actors to have been able to ensure that the adoption is in the best interests of the child and that adopted persons are guaranteed the right to know their origin. Among other things, there should be clearer evidence in the adoption documents that the necessary consents have been obtained and clearer accounts of the efforts made to comply with the principle of subsidiarity.

7.4 Swedish operators' awareness of and response to irregularities

The investigator's conclusion: Some of the irregularities that have occurred in Swedish international adoption activities were already known to Swedish actors at the time when the irregularities occurred, while other irregularities were only discovered much later.

For example, the government was aware of irregularities in private adoptions at an early stage, but did not act forcefully enough to prevent them. The supervisory authority has received information about irregularities on an ongoing basis and has taken certain measures, but these measures have often been inadequate and there have been no procedures or processes for handling and preventing information about irregularities.

Both the supervisory authority and the adoption organizations have sometimes refrained from finding out more information or critically examining an activity when information about irregularities has emerged. However, there are several examples of Swedish adoption organizations withdrawing from or declining unsafe cooperation, and the National Board for Intercountry Adoption (NIA) has put a lot of effort into dealing with problems and irregularities related to adoption.

private adoptions, although the measures have not been sufficient.

All in all, Swedish adoption activities have been characterized by a high level of trust between the actors, which has limited the conditions for curbing irregularities in international adoption activities.

Some of the irregularities that have occurred in Swedish international adoption activities have been known to Swedish actors already at the time when the irregularities occurred. For example, both the NIA and the government were aware early on of irregularities in the primary adoptions in the 1970s and 1980s, where there was child trafficking, false documents and consent under pressure. The NIA reported the problems and asked the government to act, but the measures taken by the government were not strong enough to prevent further irregularities. The government could have introduced similar regulations for private adoptions as other Nordic countries but chose not to.

In many cases, it is unclear how much information the government had about irregularities at different times. From the archive material, it is clear that the Ministry for Foreign Affairs received such information from the Swedish embassies in the countries of origin, but the extent to which this information was passed on to the Ministry of Social Affairs and the Government is not clear. Apart from the irregularities in the private adoptions, it is therefore difficult to determine whether the Government, based on what they knew, took sufficient action. The information available in the Government Offices should have been passed on to the Government. The Government and the Ministry of Social Affairs have also received some information on irregularities at a general level through the supervisory authority's annual reports, annual accounts and special reporting. Nor have we been able to see that the Government took any action as a result of the feedback on adoption activities provided by the NIA in connection with its annual report in the second half of the 1990s.

The Swedish supervisory authority has not always acted forcefully enough when it has received information about irregularities, and there have been no procedures or processes for handling information about irregularities. The supervisory authority and adoption organizations have sometimes refrained from finding out more information or

to critically examine an activity when information about irregularities has emerged. When information has emerged about irregularities in a country, Swedish actors have not sufficiently checked whether the irregularities also concern Sweden. This applies, for example, in connection with police investigations against Swedish actors or other collaborators in the country of origin, for example in Chile. This also applies to the systematic trafficking of children that was uncovered in China in the 2000s, the information about widespread irregularities in Ethiopia in the 2010s and the irregularities that emerged in the adoptions from Sri Lanka by the Swedish organization Barnens Vänner (BV) in the 1980s. In the cases from South Korea in the 1970s and Colombia in the 1990s, where parents requested the return of their children wrongly adopted to Sweden, Swedish actors have not taken any measures to prevent similar situations from arising again.

Overall, Swedish adoption activities have been characterized by a high level of trust between the actors. The government has trusted the Swedish supervisory authority, which has trusted the Swedish adoption agencies, which in turn have trusted actors in the countries of origin. This has limited the scope for curbing irregularities in international adoption activities. However, there are examples of Swedish adoption agencies and the Swedish supervisory authority taking relevant measures when problems and irregularities have been discovered. For example, Swedish adoption agencies have on several occasions withdrawn from or declined unsafe partnerships, and the NIA has put a lot of effort into addressing problems and irregularities related to private adoptions, although the measures have not been sufficient.

The authorized adoption organizations have always been aware of the lack of documentation in the Swedish adoption files, but have not acted to ensure that there is sufficient information to ensure that the adoption was in the best interests of the child and to enable adopted persons to trace their origins. Several adoption organizations claim that they have not had any documentation responsibility until after legislative changes in 2005, but the fact is that they have had such a responsibility long before that. The right of adoptees to know their origins has been recognized in Swedish law since 1917, and the 1983 NIA Handbook for Adoption Agencies states that adoption agencies should collect as much information as possible on the origins of adoptees.

information as possible about the children's origins and previous circumstances. As far as we have been able to ascertain, it was not until 2017 that the supervisory authority systematically examined the information contained in adoption files as part of its supervision and found that important documents were often missing. Neither the adoption organizations, the courts nor the social services have made sufficient efforts to ensure that the correct consents have been obtained, and the Swedish supervisory authority has not required or checked this.

Some irregularities have only come to light long after the fact, when adopted persons are reunited with their families of origin. This is the case in Chile and Ethiopia, for example. In Ethiopia, it is a matter of the original parents not always being given the right or sufficient information to give informed consent. In Chile, this includes abducted children, also referred to as stolen or kidnapped children.

It is possible that more irregularities could have been avoided if the Swedish actors had been more aware of the risks of irregularities that existed and were accepted in order to carry out adoptions. These include high adoption fees in South Korea, high donation fees to orphanages in China and to private orphanages and maternity homes in Colombia, which may have created financial incentives and increased risks. It is also the case that the organization of adoption activities in some countries has led to an increased risk of irregularities. The AC's organization in Chile in particular entailed a risk of irregularities, and the maternity homes' links to adoption activities in Colombia and South Korea, for example, have posed a risk. There is also a more general risk in that the adoptions were mediated from countries with various weaknesses in the social systems that can lead to an increased risk of irregularities. For example, Swedish actors have cooperated with countries that require high adoption and donation fees for adoption. Sweden has also adopted children from dictatorships, countries with high levels of poverty and widespread corruption, and countries where the adoption agency was unknown. Such factors increase the risk of irregularities, and require particular caution.

7.5 Weaknesses in the system have contributed to the failure to prevent irregularities

7.5.1 There has been a high tolerance for risk and the business has been characterized by trust

The investigator's conclusion: International adoption activities are associated with obvious risk factors when it comes to fulfilling children's rights. This has not been sufficiently problematized by Swedish actors and there has been a high level of risk tolerance in Swedish international adoption activities. Confidence in the other party's good will has meant that signals of irregularities have not been taken seriously enough and there has been an exaggerated confidence in one's own ability to conduct ethically irreproachable activities in a context where corruption and other risk factors have been widespread.

Intercountry adoption has obvious risk factors when it comes to fulfilling children's rights, as much of the process leading up to an adoption takes place in another country. Intercountry adoption has grown from below, initially by individual enthusiasts, whose driving force has been that intercountry adoption is a way to save children's lives by giving them a family in Sweden. This view of international adoption activities had a strong impact early on in Sweden but also in the rest of Europe. With such a fundamental view of intercountry adoption, Swedish actors have been prepared to take risks by accepting that not all formal requirements are met, and a tolerance of actions and circumstances that would not have been accepted in a national adoption.

The adoption system is based on an economic imbalance between countries of origin and destination. Rich countries in the West demand children from poor countries in the Global South. This inequality between the parties has not been sufficiently discussed. Nor has the obvious conflict of objectives inherent in the fact that adoption has been driven primarily by adults' desire for children been problematized during the development of the activity and subsequent regulation. Adoption fees and donations have inevitably created incentives in the countries of origin to place more children for adoption than is necessary from a child rights perspective, which in turn has undermined the development of the

the child protection and social welfare systems in the countries of origin. The large sums of money accepted in the intercountry adoption business have also created incentives for actors in the children's countries of origin to illegally or unethically arrange children for intercountry adoption. Swedish actors have had a strong belief in the compliance of their counterparts in other countries with the guidelines set out and in the accuracy of the information provided about the child. Paradoxically, the 1993 Hague Convention has further reinforced this by the fact that the Convention is based on progressive implementation, i.e. a country does not have to meet all the criteria in order to ratify the Convention. The fact that countries have been able to join the Convention with an ambition to fulfill the requirements, not with an assurance that this will happen, has not been given sufficient attention. The actors' understanding of intercountry adoption as something that is done out of good intentions has also affected the ability, or the willingness, to sufficiently critically examine the work. Confidence in the good intentions of the other party has meant that signals of, for example, financial incentives have not been taken seriously, let alone allegations of outright illegality such as child trafficking and child abduction. There has also been an overconfidence in the ability to conduct ethically irreproachable activities in a context where corruption has been widespread.

It is clear that there has been a high level of risk tolerance in intercountry adoption activities. Even today, it is pointed out in various contexts that intercountry adoption is not possible without taking certain risks of irregularities. It has been stated in several quarters that if the recommendations of the HCCH Guidance on the prevention of irregularities are to be fully followed, intercountry adoption cannot take place.

7.5.2 The government has not taken sufficient measures to counter irregularities in private adoptions

Investigator's conclusion: Several of the irregularities revealed by this investigation are linked to private and individual adoptions, i.e. adoptions where individuals have adopted a child from a country without the involvement of the NIA or an authorized adoption organization. The problems were particularly widespread in the 1970s and 1980s, but have also occurred since then. The government has not taken sufficiently strong action to tighten controls on private and intercountry adoptions and the action has come too late. This may have contributed to the continuation of irregularities.

Initially, intercountry adoption was an activity carried out without the involvement of any authority. Individuals could get in touch with children for adoption through their own contacts during visits to the child's country of origin or through acquaintances who had stayed there. The scale of such private adoptions increased during the 1960s. Even in the 1970s, when the NIA was set up to control adoptions, private adoptions continued to increase in number. There were several reasons for this, including long waiting times to adopt through the NIA, the view of some that it was too expensive to adopt through the AC, and the fact that adoption through the NIA and the AC involved extensive vetting and scrutiny with the risk of rejection of an agency application. Private adoption was seen as a faster and easier way to adopt a foreign child. During parts of the 1970s, the number of private adoptions was as high as the adoptions mediated through the NIA. However, it became clear at an early stage that private adoptions could involve significant risks of irregularities.

The examples of child trafficking that we have seen in Colombia, Ethiopia, Sri Lanka and Thailand, among others, show irregularities associated with private adoptions in the 1970s and 1980s in particular, but also to some extent in the 1990s. Children were trafficked either by individuals, as in Thailand, or in a more organized form, as in Colombia. Individual applicants from Sweden paid large sums of money to obtain a child, the children had either been abducted or in various ways deceived by the parents.

the children, the adoption documents were falsified or there was very little or no information about the children.

The NIA and the government were well aware of the problems and risks of private adoptions as early as the mid-1970s. At the same time, not all private adoptions were seen as risky, but it was those adoptions where applicants paid large sums of money to have a child and where the child was not obviously available for adoption that they wanted to control. Other possibilities for private adoption would be allowed to remain.

In an attempt to strengthen control over private adoptions, a fundamental restructuring of the activity took place in 1979, with non-profit organizations being authorized by the NIA and given responsibility for the placement of children for adoption. The NIA was given a supervisory role. The aim of the new organization was to reduce the need for private adoptions by channeling applicants to an authorized organization through an expanded placement service. However, it was still possible to adopt without the assistance of an agency and private adoptions remained a problem.

In 1980, the NIA found that private adoptions had increased compared to the previous year and accounted for 40% of all international adoptions to Sweden. In the early 1980s, several cases of child trafficking were uncovered in Colombia and Sri Lanka, but also in Brazil, Peru and Taiwan, involving private adoptions to Sweden and elsewhere. Despite this, there was no political will to completely ban private adoptions. Several reasons were put forward. A major reason was that a ban on private adoptions was thought to make it impossible to adopt children from countries where the authorized organizations did not operate. It was considered that this could have the consequence that adoptions desirable for children could not take place. It was also hoped that informing those wishing to adopt to contact an accredited organization would be a sufficient measure to reduce private adoptions.

It was not until 1985 that measures were taken to tighten control of private adoptions. New regulations were introduced, which meant that the social welfare committee was tasked with examining the reliability of the method of mediation that the applicant intended to use to get in touch with a child for adoption. The opinion of the NIA was to be sought on the reliability of the agency. Although this helped to reduce the number of private adoptions, it did not fully address

with the problems. The reason was that applicants used the consent for adoption by adoption agency for private adoption. This was common in private adoptions from Sri Lanka. We have also seen that persons linked to child trafficking and other irregularities in the countries of origin have nevertheless been approved as partners by the NIA. Although private adoptions gradually decreased from the second half of the 1980s, irregularities in private adoptions have continued, for example in adoptions from Poland in the early 1990s.

The 1997 Act limited private adoption to the adoption of children of relatives or for special reasons such as the applicant having a special connection to a particular country. However, the law did not put a definitive stop to private adoptions. It also soon became clear that it was possible to apply directly to the courts in Sweden to adopt a child. The absence of permission from the supervisory authority did not prevent the adoption application from being examined, nor did the lack of consent from the social welfare board to receive a child from abroad for adoption. Irregularities in individual adoptions also continued to occur, for example, trafficking in children in Vietnam was revealed in the early of the 2000s concerning adoptions to Sweden.

The limited legislative measures to prevent and limit private and individual adoptions, despite an awareness of the risks and irregularities that have occurred, cannot be understood in any other way than that the government did not want to limit the possibilities for adoption. As recently as 2018, the government chose not to tighten the conditions for granting private adoption, as proposed in an investigation in 2009. The argument for this was that the government did not want to limit the possibility of adopting children from countries where the authorized associations did not operate. Private adoption was seen as a valuable complement to enable more children to find a new family. Overall, this may have contributed to the continuation of irregularities.

7.5.3 The regulation and organization of intercountry adoption activities have been adapted to the activities already carried out

The investigator's conclusion: The regulation and organization of Sweden's intercountry adoption activities have not been designed to review the activities and prevent irregularities from occurring. From the outset, the regulation has been aimed at facilitating adoption. There have never been any real opportunities for effective supervision of adoption activities; supervision has been based on trust in the organizations and, by extension, in the foreign actors with whom the Swedish adoption organizations have cooperated. Sweden's ratification of the 1993 Hague Convention has not in practice strengthened legal certainty in the Swedish international adoption process.

The introduction of the Act (1971:796) on international legal relations concerning adoption made it easier to adopt internationally. It became possible to carry out an adoption in a Swedish court of a child from abroad and it was also made possible to recognize foreign adoption decisions in Sweden. The Act came into being when international adoption activities had already become relatively extensive. To a considerable extent, the law was adapted to the reality that existed at the time, not on the basis of how international adoption activities should be organized to prevent irregularities. The purpose of the law was simply to make it easier for residents of Sweden to adopt internationally.

The 1979 Intercountry Adoption Assistance Act, which allowed adoption agencies to be authorized to place children for adoption, was enacted at a time when intercountry adoption activities had further expanded. The State, first through the National Board of Health and Welfare until 1973 and then through the NIA, had been responsible for the placement of foreign children for adoption. Towards the end of the 1970s, however, the demand for children for adoption had grown and the NIA had difficulties in coping with the task of placing children with the applicants. Waiting times to obtain a child for adoption had increased and there was a risk that adoption applicants would turn to private alternatives in order to

way to have a child. By transferring the responsibility for placement to non-profit organizations, the NIA could be relieved and given an oversight role.

When the 1993 Hague Convention was incorporated into Swedish law, the 1979 Act was replaced by the Act (1997:192) on International adoption agency. The Act did not change the role of the NIA other than to make it the Central Authority under the Convention. The 1993 Hague Convention clearly divides the responsibility for the adoption process between the child's country of origin and the receiving country. Competent authorities in the country of origin are responsible for ensuring that the child is available for adoption and the authorities in the receiving State are responsible for ensuring that the adoptive parents are suitable. To a large extent, this corresponded to an arrangement already applied in practice. Based on the idea of mutual trust, adoptions in the country of origin are automatically recognized in the receiving country. The system replaced the traditional two-step process, whereby the adoption procedure in the country of origin was in principle repeated in the receiving country, which was perceived as cumbersome. However, it was an important safeguard in the adoption system, as the Swedish court would also assess whether the adoption was in the best interests of the child.

It is only in 2005 that the supervisory authority's task of facilitating adoptions was removed. The supervisory task was made clearer and the authorization of adoption organizations was divided into two parts, firstly an authorization to operate in Sweden, a procedure that contradicted the previous authorization requirements. But in addition to this, there was a requirement for authorization in relation to the country from which children were to be placed. This assessment also covered partners in the country of origin.

Overall, the regulation of Sweden's intercountry adoption activities has not been designed to scrutinize the activities and prevent irregularities. From the outset, the regulation has been aimed at facilitating adoption. There have never been any real opportunities for effective supervision of adoption activities. Supervision has been based on trust in the organizations and, in particular, in the actors with whom the Swedish adoption organizations have cooperated. The 1993 Hague Convention also made it clear that control of conditions in the child's country of origin is the responsibility of the country of origin. Put simply, it can be said that the Swedish

by acceding to the 1993 Hague Convention, the authorities were able to relinquish a control task they had never assumed.

7.5.4 The organization has reflected an uncritical approach and provided incentives to facilitate as many adoptions as possible

The investigator's conclusion: The choice of organizational form in which non-profit organizations are responsible for mediation activities has weaknesses. The system leads to an overly uncritical view of international adoption activities and provides incentives to mediate as many adoptions as possible. This has also affected the supervisory authority's ability to carry out effective supervision.

Until 1979, the State, through the NIA, was responsible for the intermediation activities. From 1979, this responsibility was transferred to non-profit adoption organizations, while the State, through the NIA, became responsible for the authorization and supervision of the organizations. According to the Act, the NIA was to grant authorization to associations whose main purpose was to provide international adoption assistance. The requirement was that the organization could provide adoption assistance in an expert and judicious manner, without profit motive and with the best interests of the children as the primary benchmark. The aim was that more adoptions from more countries would go through non-profit organizations, thus reducing the need to adopt privately. It would also remove the state's responsibility for placing children for adoption and give it oversight responsibility over the organizations and adoption activities.

This form of organization has its advantages but also inherent weaknesses. One weakness is that the responsibility for adoption mediation is left to organizations whose main purpose is to place children with applicants. There is no critical approach in these organizations to international adoption or the risks associated with international adoptions. The aim and focus of the organizations has been on adoption as a way of helping children to have a family, but also to help applicants to form a family through intercountry adoption.

Another weakness is the system for reimbursing adoption agencies. From the outset, the operation has been dependent on

the fees paid by the applicants. Although the activities are not intended to be profitable, there has been an incentive to place as many children as possible. The state subsidy that the authorized adoption organizations have been able to receive has also been linked to the number of children placed. With the great and growing interest in foreign adoptions at the end of the 1970s, there was great pressure on the mediation activities and thus also on the adoption organizations and on the NIA. From the outset, the NIA expressed concern about the large number of authorized adoption agencies.

The organizations also applied for authorization for a large number of countries, which placed demands on the supervisory authority from the outset and affected the supervisory authority's ability to conduct effective supervision.

A further factor that entailed a weakness and the risk of an uncritical view of adoption activities is that AC, through the cooperation agreement with NIA, had established cooperation with some 20 countries even before the authorization procedure was introduced in 1979. AC had developed both cooperation with different actors and how the adoption process in each country would look like. The Swedish government was not involved in this and the NIA had no formal role or responsibility before 1979 to question or stop collaborations initiated by AC. The preparatory work for the new organizational model in 1979 shows that the AC opposed the NIA approving each individual partner in each country in connection with authorization, and the government also followed this line. In the first round of authorizations in 1979/80, AC applied for authorization for more than 10 of the countries in which it had established operations. These included Chile, Colombia and Ethiopia, where cooperation had been established in the early 1970s. Since the activities had already been carried out for several years by AC, which compared to other adoption organizations at that time was seen as an established adoption organization with high competence and experience in conducting and organizing adoption mediation, it was natural for the NIA to accept the activities that AC had built up in the countries. The problems and irregularities in adoption activities that were subsequently found in these countries thus went "under the radar". The principles established by the AC, which in some cases have been questioned afterwards, were not questioned at the time. On the contrary, they were seen as an established way of working that became a model for intermediation activities in other countries as well.

The adoption organizations, and AC in particular, thus had a clear knowledge advantage over the supervisory authority from the outset in terms of how the activities should be conducted. The organizations had extensive experience of the mediation activities and a deeper knowledge of the conditions in the children's countries of origin. Although the supervisory authority's tools and competence for authorization and supervision have been strengthened over time, it has been difficult for the authority to question already established activities that have been going on for many years. It has also been a major challenge for a small supervisory authority to carry out authorization and supervision activities over an agency activity conducted by adoption organizations whose aim has been to place as many children as possible. Not least because the supervisory authority has also had the task of facilitating adoptions. All in all, this has affected the supervisory authority's ability to carry out effective supervision.

7.5.5 The NIA's mission to both facilitate and supervise adoptions has weakened the control of adoption activities

The investigator's conclusion: The NIA's task of both facilitating adoption and supervising the authorized adoption organizations has contributed to weakening the NIA's control and supervision of adoption activities and has not provided the conditions for preventing irregularities.

The need for the state to facilitate adoptions from abroad was a demand raised by various actors as early as the early 1960s. The starting point was that international adoption was something good that should be encouraged and facilitated. It is also an approach that characterized the first regulation. When the NIA was established in 1973, its main mission was to facilitate adoptions. The supervisory role was added in 1979 and the NIA was given a dual role of both facilitating adoption and supervising the adoption agencies that facilitated adoptions. The task of facilitating adoption did not change when Sweden ratified the 1993 Hague Convention in 1997 and the NIA became the central authority. The NIA has had to balance the two missions, which has contributed to weakening the NIA's supervisory role.

The task of facilitating adoptions included the NIA following international developments in the field, gathering information on issues relating to the adoption of foreign children, negotiating and concluding agreements with authorities and organizations in other countries and conducting information activities. The supervisory task included authorizing adoption organizations that would work with mediation in different countries and supervising these organizations. In other words, these were extensive and in many ways incompatible tasks for a small authority of nine people to handle. The NIA put a lot of effort into trying to get agreements in several countries, for example in Colombia and Sri Lanka, where the agreements aimed to regulate adoption cooperation between the countries and thus address problems of illegal adoptions and child trafficking. However, no agreements were reached. AC opposed the cooperation agreement developed with Colombia because it could mean that AC could mediate fewer adoptions from the country. In Sri Lanka, no agreement was reached and the problems of irregularities in adoptions from the country continued.

The NIA carried out some 50 trips from 1979 until 2005 when the agency was closed down and replaced by the MIA. It is clear that the NIA did not primarily see the trips as supervisory trips, but above all as exchanges with the various partner countries to discuss various issues and to facilitate the Swedish adoption organizations' cooperation in the countries. It was not until 2000 that the NIA described the trips as an important tool for the supervision of the activities.

Authorization activities also reveal the Authority's dual mission. While the agency told the government that it did not have sufficient tools to refuse authorization requests for individual organizations or for individual countries, authorization has also been a way to facilitate adoptions. In the late 1980s, as the number of children available for adoption declined, the NIA granted authorization to almost twice as many countries in order to facilitate more adoptions. As the number of applicants declined, the agency widely publicized its efforts to increase interest in adoption. In this way, the NIA actively facilitated adoption both by ensuring that children were available for adoption and by encouraging applicants to adopt children from abroad.

The large number of authorized countries, to which the NIA itself has partly contributed, has had consequences for the agency's ability to control and supervise in the countries. Although the mandate to facilitate adoptions was removed in 2005, it has to some extent continued to characterize the activities.

7.5.6 The regulator has interpreted its remit too narrowly, which has weakened the supervision and control of intermediary activities

The investigator's conclusion: The supervisory authority has interpreted its supervisory task too narrowly. The authority has not considered itself able to review and control the activities of the adoption organizations in the countries of origin to ensure that the activities are conducted in accordance with the applicable rules. The supervisory authority has not acquired sufficient knowledge of the activities in the children's countries of origin or of the documentation in agency cases to be able to direct and control the adoption agencies' agency activities in a clear and effective manner. Among other things, this has had consequences for the documentation requested from the children's countries of origin and the documentation contained in the adoption files.

The supervisory authority's interpretation of its supervisory responsibility has consistently been that it is not in a position to examine and control activities in the countries of origin. This has been the case both before and after the ratification of the 1993 Hague Convention. The supervisory authority has been very careful in its contacts with the countries of origin, even when irregularities have come to light. The Authority has asked questions, but in the vast majority of cases has accepted the answers received from the country of origin without further verification or scrutiny.

The narrow interpretation of the mandate has meant that the authority's supervision of the authorized adoption organizations has focused on whether the organizations have met formal requirements under the law. The authority has not examined the conditions of the adoption organizations' activities in the children's countries of origin or how the adoption organizations' activities and partners in the countries of origin have functioned. The supervisory authority has also not examined

documentation in individual placement cases. It was not until 2017 that a review of adoption files from different adoption agencies was carried out to see whether there was documentation to ensure that children were made available for adoption in the right way and that important documents such as consent documents were in the file.

The authority has therefore had limited insight into and knowledge of the activities in the countries of origin. This has affected the conditions for authorization and supervision, but also meant that the authority has had a knowledge deficit in relation to the adoption organizations. In cases where the authority has expressed criticism, the adoption organizations have dismissed the criticism by saying that the supervisory authority had made an incorrect interpretation or had the wrong starting point for its review. This was the case, for example, in the MFoF's review of adoption files in 2017.

The lack of knowledge about the activities of adoption organizations in the children's countries of origin has also meant that the authority has not been able to make clear demands on the adoption organizations, for example regarding documentation requirements in mediation cases. This is despite the fact that documentation requirements have existed since the early 1980s. Instead, adoption organizations have been allowed to interpret what documentation should be included in which cases and from which countries. According to the adoption organizations, it has not been possible to set any general requirements. This means that in many cases there are no central documents in the Swedish adoption files, for example regarding consent and information about how the children became available for adoption. The Swedish actors have thus not ensured that these documents actually exist. The adoption organizations' view that it is sufficient that these documents exist in the children's countries of origin has been allowed to prevail. The documentation requirement introduced in the Act (1997:192) on International Adoption Intermediation (LIA) in 2005 also does not seem to have clarified the documentation requirements that apply to intermediation activities.

Overall, the supervisory authority's narrow interpretation of its supervisory remit and an over-reliance on the associations' way of working have weakened the supervision and control of intermediation activities.

7.5.7 The supervisory authority has not had sufficient tools and conditions

The investigator's conclusion: The supervisory authority has not had sufficient conditions and resources for the extensive and complex task it has had. Nor has the authority had sufficient tools to limit the number of associations and countries. This has affected the authority's ability to carry out effective control and supervision of the adoption organizations and intermediation activities and to prevent irregularities and the risk of irregularities in adoption activities.

From its inception in 1979 to the present day, the Authority has had an average of just under ten full-time equivalents to carry out its extensive and complex tasks. This includes contacts with a large number of countries, authorization and supervision of a number of adoption organizations and a large number of counties. In terms of resources, the supervisory authority has been considerably smaller in terms of the number of employees compared with, for example, the AC. This has made it a challenge for the authority to carry out its mission, but it has also meant that the adoption organizations have had to take responsibility for issues that the supervisory authority should have been responsible for, such as certain contacts and exchanges with authorities and actors in the children's countries of origin and the development of ethical guidelines for the activities.

In addition to the fact that the supervisory authority had few resources in terms of staff, the large number of authorized countries has affected the conditions for the authority's activities and supervision. There has been a lot of pressure from adoption organizations to obtain authorization for a large number of countries. Although it has varied over time, the authority has on average granted authorization for around 30 countries per authorization round. In addition, several adoption organizations have been authorized for the same countries, which has meant that an even greater number of authorization decisions have had to be handled by the supervisory authority.

The regulator has on several occasions pointed out to the government the need to change or review the authority's conditions and tools in supervision. For example, being able to reject applications for authorization and to make interim decisions and decisions

which apply immediately when an entity or activity in a country is not operating as required. In several cases, the government has reacted late in addressing the problems or has not addressed them at all. As regards the possibility to take interim supervisory decisions and take immediate action, the issue is only now on the government's table.

7.5.8 Social security boards and courts have been given a central but unclear role

The investigator's conclusion: Swedish social welfare boards and courts have had a great responsibility to ensure that international adoptions are carried out correctly and in the best interests of the child. In practice, however, their responsibilities have been unclear. This is particularly true for adoptions mediated through an authorized adoption agency. Social welfare boards and courts have relied on adoption agencies to guarantee a legally sound process.

Since the introduction of the adoption institute into Swedish law, the social welfare boards have had the task of examining the prospective adoptive parents' ability to assume parental responsibility. During the period 1985-1997, the social welfare boards were tasked, when considering consent, with also examining the reliability of the method of mediation the applicant intended to use to come into contact with a child for adoption. In cases where the child was placed through an authorized organization, the examination could be more general. Where the child was not placed through an accredited organization, the purpose of the approval was to examine the conditions for adoption in more detail. However, there have been no detailed guidelines on what this review should cover. Since 1997, the social welfare boards have been responsible for determining whether the adoption procedure may continue after the applicants have been appointed as parents of a child. In addition to assessing the eligibility and suitability of the applicants to adopt the proposed child, the review must include a legal check that there are no inconsistencies between the laws of the States concerned which might prevent the adoption from going ahead, for example as regards the requirement of consent to adoption. However, there have been no detailed guidelines on how the review should be carried out and even today it is unclear what approach should be taken.

the social services investigator has to check, for example, the adoption documents in the case.

Many of the international adoptions have taken place in Swedish courts. The courts have had to apply Swedish law, for example as regards requirements for consent. However, in many cases the courts have relied on the documentation submitted in the case meeting the requirements that can be set without examining in more detail whether the conditions for adoption under Chapter 4 of the Parental Code have actually been met. The courts' ability to discover whether there have been irregularities abroad has been very limited.

Overall, both social welfare boards and courts have had a key role and responsibility in ensuring that intercountry adoptions are carried out properly and in the best interests of the child. In practice, however, their responsibilities have been perceived as unclear, particularly in relation to adoptions mediated through an authorized adoption agency. Social welfare boards and courts have relied on adoption agencies to guarantee a legally secure process.

7.6 Consequences of irregularities in adoptions

7.6.1 Irregularities can limit the potential benefits of international adoption

The HCCH Guidance on Preventing Adoption Irregularities notes that illegal practices can have very damaging consequences. It can lead to the unnecessary removal of children from their families or homes. In addition, irregularities in intercountry adoptions impose costs on society in terms of the need for professional support for the people affected. Irregularities can thus limit the potential benefits of intercountry adoption as a child protection measure².

²HCCH (2023), *Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption*. The Hague: The Hague Conference on Private International Law - HCCH Permanent Bureau, p. 16.

7.6.2 Irregularities can constitute crimes and serious human rights violations

Adoption irregularities can involve serious violations of human rights and criminal acts. They may involve violations of the child's and parents' right to privacy and family protection under Article 12 of the Universal Declaration of Human Rights and Article 8 of the European Convention on Human Rights, as well as several rights under the Convention on the Rights of the Child, such as the child's right to his/her identity and to be cared for by his/her parents, and the right to his/her cultural life and language. Criminal acts can include human trafficking⁽³⁾, forgery⁽⁴⁾, improperly obtaining consent or permission for the adoption of a child⁵ and human trafficking⁶.

According to the UN Human Rights Rapporteurs, illegal intercountry adoptions can, under certain conditions, also constitute serious crimes such as genocide or crimes against humanity. Genocide and crimes against humanity fall under universal jurisdiction without statute of limitations. Genocide means acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group of people as such.⁷ Crimes against humanity are crimes committed as part of a widespread or systematic attack directed against civilian populations with the knowledge of the attack. The perpetrators are not limited to representatives of the state but may also belong to organizations, for example. Acts that fall within the scope of crimes against humanity include, inter alia, deportation or forcible transfer of population and enforced disappearance of persons⁽⁸⁾.

³ Chapter 4, Section 1 of the Criminal Code.

⁴ Chapter 14, Section 1 of the Criminal Code.

⁵ Chapter 7, Section 2 of the Criminal Code.

⁶ According to the Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims (the Trafficking in Human Beings Directive), illegal adoption is a form of trafficking in human beings.

⁷ Prop. 2000/01:122 *Sweden's accession to the Rome Statute of the International Criminal Court*, p. 20.

⁸ Prop. 2000/01:122 p. 20 f.

7.6.3 Irregularities can cause lasting and deep trauma and damage

The HCCH Guidance on Preventing Adoption Irregularities states that irregularities often cause lasting and deep trauma and damage to adopted persons and their families.⁹ During our trip to Chile, we met parents and siblings of children adopted to Sweden without parental consent. The families described how this has caused the whole family a lifetime of grief and pain. Mothers have blamed themselves for thinking that they have not been strong enough to fight for their child. Several mothers have also suffered from depression later in life. One woman said that she was happy to be reunited with her child in Sweden, but that the memory of the baby will always be in her heart, she can never get the baby back¹⁰.

In our interviews and focus groups with adoptees, we have been given examples of the stress that can arise from thinking about irregularities in adoption. Media coverage of irregularities in intercountry adoption has raised deep-seated questions about identity, origin and belonging that many adoptees have not previously confronted. People who have been told through DNA tests that the results do not match the information they have about their background begin to question everything about the life story they have previously been told.

Adoptive parents also describe the concerns that arise if, for example, an original parent tells a story that is different from the one in the adoption documents. Suspicion or knowledge of irregularities can raise difficult questions about what responsibility you have as an adoptive parent and what you have contributed to. It can cause feelings of guilt and be difficult to talk about in the family. Adoptive parents who have hired an authorized adoption organization and thought that it was a guarantee that everything went right can feel cheated and disappointed.

⁹ HCCH (2023) p. 16.

¹⁰ Meeting with families in Temuco, Chile 2022-10-27.

7.6.4 Irregularities can make tracing difficult

Irregularities in intercountry adoption are concealed by falsifying, withholding or destroying information about the child or the parents. This can include falsifying birth certificates and other documents. Renaming the child, giving a false name to the parents or stating that the parents are dead is an effective way of concealing irregularities and makes it very difficult to trace the origin of the adopted person afterwards.

Adoptees report that it is a difficult balancing act to know what demands they can make on foreign authorities in terms of access to documents, for example. Where there are suspicions that public officials in the countries of origin (e.g. health professionals, social workers, judges) have been involved in irregularities, there is a concern that information will be withheld or permanently destroyed. There may also be a fear that one's own research and questions will complicate other people's access to their adoption records.

7.6.5 People adopted in Swedish courts are not always registered as adopted in their country of origin

In cases where no adoption decision has been taken in the child's country of origin, this may have resulted in the child not being registered as adopted in the country of origin. The absence of an adoption decision in the country of origin can either be due to the fact that the country did not have the institution of adoption in its legislation, for example Muslim countries such as Iran. It may also be because the country of origin had a long and time-consuming adoption procedure, as in Chile. In cases where the Swedish adoption decision has not been registered in the country of origin, the adopted person is still registered as a child of the original parents and as a resident of the country of origin. This can lead to serious inconveniences for both the adopted person and the original family, for example in the context of inheritance. There are examples of an adopted person being called up for military service in the country of origin. There are also examples where the adopted person's identity details have been used in a harmful way in the country of origin.

7.6.6 Loss of name and indigenous rights

Gaps and inaccuracies in adoption documents can make it difficult for adoptees to reclaim their original name

An adopted person who wants to take back his or her first name can apply to the Swedish Tax Agency for a change of first or surname. Under section 10 of the Personal Names Act (2016:1013), an adopted person may change his or her surname to a double surname formed from the surname he or she bears and the surname borne before the adoption. This so-called family law acquisition is free of charge for the adopted person. It is not possible to change to a surname formed solely from the surname borne before the adoption, through a family law acquisition.¹¹ After an adoption, the adoptive parents are legal parents and the family law link to the biological parents is lost.¹² If an adopted person wishes to change to a surname previously borne by the person, this can be done through an administrative change.¹³ However, an application fee of SEK 1 800 is payable. It is possible to apply for a fee waiver. The Swedish Tax Agency does not always have information about the surnames a person has previously had. Applicants must therefore in some cases prove their connection to the surname applied for¹⁴.

Some adoptees have only been registered with their Swedish name in the population register of their country of origin, which means that their original identity has been erased. According to Chileadoption.se, adoptees from Chile have major problems reclaiming their original name from the Swedish Tax Agency because they do not have an original birth certificate to prove their name change. According to the Swedish Tax Agency, there may be situations where it may be difficult for the individual to reclaim their original surname. The adopted person must be able to prove that they have carried the name. The Swedish Tax Agency makes an overall assessment of the documentation submitted by the adopted person¹⁵.

¹¹ 9 § PNL.

¹² Chapter 4, Section 21 of the Parental Code.

¹³ 19 § PNL.

¹⁴ E-mail to the Adoption Commission from the Swedish Tax Agency 2024-05-20.

¹⁵ E-mails to the Adoption Commission from the Swedish Tax Agency 2024-05-20 and 2025-03-06.

Adopted persons belonging to a minority or an indigenous people have lost their cultural identity and specific rights

Adoptees belonging to a minority or an indigenous people have often lost their name, language and culture through adoption to Sweden. They therefore have very little chance of regaining their cultural traditions and identity as a minority or indigenous people. In cases where they do not have the surname of their original parents on their birth certificate, it can be difficult both to regain their original surname in Sweden and to regain their special rights as belonging to an indigenous people in their country of origin. Adoption is the child protection measure most likely to deprive minority and indigenous children of their special rights¹⁶

7.7 Sweden should ratify the Convention for the Protection of All Persons from Enforced Disappearance

The investigator's assessment: There have been adoptions to Sweden that may fall within the definition of enforced disappearance under the Convention for the Protection of All Persons from Enforced Disappearance. For example, children have been abducted from maternity clinics or hospitals where the parents have been informed that the child has died, children have been abducted when they have been placed in orphanages or hospitals for temporary care, or children have been abducted in other ways. There is a specific responsibility under the Convention to investigate adoptions that have taken place through enforced disappearance and to provide redress to the victims.

The investigator's proposal: The government should speed up the process of ratifying the Convention for the Protection of All Persons from Enforced Disappearance.

⁽¹⁶⁾H. Hahn and V. Sinha (2018), *Adoption Protections for Indigenous Children in Canada*. Canadian Child Welfare Research Portal.

7.7.1 Sweden has not ratified the Convention for the Protection of All Persons from Enforced Disappearance

The Convention for the Protection of All Persons from Enforced Disappearance, abbreviated UNCED, entered into force on 23 December 2010 and prohibits enforced disappearances, which in their organized form are considered crimes against humanity. The purpose of the convention is to prevent, investigate, prevent and compensate victims who have been abducted against their will. Sweden signed the Convention on February 6, 2007 but has not ratified it. Prior to a possible ratification of the Convention, the Government has assessed that an analysis of a possible legislative need is required. The issue is currently being prepared within the Government Offices.¹⁷Norway ratified the Convention in 2019, Denmark ratified the Convention in 2022 and Finland in 2023.¹⁸

7.7.2 Illegal adoptions can be a form of enforced disappearance

Illegal adoptions can be a form of enforced disappearance, for example illegal adoptions in the context of armed conflicts or dictatorships such as in Argentina during military rule or in Spain during the Franco era when children of the opposition were taken away from their parents and adopted by pro-regime families. Other examples include the illegal adoptions of indigenous children in Australia and North America. In 2021, the Committee on Enforced Disappearances (CED) called on Switzerland to conduct thorough and impartial investigations to determine whether children adopted from Sri Lanka in the 1980s and 1990s may have been victims of enforced disappearance or other crimes.¹⁹The Committee's statement is unique in two ways. First, because it is the first time a UN body has called on a recipient country to investigate historical intercountry adoptions.

¹⁷ *Government strategy for national human rights work*. Skr. 2016/17:29, s. 44.

¹⁸ Office of the High Commissioner. *Status of Ratification Interactive Dashboard*: <https://indicators.ohchr.org/>.

¹⁹ Committee on Enforced Disappearances (CED), *Concluding observations on the report submitted by Switzerland under Art. 29 (1) of the Convention*. CED/C/CHE/CO/1, 21 May 2021, p. 40.

against Argentina, for example, was not an expression of political repression. The Vice-Chair of the Committee put it this way:

Here we are faced with another type of illegal adoption such as forced disappearance, which is rather linked to organized crime with few or no political motives, although it is sometimes a thin line.²⁰

Not all cases of illegal intercountry adoptions fall within the definition of enforced disappearance. It covers, for example, children unlawfully given up for adoption when they have been temporarily placed by their families for care or schooling, children abducted while at a market or playing outdoors, and children taken from maternity clinics or hospitals where the parents have been told that the child has died. However, it does not cover other types of illegal or unethical behavior, such as parents being paid to give the child up for adoption or being persuaded to give the child up for adoption. Nor does a breach of the principle of subsidiarity fall within the definition of enforced disappearance. Furthermore, an enforced disappearance under the Convention can only occur if a State actor was involved, either through authorization, support or consent.²¹

7.7.3 The government should speed up the process of ratifying UNCED

As explained in Chapter 6, there have been adoptions to Sweden which may fall within the definition of an enforced disappearance under the Convention. The Convention is of great importance to the victims of illegal adoptions as it imposes specific requirements on States Parties to investigate adoptions effected through enforced disappearance, to restore the correct identity and to provide redress to the victims. In the most recent review of Norway, the CED recommended that Norway establish specific procedures to review and, where appropriate, annul adoptions, placements or guardianships of children that have taken place following an enforced disappearance and to restore the identity of the persons concerned.

²⁰ Adoption Commission translation.

⁽²¹⁾ E. Loibl (2024), *Receiving states obligations in the aftermath of illegal intercountry adoptions as enforced disappearances*. In E. Loibl and D. M. Smolin (eds), *Facing the Past. Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, pp. 284 ff.

I therefore call on the government to speed up the process of ratifying the UNCED.

7.8 A public apology to adoptees and their families

The investigator's assessment: A continued process requires that the state recognizes the human rights violations that have occurred in the Swedish international adoption activities and the consequences this has had for those affected.

The investigator's proposal: The Government shall without delay initiate a dialogue with organizations and networks for adopted persons and their families on the conditions and forms for public recognition and an apology.

7.8.1 Limitations of the mission

According to the terms of reference, the investigator should not propose financial compensation or other redress to individuals who have been affected. However, the word reparation is often used synonymously with the word redress and is about acknowledging what has happened and, as far as possible, repairing the damage that has been done. I therefore believe that the establishment of this inquiry is a first step in the direction of redress (or reparation) for those affected by irregularities in their adoption and that the inquiry's conclusions and proposals are a second step in such a process.

7.8.2 Victims of irregular adoptions have the right to recognition and redress

In our interviews with adoptees, several have expressed the importance of recognition and apology from the responsible actors. Chileadoption.se has conducted a survey among its

²²Committee on Enforced Disappearances (CED) *Concluding observations on the report submitted by Norway under article 29 (1) of the Convention*. 24 October 2024. CED/C/NOR/CO/1, p. 50.

members who show that an apology is important. MFoF has also stated that many adopted persons want accountability, an apology from the state and for the state to take responsibility for ensuring that it does not happen again. Recognition is important both at the individual and group level. One of our interviewees says that it is important that the state acknowledges that this has happened. It is not something that some individuals "think or experience".

Several of our interviewees have stated that if there have been irregularities in the adoption, the adopted person should receive compensation, similar to the compensation received by those who were neglected in social care.²³ Chileadoption.se also believes that individuals should be able to claim damages from the state if it emerges that the state has been involved in irregularities. The issue of recognition and compensation has also been raised in interviews with adoptive parents. Representatives of the Adoption Commission's reference group have stated that they would like the Commission to propose that the government set up a redress inquiry similar to the one set up as a result of the inquiry into neglect in child welfare services²⁴

Under international law, victims of human rights violations are entitled to effective remedies and reparation. However, the 1993 Hague Convention does not provide specific standards for redress and compensation for illegal adoptions. However, the HCCH requires States to develop systems that enable adopted persons to seek justice and redress. The Joint Statement on Illegal Intercountry Adoptions by the UN Special Rapporteurs on Human Rights 2022 states that victims of illegal adoptions have a right to reparation.²⁵ Reparation may include

- Compensation for all economically assessable damage.
- Rehabilitation (medical and psychological care, legal and social services, advice and support).

²³The Act (2012:663) on compensation for abuse or neglect in social care of children and young people in certain cases.

²⁴SOU 2011:9 *Children let down by society - measures in response to abuse and serious neglect in social care*.

²⁵United Nations Human Rights Treaty Bodies. *Joint statement on illegal intercountry adoptions*. Published on September 28, 2022 and Committee on Enforced Disappearances. *Joint statement on illegal intercountry adoption*. CED/C/9. December 5, 2022.

- Public acknowledgement of the truth and public apology to the victims.
- Measures to ensure that this does not happen again.²⁶

Acknowledging or apologizing for irregularities in international adoptions

Sophie Withaecx²⁷ describes how responsible actors often reject reports of irregularities in intercountry adoptions as inconsistent with their understanding of intercountry adoption as something that only happens out of good intentions. Respondents often dismiss the data by attributing irregularities to adoptions that have occurred in the past or by discrediting the reports, for example by saying that they are based only on complaints from a minority of dissatisfied adoptees or that the reports are based on inaccurate data. Stakeholders are quick to emphasize that their activities are legally secure, that irregularities are a thing of the past and no longer occur after the 1993 Hague Convention, and that it is unfair to "punish" them for actions that have²⁸ nothing to do with them

There have been cases of public acknowledgement and apology to the victims

There are few examples where any form of recognition or redress has been offered by the governments responsible for intercountry adoptions.²⁹ In the fall of 1998, South Korean President Kim Dae Jung invited 29 adoptees from eight different countries, including Sweden, to South Korea. In a speech, he apologized to the 150,000 people adopted from South Korea at that time for the extensive

²⁶United Nations Human Rights Treaty Bodies. *Joint statement on illegal intercountry adoptions*. Published on September 28, 2022, and Committee on Enforced Disappearances. *Joint statement on illegal intercountry adoption*. CED/C/9. December 5, 2022, p. 17.

²⁷ Sophie Withaecx is Assistant Professor of Philosophy at Maastricht University.

⁽²⁸⁾ S. Withaecx (2024), *The Baby and the bathwater: resisting adoption reform*. In E. Loibl and D. M. Smolin (eds), *Facing the Past. Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, p. 268.

²⁹In contrast, several countries have apologized for national forced adoptions, such as Australia.

adoption activities.³⁰The government then took various measures to enable intercountry adoptees to visit South Korea and to promote language programs and cultural activities.³¹In March 2025, South Korea's Truth and Reconciliation Commission presented the results of a nearly three-year investigation into South Korea's intercountry adoption activities. The Commission found that the human rights of adoptees, as enshrined in the Korean Constitution and international conventions, have been violated in intercountry adoption activities. The Commission therefore calls on the Korean government to apologize to the victims and to provide "remedies for victims whose identities were falsified"⁽³²⁾

In line with the recommendations of the so-called Joustra Committee, the Dutch Minister of Justice, at a press conference in 2021, acknowledged the harm caused to victims by illegal international adoptions and apologized:³³

Adoption abuses came to light in the 1960s. But the Dutch government has failed to fulfill its obligations. The government did not do what could be expected of it. It should have taken a more active role in preventing abuse. This is a painful finding. Apologies are in order, and I therefore ask today
apologize on behalf of the government to the adoptees.³⁴

The Minister also announced a moratorium on international adoptions. Furthermore, the Minister stated that the Dutch government has a moral responsibility to support adopted persons and therefore promised to set up a special expert center for adopted persons³⁵as well as a reparation fund to compensate for the abuses caused by illegal adoptions³⁶.

⁽³⁰⁾T. Hübinette (2003), *The history of adoption from Korea. "A look at history"*. From S. Lindström and A. Trotzig, eds, *Finding Home. Adult adoptees from Korea tell their stories*.

⁽³¹⁾K. Lee (2024), *Pursuing truth, justice and rectification of the global orphan adoption system: the legacy of South Korea's case*. In E. Loibl and D. M. Smolin (eds), *Facing the Past Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, p. 96.

⁽³²⁾The Truth and Reconciliation Commission of the Republic of Korea. *Truth Investigation into Human Rights Violations in the Intercountry Adoption Process Due to the Governments Systematic Failure in Oversight and Management*. Press Release 2025-03-26.

⁽³³⁾D.Deijle (2024), *The struggle towards collective justice through financial compensation for intercountry adoptees in the Netherlands*. In E. Loibl and D. M. Smolin (eds), *Facing the Past. Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, p. 215.

⁽³⁴⁾ Adoption Commission translation.

⁽³⁵⁾ The INEA Expert Center was established in 2023.

⁽³⁶⁾ A. Cardarello (2024), *Obstacles in the search for origins and identities of Brazilian-israelis adopted through child trafficking*. From E. Loibl and D. M. Smolin (editors), *Facing the Past. Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, p. 146.

In 2025, the Swiss government acknowledged irregularities in the intercountry adoption business and regretted that the authorities had not fulfilled their responsibilities towards children and their families³⁷

7.8.3 The government should initiate a dialogue without delay on the conditions and forms of an apology

As noted in this chapter, the State has failed to protect the rights of the child in the intercountry adoption process. This means that the State must take responsibility for what has happened and take steps to ensure that it does not happen again. The proposals I make in Chapters 8 and 9, concerning the future organization of intercountry adoption and support for adoptees and their families, are important elements in continuing this process. These are measures aimed at repairing the damage that has been done and measures aimed at ensuring that it does not happen again.

As discussed in previous sections, financial compensation to the victims, public acknowledgement of the truth and a public apology are also usually part of a redress process.

Several of our interviewees have stated that an acknowledgement and apology is an important part of a healing process. A public apology can thus contribute to personal redress for those who have been affected by irregularities in their adoption. A public apology can also contribute to a general awareness that serious human rights violations have occurred in intercountry adoption. This is important because there is a tendency for all actors in intercountry adoption to downplay irregularities in adoptions by referring to the spirit of the times, that they did not know any better or that the adopted person still had a chance for a better life in Sweden. A public apology can thus be an important acknowledgement that an adoption that took place on illegal or unethical grounds causes real harm that requires redress - in the same way as other offending acts.

I believe that a continued redress process requires the state to recognize the human rights violations that have occurred

³⁷Swiss Government. The Federal Council. Press release *Federal Council to stop international adoptions*. 2025-01-29.

in Swedish international adoption activities and confirms that this has had consequences for those affected. The ultimate responsibility for what has happened rests with the state and the highest political power as representatives of the social collective. But there are several actors who have been responsible for the activities. It is therefore necessary for all the actors concerned to take active responsibility in the continued process, i.e. also the responsible authorities, authorized adoption organizations, free churches, courts and municipalities.

The government should therefore initiate a dialogue with organizations and networks of adopted persons and their families without delay on the conditions and forms of a public recognition and apology. Both the form and the content of a public apology need to be carefully anchored with adoptees and their families. It is therefore important to dedicate both time and resources to this process.

Whatever the form of a public apology, it is important that it is not just a symbolic issue but is accompanied by concrete measures. I would therefore like to emphasize the importance of the government and parliament urgently implementing the proposals I make to strengthen legal certainty and the child rights perspective in the adoption process and support for adopted persons. This applies not least to my proposals concerning support for tracing origins. The parents of those adopted in the 1960s, 1970s and 1980s are older and may soon be gone. So are other people who can contribute to the tracing process. Time for reunification is therefore running out for many. Sweden must take its responsibility now.

8 The way forward for international adoptions

8.1 The mission

According to the terms of reference, the Adoption Commission is to consider whether the current regulations, organization and processes within Sweden's inter-national adoption activities need to be changed or strengthened in order to further strengthen and ensure the child rights perspective and legal certainty. The commission will consider whether the possibility of individual adoptions should be limited and whether there is a need for the courts to develop their statistics on different types of adoptions.

The starting point of the investigator's work must be the rights of the child in accordance with the Convention on the Rights of the Child and the 1993 Hague Convention¹.

8.2 Current organization and responsibilities in intercountry adoption

8.2.1 Anyone wishing to adopt a child from another country must have consent and have completed parental training

Anyone wishing to adopt a child domiciled in another country must apply for the consent of the social services board and, prior to the adoption, attend a compulsory parental training course arranged by the municipality. This follows from Chapter 6, Section 12 of the Social Services Act (2001:453), abbreviated SoL.²The Agency for Family Law and Parental Support (MFoF) is responsible for the compulsory parental training material³and the guidance for those who lead the training. Some municipalities are responsible for

¹ Dir. 2021:95 *Sweden's international adoption activities - lessons learned and the way forward*, p. 12.

²Chapter 24, section 1 of the Social Services Act (2025:000), Bill 2024/25:89 *A preventive social services act - for increased rights, obligations and opportunities*.

³MFoF (2020), *Parenting through adoption. Training material for parent education*.

organize the training themselves or in cooperation with other municipalities.

Others refer, for example, to a course run by a study association. The social services carry out an investigation that forms the basis for the social committee's decision on consent. MFoF has issued general advice on the handling of intercountry adoption cases by the social services board⁴ and published a supplementary handbook for social services professionals working with intercountry adoptions.⁵ Today, there is no uniform and scientifically based investigation method and therefore different municipalities have developed different ways of conducting consent investigations, often based on questionnaires originally developed for other purposes and their own interview forms. The assessment often includes interviews based on the applicant's own life stories, genograms and network meetings. According to the MFoF, there is a strong need for specific, tested investigation and assessment tools for consent investigations, given the special requirements of adoptive parents⁽⁶⁾.

The primary purpose of the consent investigation is to provide a basis for the social welfare committee's decision on the applicant's eligibility and suitability as an adoptive parent. If the applicant is not deemed suitable, the applicant will not be granted consent, and further purposes will automatically fall away. If the applicant is granted consent, the assessment report should also serve as an adequate basis for the foreign intermediary to select the parents of a particular child.⁷ The responsible persons in the child's country of origin need information about the characteristics and background of the applicants in order to select the most suitable parents for a particular child. In addition, the consent assessment and the related interviews contribute in themselves to the applicant's preparation for adoption, so that it can be as successful as possible⁽⁸⁾.

Extended consent assessment when the child is known

If the child is known at the time of the consent investigation, the applicant's suitability must be assessed in relation to the individual child and the adoption must otherwise be assumed to be in the best interests of the child, a so-called extended

⁴The Agency for Family Law and Parental Support's general advice (HSLF-FS 2022:25) on the handling of intercountry adoption cases by the social welfare board.

⁵MFoF (2022), *International adoption - Handbook for social services*.

⁶MFoF (2022), *International adoption - Handbook for social services*, p. 39 f.

⁷Prop. 2003/04:131 *International adoption issues*, p. 58.

⁸MFoF (2022), *International adoption - Handbook for social services*, p. 37.

The investigator shall find out whether the applicant has the necessary prerequisites to meet the special needs of an adopted child and whether there are risk factors that are of significance for an assessment of the applicant's ability to meet these needs. If the investigator finds that the applicant is suitable, the next step is to assess suitability in relation to the specific child¹⁰.

Under Article 16 of the 1993 Hague Convention, it is the foreign Central Authority which bears the primary responsibility for assessing the child's situation and needs. However, according to the MFoF, some responsibility for assessing the child's situation and needs also rests with the social welfare committee. The regulations state that the applicant is normally expected to provide documentation for the assessment.¹¹ If the applicant intends to carry out an adoption mediated by an authorized adoption association and the applicant has already had contact with such an association, it may, according to MFoF, in some cases be sufficient for the social welfare board to take note of the association's material in order to assess whether the adoption can be assumed to be in the best interests of the child.¹²

If the applicant intends to proceed with an individual adoption, he or she will have to provide supporting documents, such as certificates and reports from the authorities in the country of origin. The investigator should contact the child and the child's guardians to check that there is consent to the adoption. The difficulty, however, is to know how to evaluate the information from the different sources and what can really be obtained about what is in the best interests of the child. The child may feel strong loyalty to the decision made about his or her future and may not want or dare to express his or her own wishes and views. In some cases, the child has parents as well as siblings or others who can take care of him or her, and the child has no desire to break away from his or her context. The provision in Chapter 6, Section 12, second paragraph of SoL¹³ aims to reject adoptions that are not in the best interests of the child at the earliest possible stage, for example if the child has a functioning family situation in the home country. When the application concerns a relative's child, the Social Welfare Board sometimes considers that an adoption is not appropriate because the child has relatives in the home country.

⁹ Chapter 24, section 1, third paragraph of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

¹⁰ MFoF (2022), *International adoption - Handbook for social services*, p. 44.

¹¹ Prop. 2017/18:121 *Modernizing adoption rules*, p. 176.

¹² MFoF (2022), *International adoption - Handbook for social services*, p. 80.

¹³ Chapter 24, section 1, third paragraph of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

Nevertheless, the Social Welfare Board needs to examine the suitability of the applicant and not limit itself to an assessment of whether the child should be considered available for adoption. If the country of origin is a party to the 1993 Hague Convention, this assessment must be made by the authorities of the country of origin in accordance with Article 16¹⁴.

8.2.2 As a rule, international adoptions should be mediated through an authorized organization

As a general rule, anyone wishing to adopt from abroad must use an adoption organization authorized by MFoF, which assists the applicant in the adoption process and handles all contacts with the country, Section 4 of the Act (1997:192) on International Adoption Mediation, abbreviated LIA.

Adoption mediation should be done with the best interests of the child as the main benchmark

Authorization from the MFoF is required to work with international adoption mediation in Sweden. A person who mediates intercountry adoption without authorization can be fined (15 § LIA).

Sweden authorization

Authorization to work with international adoption mediation in Sweden, so-called Sweden authorization, may only be granted to associations whose main purpose is to mediate international adoptions (§ 6 LIA). The association may also engage in certain assistance activities, provided that such activities are not likely to jeopardize confidence in adoption activities. Authorization may only be granted if it is clear that the association will mediate adoptions in an expert and judicious manner, without profit motive and with the best interests of the child as the primary benchmark. The requirement that the intermediation is carried out in an expert manner should include that the association

¹⁴MFoF (2022), *International adoption - Handbook for social services*, p. 80 f.

the association complies with both Swedish law and the rules of the country of origin in its activities¹⁵.

Authorization also requires that the association has a board of directors and auditors, as well as statutes that mean that the association is transparent (Section 6 LIA). Swedish authorization is valid for a maximum of five years (7 § LIA).

Foreign authorization

Under section 6a of the LIA, an authorized association may be granted authorization to mediate adoptions from a certain country, a certain part of a certain country or a certain adoption agency in a country, so-called intercountry authorization, provided that

1. the other country has an adoption law or other reliable regulation of intercountry adoption that takes into account the basic principles of intercountry adoption as expressed in the UN Convention on the Rights of the Child and in the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption,
2. the other country or part of the other country has a functioning administration for intercountry adoption activities,
3. it is clear that the association will arrange adoptions from the other country or part of the other country in a professional and prudent manner, on a non-profit basis and with the best interests of the child as a primary consideration,
4. the association reports the costs in the other country and how they are distributed,
5. it is considered appropriate, taking into account the costs and other circumstances, for the association to initiate or continue adoption cooperation with the other country, and
6. activities other than international adoption mediation carried out by the association do not jeopardize confidence in adoption activities.

¹⁵Prop. 1996/97:91 *International adoption issues*, p. 79.

An association which has been authorized to operate as an intercountry adoption service provider in another country or part of another country, or with a particular adoption contact in another country, may operate in that country only if the competent authority of the other country has given its consent or has declared its willingness to accept the association's activities in that country.

In cases of authorization, the MFoF shall consult with the Swedish mission abroad in the other country, unless it is clearly unnecessary, and if necessary with child rights organizations operating in the other country.

Foreign authorization is valid for a maximum of two years. If a new application has been submitted to MFoF before the previous authorization has expired, the previous authorization decision applies pending a decision from MFoF. The authorization may also be subject to other conditions that are relevant to the conduct of the business, such as what shall apply to the payment of fees and accounting (Section 7 LIA).

In 2024, AC and BFA together had authorization to work with adoption mediation in 12 countries, compared to 14 countries in 2023, 15 countries in 2022 and 18 countries in 2021. The change over the years is due, among other things, to the fact that MFoF has assessed that some countries do not meet the legal requirements for cooperation and therefore has not granted the application for authorization, but also because the organizations have not applied for renewed authorization for certain countries.

The organizations are obliged to inform MFoF of matters that may be of importance to the intermediary activities

An authorized adoption organization shall promptly notify MFoF of any changes in the organization's activities in Sweden and abroad, as well as any changes in political, legal or other conditions abroad that may be of significance to the agency's activities (section 8a of the LIA). The purpose of the provision is to ensure that the adoption authority quickly receives the information needed for supervision.¹⁷ According to MFoF's supervision report 2023 for AC, the organization has a routine of reporting deviations if something occurs that concerns the mediation activities abroad.¹⁸

¹⁶ MFoF, Annual Report 2024, p. 53.

¹⁷ Prop. 2003:04:131 *International adoption issues* p. 44.

¹⁸ MFoF (2023), *Supervision Report 2023 Adoption Center*, p. 15.

Adoption agencies may charge a fee to applicants for adoption services

In order to cover the costs of its activities, an accredited adoption organisation may charge reasonable fees to applicants for adoption intermediation (section 7(2) of the LIA). No undue financial or other profit may be made in connection with intercountry adoption intermediation. An authorized adoption agency must declare the costs incurred in the other country and their breakdown (section 6(a)(4) of the LIA). It must be clear how the fees are used by the foreign agency contact, so that it is clear what the adoptive parents are paying for. The financial statement should be detailed enough to show which costs are directly related to the adoption and which are not, in order to enable the adoption authority to review the activities and to assess whether the costs can be considered reasonable.¹⁹The travaux préparatoires state that reimbursement should be possible for costs related to a specific child and to cover a reasonable part of the orphanage's running costs or other administrative costs associated with the intercountry adoption activities. However, there must not be a risk that international adoption activities provide such great benefits that a dependency on income from such activities is created in the country of origin.²⁰MFoF may, by virtue of Section 7 of the LIA, set conditions and instructions for how and to what extent reporting is to be done.²¹

In 2019, between 83% and 93% of the agencies' revenue was made up of fees paid by applicants to cover the costs of adoption.²²In 2024, just over 50% of AC's revenue was made up of fees paid by applicants to cover the costs of adoption.²³

MFoF pays out a government grant

MFoF is tasked with distributing government grants to Swedish authorized adoption organizations in accordance with the Ordinance (2008:1239) on government grants to authorized adoption organizations and

¹⁹ Prop. 2003/04:131, p. 39.

²⁰ Prop. 2003/04:131 p. 41.

²¹ Prop. 2003/04:131 p. 80.

²² State Treasury (2021), *Organization of international adoption activities*, p. 53.

²³ AC. *Answer to question 6-13*. Received by the Adoption Commission on 2025-02-11.

to national organizations for adoptees. According to the letter of appropriation for 2024, the MFoF was allowed to pay out a maximum of SEK 1 800 000 in government grants²⁴.

The government grant is a financial support for the adoption organizations' work with adoption mediation. The grant is distributed in accordance with the Government Grants Ordinance and, in accordance with this, no organization has received more than SEK 10,000 in government grants per average number of mediated adoptions over a two-year period. The model has meant that MFoF has not been able to distribute the entire government grant because the number of mediated adoptions has been low.²⁵ Government grants cover between 4 and 6 percent of the adoption organizations' income.²⁶

Anyone who adopts a child through an adoption organization can receive an adoption grant

Anyone adopting a child from another country can receive an adoption grant of SEK 75 000 per child via the Swedish Social Insurance Agency. To be eligible for adoption allowance, the adoption must be approved by the MFoF, a Swedish court or a foreign court in a country that is a party to the 1993 Hague Convention, and mediated by an authorized adoption organization. The child must be a foreign citizen, not be resident in Sweden when the adopters take him/her into their care and not have reached the age of 10 (Chapter 21 of the Social Insurance Code).

There are two authorized adoption organizations in Sweden

There are currently two adoption agencies in Sweden. These are Adoptionscentrum (AC) and Barnen Framför Allt (BFA). AC is allowed to mediate adoptions from seven countries: Colombia, India, Montenegro, Serbia, South Africa, Taiwan and Thailand.²⁷ BFA is allowed to mediate adoptions from four countries: India, Taiwan, Thailand and the Czech Republic. In the fall of 2024, the BFA's Board of Directors decided to close the agency.

²⁴ MFoF (2024), Annual Report 2024, p. 58.

²⁵ MFoF (2023), *Annual Report 2023*, p. 63.

²⁶ State Treasury (2021), p. 53.

²⁷ On 20 March 2024, the MFoF decided to grant the AC's application for authorization to finalize three cases of intercountry adoption mediation in South Korea that are pending with the AC at the time of the decision. The authorization is valid for the period 20 March 2024-18 July 2025.

8.2.3 MFoF can give permission for individual adoption in individual cases

As stated above, the main rule is that anyone wishing to adopt a child from another country must use an authorized adoption organization. However, exceptions to this main rule may be made in individual cases of adoption of a relative's child or where there are otherwise special reasons for adopting without the intermediation of an authorized adoption organization, so-called private adoption (Section 4 LIA). In the case of an individual adoption, it is the applicant's own responsibility to carry out the adoption in accordance with the rules that apply in Sweden and in the country of origin.

In such cases, the MFoF shall examine whether the procedure is acceptable. That the procedure is acceptable means that the MFoF must examine both that the child is a relative or that there are special reasons and that the method of mediation is reliable. According to the preparatory works, the concept of a relative's child should be given a broad interpretation. It covers not only biological relatives but also, for example, relatives by marriage. Furthermore, reference should be made to the concept of relative in other legal systems, where it may be broader than in Sweden.²⁸ Examples of special reasons may be that the applicant has lived, worked in or originated in the other country. Other similar special relations to the country of origin may also constitute special grounds²⁹.

The assessment is only made when the social welfare committee has given its consent in accordance with Chapter 6, Section 12 SoL.³⁰ In this context, MFoF shall not assess the suitability of the applicant or whether the adoption is in the best interests of the child.³¹ The preparatory works state that the purpose of assessing the reliability of the mediation method is to avoid undesirable elements in the adoption business, such as child trafficking.³² It is also stated that there is no actual mediation in adoptions where the applicant already has a relationship with the child to whom the adoption relates.³³ MFoF considers that the provision is unclear as there are no criteria for what is to be considered part of an acceptable procedure. In order to strengthen legal certainty and better take into account the children's rights perspective in individual adoptions, the authority has in recent years broadened the review framework and deepened its investigations prior to a decision on individual adoption. MFoF examines what the matching procedure looks like in the country, how

²⁸ Prop. 1996/97:91 s. 78.

²⁹ Prop. 1996/97:91 s. 64.

³⁰ Chapter 24, section 1 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

³¹ Prop. 1996/97:91 s. 78.

³² Prop. 1996/97:91 p. 50 f.

³³ Prop. 2017/18:121, p. 110.

the child becomes available for adoption, the country has legislation requiring the mother's consent after the birth of the child, and the level of corruption in the country.³⁴ Nowadays, the MFoF also carries out some assessment of the acceptability of the procedure in the case of private adoption of a relative's child.³⁵

The assessment must be carried out before the child leaves the country of origin (§ 4 LIA). The legal situation is unclear as to whether the application must be made before the foreign adoption decision is issued or whether it is sufficient that the application is made before the child leaves the country. However, MFoF interprets the provision as meaning that the authority must have made the decision on individual adoption before the adoption has been finalized in the other country. If an adoption decision has already been made abroad when the review under section 4 of the LIA is to be carried out, it therefore generally entails a rejection of the application for adoption.³⁶ Such a rejection decision has been appealed and the Supreme Administrative Court (HFD) has granted leave to appeal to the Administrative Court of Appeal. The Supreme Administrative Court notes that there are no guiding decisions on whether the application must be made before the foreign adoption decision is issued or whether it is sufficient that the application is made before the child leaves the country.

A person who arranges for the transfer of a child for adoption from the country of residence without the MFoF having examined the intermediation route may be fined (section 15 of the LIA).

8.2.4 Consent for the adoption procedure to continue

When a particular child has been proposed for adoption, the social welfare committee shall promptly and no later than within two weeks of the prospective adoptive parents having submitted a notification to this effect consider whether consent should be given for the adoption procedure to continue (Chapter 6, Section 14 of the Social Welfare Act).

³⁴ Meeting with MFoF 2024-08-24.

³⁵MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process*, p. 12.

³⁶MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process*, p. 13.

³⁷Decision of the Supreme Administrative Court on leave to appeal to the Administrative Court of Appeal. Case: 2473-24.

³⁸Chapter 24. Section 5 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

meeting in connection with the social welfare committee's consideration of whether to give consent for the adoption procedure to continue.³⁹

The provision aims to meet the requirement under Article 17(c) of the 1993 Hague Convention that, before the child leaves the country of origin, a final check must be made in each country to determine whether the conditions for adoption are met. This examination only becomes relevant when a particular child in the State of origin has been proposed for adoption to certain applicants in the receiving State and the prospective adopters agree to the adoption. A decision must then be taken in both countries as to whether the adoption procedure may continue. The examination of whether the procedure may continue is required even if an extended consent examination has been carried out and irrespective of whether or not the child proposed for adoption originates from a country that is a party to the 1993 Hague Convention⁴⁰.

The provision is of central importance for the possibility of directly upholding the adoption prerequisites of Swedish law even when the actual adoption decision is to be made in another convention country (normally the child's country of origin). The preparatory works state that there is an obvious risk that the law of the country of origin is not consistent with Swedish law - particularly as regards the mother's consent and the timing of it. This is particularly important when the adoption is to be decided by a Swedish court, as the application will always be examined under Swedish law. If the law of the State of origin is not compatible with Swedish law, there may be grounds for the competent Swedish authority to refuse to give its permission under Article 17(c) for the proceedings to proceed. This may be the case if the consent(s) given do not meet the requirements of the Parental Code, for example that the mother's consent was given immediately after the birth.⁴¹ The examination of the applicant's competence and suitability to adopt the specific child of whom the applicant is proposed to be the adoptive parent involves, inter alia, a check of whether the applicant's consent to adopt contains limitations, for example whether the applicant's suitability has been examined only in relation to adopting a child of a certain age

³⁹The Agency for Family Law and Parental Support's general advice (HSLF-FS 2022:25) on the handling of intercountry adoption cases by the social welfare board.

⁴⁰ Prop. 1996/97:91 p. 61 and Prop. 2017/18:121 p. 103.

⁴¹ Prop. 1996/97:91 s. 67.

⁴²MFoF (2022), *International adoption - Handbook for social services*, p. 96.

The social welfare committee must review the adoption documents and ensure that there is consent

According to the recommendations of the Hague Conference on Private International Law (HCCH) 2023, when considering the continuation of consent, States Parties have a responsibility to examine carefully all the adoption documents, in particular as regards, inter alia, the identity of the child, the adoptability of the child and the considerations made regarding the principle of subsidiarity. If there are any ambiguities in the child's documentation, continued consent should not be given without further investigation⁴³.

Consent must be given within two weeks

Consent must be given within two weeks, but this period may be extended if there are exceptional reasons. However, neither the preparatory works nor practice indicate what could be such special reasons, but according to MFoF, an extension should be relevant if there are serious doubts about giving consent and this requires an investigation. The time limit was introduced because adoption organizations in their consultation responses expressed concern that the decision would take longer and thus complicate or jeopardize the adoption⁴⁴.

8.2.5 The adoption decision

There are different grounds for the validity of a foreign adoption decision in Sweden. An adoption decision made in accordance with the 1993 Hague Convention is automatically valid in Sweden.⁴⁵ An adoption decision made in another Nordic country may also be automatically valid in

⁴³HCCH (2023), *Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption*, p. 162 f. and MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process*, p. 9.

⁴⁴ Prop. 1996/97:91 s. 62.

⁴⁵The other country must be a party to the 1993 Hague Convention and the rules of the Convention must have been complied with for this to apply. Foreign adoption decisions from countries acceded to the 1993 Hague Convention that have not complied with the Convention are not automatically valid in Sweden. This may occur when one or both adoptive parents are citizens of the child's country of origin and are therefore allowed to carry out a national adoption in the other country, even though they are resident in Sweden and the rules on international adoption should in fact have been followed. In such a case, the adoption decision does not become valid in Sweden other than by decision of the MFoF in accordance with Section 5, second paragraph, LAIS. This requires exceptional reasons.

Sweden under the Ordinance (1931:429) on certain international legal relationships concerning marriage, adoption and guardianship. A foreign adoption decision may also be automatically valid in Sweden under the rules of the Act (2018:1289) on Adoption in International Situations, abbreviated LAIS. Swedish authorities may refuse to recognize a foreign decision that is contrary to public policy, i.e. if recognition would be manifestly incompatible with the foundations of the Swedish legal order (Section 8 LAIS).

If there is no valid foreign decision on adoption, a Swedish court must make a decision on adoption. The basic substantive provisions on adoption are contained in Chapter 4 of the Parental Code. These provisions apply regardless of whether the adoption is national or international. The court examining an application for adoption must ensure that the case is adequately investigated (Chapter 4, section 13 of the Parental Code). If the application relates to the adoption of a child, the court shall instruct the social welfare committee to appoint someone to carry out an adoption investigation. The court shall set a time limit within which the investigation must be completed. If necessary, the court may extend this time. The court shall ensure that the investigation is conducted expeditiously.

The court may lay down guidelines for the adoption investigation (Chapter 4, section 14 of the Parental Code). See section 5.4.7 for more information on the courts' investigative responsibilities.

If the person whom the applicant wishes to adopt is not a Swedish citizen and does not have a permanent residence permit or permanent right of residence in Sweden, the court shall obtain an opinion from the Swedish Migration Board, unless it is unnecessary (Chapter 4, Section 17 of the Parental Code).

Before the adoption is decided in a Swedish court, and if the child is in Sweden, the social services have the same obligations towards the adoptive parents and the child as in relation to children in a family home. The social services have a follow-up responsibility under Chapter 5, Section 1, point 9 SoL.⁴⁶ In order to fulfill this responsibility, the social services need to have contact with the family after the child has arrived. The Social Welfare Board must also monitor that the adoption is completed.⁴⁷ Until the Swedish decision on adoption is made, the child needs a legal representative. This can be in the form of a guardian or specially appointed guardian⁴⁸.

⁴⁶ Chapter 18, Section 10 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

⁴⁷ MFoF (2022), *International adoption - Handbook for social services*, pp. 100 and 105.

⁴⁸ MFoF (2020), *Parenting through adoption. Training material for parent education*, p. 26.

8.3 International adoptions fall sharply

8.3.1 In 2024, 54 children were adopted to Sweden

Sweden has long been one of the largest receiving countries in terms of international adoptions in relation to population. In Sweden, there are approximately 60,000 people who have been adopted from another country.

Over the last 15 years, the international adoption business has undergone a major change as the number of intercountry adoptions worldwide has declined sharply. In the early 2000s, around 1,000 children arrived in Sweden each year through the authorized associations, but in recent years the number has dropped drastically. In 2024, 54 children arrived in Sweden for adoption purposes through the Swedish adoption organizations (compared to 73 children in 2023). 36 adoptions were mediated through AC and 18 were mediated through BFA.

MFoF has no overall statistics on how many international adoptions have been carried out in addition to those mediated via the auctioned organizations. In 2024, 19 applications for individual adoption were received, compared with 30 applications in 2023 and 29 applications in 2022.⁴⁹MFoF assumes that there is a hidden number of individual adoptions that should go through MFoF. They estimate that the hidden number may be at least as many cases as the individual adoptions that go through MFoF.⁵⁰

International adoptions will continue to decline

According to the State Treasury, the number of intercountry adoptions will continue to decrease.⁵¹According to the MFoF, the main explanation is improved socio-economic conditions in many countries of origin, which have led to increased opportunities for domestic child protection and more national adoptions. At the same time, the implementation of stricter international regulations and controls, aimed at ensuring ethical adoption processes, has resulted in more extensive and time-consuming adoption procedures.

⁴⁹MFoF. *Response to questions from the Adoption Commission*. Received by the Adoption Commission 2025-02-13.

⁵⁰ State Treasury, (2021) p. 78.

⁵¹ State Treasury, (2021) pp. 43, 60, 101 and 130.

⁵²MFoF (2024), *Annual Report 2024*, p. 55.

The decrease in the number of international adoptions is due to the opening of more opportunities for involuntary childless people to have children (such as IVF and surrogacy). Another reason is that some countries choose to stop international adoptions from their countries for political reasons. In addition, in recent years, there have been several reports of irregularities in international adoptions, which have sparked debate in many countries⁵³.

8.3.2 The last adoption organization may have to close down its intermediary activities in the near future

In 2022, Barnens Vänner Internationell Adoptions- förening wound up its activities. After several years of negative results and a continued decrease in the number of adoption applicants, BFA also decided in the autumn of 2024 to initiate a liquidation process. In Sweden, therefore, there will soon be only one active adoption organization left.

In MFoF's annual report for 2023, the authority states that the organizations' activities are in principle financed by adoption fees. As the number of mediated adoptions decreases, the organizations' financial situation also deteriorates. If the number of mediated adoptions continues to decline, the MFoF estimates that this may mean that the AC will also need to discontinue its mediation activities, or even its entire operations, within a few years.⁵⁴In February 2025, the MFoF stated that the AC had stated that it was in a financially strained situation. If the AC were to receive no new revenue, it has funds in reserve to cover just over one year of the organization's total costs. There is thus a risk that it may be difficult for the organization to retain existing staff and have sufficient funds to be able to wind down for a longer period of time without having to interrupt ongoing adoption processes.⁵⁵

AC has stated that their agency activities can "theoretically" continue as long as there is a need for international adoptions, interest from prospective adoptive parents⁵⁶and countries wishing to work with AC. The adoption fee is intended to cover the actual costs of

⁵³National Board of Health and Welfare (2022), *How health and social services meet adoption-specific needs of adoptees. Mapping and analysis*, p. 50.

⁵⁴MFoF (2023), *Annual Report 2023*, p. 60.

⁵⁵MFoF. *Response to questions from the Adoption Commission*. Received by the Adoption Commission 2025-02-13.

⁵⁶According to information provided by the AC to the Adoption Commission, they had 483 applicants on February 11, 2025.

costs, after government subsidies received, and must be adjusted as conditions change. From 2025, the AC has increased the adoption fee by SEK 50,000 to cover the actual costs of mediation, and the AC fears that more increases will be relevant. However, according to the AC, there is a limit to how high the fee can be per adoption before it becomes a financial barrier for large groups of applicants⁵⁷.

Responsibility if AC is also phased out

If the AC ceases its mediation activities, documentation of the mediation activities must be handed over to the MFoF (section 8b of the LIA). The MFoF will be responsible for examining the confidentiality and disclosure of adopted persons' documents⁵⁸.

According to MFoF, the agency does not have legal support to take over the responsibility for mediating adoptions, which means that AC must complete the adoptions that have been started in its liquidation plan. According to MFoF, the agency also does not have legal support to handle follow-up reports to the countries of origin. MFoF considers that under the 1993 Hague Convention there is no obligation for MFoF to provide other Central Authorities with follow-up reports. Nor does the social services have any obligation to write follow-up reports. According to MFoF, the follow-up reporting requirement is a commitment between the families and the country of origin⁵⁹.

Even if the AC winds up its intermediary activities, it can still remain as an organization and thus continue to carry out some of its duties, such as support to adopted persons and follow-up reports to the countries of origin.

8.4 An international comparison

This section compares the development and organization of intercountry adoption services in a number of other countries. The organization differs in the countries studied, but it is usually

⁵⁷ AC. *Answer to question 6-13*. Received by the Adoption Commission on 2025-02-11.

⁵⁸ State Treasury (2021), p. 66 f.

⁵⁹ MFoF. *Answers to questions raised by Children First during the digital meeting on September 24-25, 2024-10-11*, dnr AD 2024-1403.

call support. In June 2024, according to the pharmacy, the queue was 1-1 1/2 months⁵¹.

Varying perceptions of MFoF's existing call support

There are different perceptions of the counseling support offered by MFoF through Apoteksgården. MFoF's evaluation of the support shows that those who have taken part in the support are satisfied. The results of Apoteksgården's own online survey of all those who have taken part in the support show a high level of satisfaction with the support, especially in terms of the relationship with the therapist and the counseling methods. Many emphasized the importance of the therapist's adoption-specific skills. Participants highlighted the support as important for their well-being and relationship management, as well as for understanding and processing the emotional challenges of adoption. However, some participants wished for more structure and face-to-face meetings, as well as more flexibility in the timing of sessions⁵².

In a letter to the Adoption Commission, representatives of adoptees' associations and individual adoptees have expressed their views on the counseling support offered by Apoteksgården. It states that several adopted persons who have received counseling support consider that the support has been both problematic, unprofessional and sometimes has hurt more than it has healed. Several have felt that they needed to "educate" the therapists about adoption and racism, and sometimes also had to explain and convince them that racism exists. It is perceived as problematic that the company is owned and run by an adoptive parent and that MFoF, despite the fact that the authority is aware of the criticism directed at Apoteksgården, has chosen to give them continued confidence. Most participants also believe that the evaluations of the counseling support have been very inadequate.⁵³In November 2023, Chileadoption.se conducted a survey of its members, which showed that there was great dissatisfaction among the 18 people who had taken part in the counseling support.⁵⁴In Mattias Strand

⁵¹ Interview with Apoteksgården 2024-06-14.

⁵²MFoF. *Slutrapport Adoptionspecifikt professionellt samtalsstöd till adopadeade och adoptivföräldrar*. Government commission S2021/08111 (partial). December 2024, pp. 3, 8 and 13.

⁵³Letter received by the Adoption Commission on February 25, 2024. Samverkansgrupp Adopterade's associations and individuals' distrust and lack of trust in the Swedish Family Law and Parental Support Agency (MFoF). The letter is signed by, among others, representatives of AEF, AFO, chileadoption.se, TAR, AKF and SKAN as well as individuals.

⁵⁴Chileadoption.se "Report from survey to members of Chileadoption.se". Received by the Adoption Commission 2024-01-15.

and Natte Hillerberg's interview study on transnational adoptees' experiences and wishes for care and support in 2024, several participants in the study emphasized that knowing that adoption agencies and adoptive parents are involved in support efforts affects their confidence in the support.⁵⁵

Our interviews and focus groups also revealed mixed perceptions of the counseling support. The people who were positive felt that the counseling support had worked well, that they had received good "tools" and help with processing feelings of abandonment, for example. They also feel that they have received the time and opportunities for support that they needed. Other people express dissatisfaction with the counseling support. They have experienced a lack of competence or understanding of the problems experienced by adoptees. The criticism has also been about lack of accessibility - having to wait too long, being offered too few calls and that the counseling support is only offered digitally or physically in a few places in Sweden. A recurring objection has also been that counseling is not always enough, and that some people need to be offered therapy and treatment. Some have also expressed the criticism described above that Apoteksgården has too strong a connection to adoptive parents and that this may be a reason for not turning there for support.

Representatives of Apoteksgården confirm in an interview that they initially received a lot of criticism from some adoptees that someone who was an adoptive parent should not provide counseling to adoptees. However, according to Apoteksgården, the criticism comes from people who have not taken part in counseling, but have only had an initial contact about the counseling itself⁽⁵⁶⁾.

Overall, our picture is that the people who have taken part in the counseling support through Apoteksgården in many cases appreciate the support. However, other people choose not to use the counseling support because they have a lack of confidence in Apoteksgården. This is unfortunate, as it can entail a risk that individuals in need of support choose not to take advantage of the support offered.

⁵⁵ M. Strand and N. Hillerberg (2024).

⁵⁶ Interview with Apoteksgården 2024-06-14.

9.5.3 Future counseling support should be long-term, offer high competence and accessibility, and be based on freedom of choice

A future support service should offer a higher and broader range of expertise than today, be more accessible and give those who use the service the opportunity to choose from more providers. The support should be long-term and offer continuity.

The call support in Denmark allows target groups to choose from several PAS counselors located in different parts of the country

In our interviews with adopted persons and licensed psychotherapists with experience of offering counseling support to adoptees, several pointed to the PAS support (counseling support) offered through the Danish National Social Insurance Board. The principle of the Danish support is that it should be qualified, flexible and offer freedom of choice in different parts of the country.

The PAS support offered through the National Social Insurance Board was established in 2007. It currently includes counseling for individuals over 18 years of age and counseling groups for adults and for children under 18. They also offer support to adoptive parents and support to professionals. Support is offered to both national and international adoptees. It is not the responsibility of the regions to provide treatment, but is an adoption-specific complement. For the counseling support for adult adoptees, a limit of 8 counseling sessions per individual was initially set, but exceptions have been and are being made and some people have received up to 20 sessions or more.

The counseling support is offered through approximately 25 PAS counselors located in different parts of the country. PAS counselors are psychotherapists or psychologists with experience in the developmental needs of children and the adoption-specific needs of adopted children (e.g., attachment, trauma, etc.). Of the 25 counselors currently contracted, five are adoptees themselves and five are adoptive parents. The PAS counselor receives SEK 1,000 in compensation per counseling session through the National Social Appeals Board and the individual pays SEK 100.

Target groups for a future call support

The adoption-specific counseling should be offered to intercountry and national adoptees.

Individual counseling should be offered for adopted persons.

Unlike today, it will also be possible to offer counseling to adopted persons under the age of 15. The resource center may assess in each individual case what support is appropriate to offer based on the child's maturity. The child's own views and wishes are an important starting point in the assessment. The support should include a maximum of 12 sessions per individual over a continuous period. More sessions may be offered on a case-by-case basis. As the support is to be lifelong, the individual must be able to come back for new interviews. In a new phase of life or in connection with a particular event, new issues and needs for support may arise. In addition to individual counseling, counseling groups for adults and children should also be offered.

As today, the support should also include support for adoptive parents.

There have also been requests for counseling support for children of adoptees. However, the assessment is that it is important that resources are primarily directed to adoptees and adoptive parents as they are most in need of support. The support needs of adopted children can also be captured through the exchanges of experience and forums that the Resource Center will provide.

A future counseling service should offer a broader and deeper adoption-specific expertise and higher availability

Broader and deeper adoption-specific skills

According to our interviews and focus groups, there is a great need for counseling support. A counseling service must be able to offer adoption-specific expertise in several different areas and issues, such as attachment, trauma, identity and belonging, alienation and interpersonal relationships, racism and racialization. It is difficult for a single provider to meet all needs, as the counseling support currently offered by MFoF and Apoteksgården shows. The solution, as in Denmark, is to have several providers with different adoption-specific skills and experience offer the support instead. In this way, the

the interlocutory support as a whole can offer both broader and deeper adoption-specific expertise.

When we talk about competence here, we mean competence to respond to the different issues and challenges that individuals may have, such as attachment, trauma and racism. It does not refer to the training of individual providers or those offering counseling support. In Denmark, PAS counselors are licensed psychotherapists and psychologists. The requirement for licensed staff should also apply to the counseling support proposed here. In order to guarantee qualified counseling support, the provider should be required to ensure that the counselors are licensed by the National Board of Health and Welfare in a health profession. The license is a guarantee that the person offering counseling support has adequate training and the ability to assess when counseling support is not sufficient and then be able to refer the person on for more qualified care. Qualified health professionals have their own personal responsibility for how they carry out their work. The basis of their professional responsibility is to work on the basis of science and proven experience. Professional responsibility also means that healthcare professionals must report harm and risks of harm to the healthcare provider. Our interviews have also revealed different views on the importance of providers and professionals offering support having experience of being adopted themselves. Some believe it is important, while others instead see an advantage in talking to someone who does not have such experience. An important task for the resource center will therefore be to develop good requirements with relevant skills and experience requirements for the providers who will offer the call support. Representatives of the target group should be involved in this process.

As in Denmark, counseling support should be an adoption-specific complement to the regular care offered by the health care system. I am aware that there is a demand for counseling support that also includes trauma therapy and in-depth psychotherapy. However, the regions have overall responsibility for health care and must promote good health among the population. In addition, municipalities are responsible for some health care. There are risks involved in the state taking over some of the responsibility for health care for adopted persons. Firstly, it could lead to regions and municipalities relinquishing their responsibility and referring adopted persons to the resource center instead.

resource center is not included in the development of knowledge and the exchange of experience that takes place within the regular health care system. In the long run, this could lead to poorer care for adopted persons. Another objection is that it may be contrary to the Health Care Act (2017:30) and the ethical platform for ethical priorities, that the people with the greatest needs should be given the highest priority in health care.

Higher availability

Future counseling support must also be more accessible than what is offered today, so that more people can benefit from it. Accessibility is an important principle in the Danish model and can be offered in different ways. One way is geographical accessibility, i.e. that the support is physically available in several places in the country. This is achieved by offering the counseling support through several providers in different parts of the country. Accessibility can also be achieved through digital support, which is also offered today through Apoteksgården. Another way to increase accessibility is for more providers to offer call support, thereby reducing the risk of queues forming as they do today when more people request support.

The requirement for accessibility will also be an important issue for the Resource Center to address.

Long term and continuity

Another important aspect for future counseling support is that the support is made permanent in order to provide increased continuity both for those who use the support and the providers who offer the support. The counseling support that has been offered through MFoF since 2020 is based on assignments in the agency's appropriation directions for which the government has granted special funds. MFoF has had to relate to this both

in budgeting and procurement, resulting in short-termism. Offering adoption-specific counseling should therefore be a permanent task in the instructions of the authority that becomes the host authority for the resource center.

9.5.4 Call support should be based on freedom of choice

The current counseling support through MFoF is offered through a contracted provider who in turn offers several therapists that the target group can choose from. Although many people who have used the support are satisfied, there have also been comments that the support is not sufficiently qualified and accessible. There have also been queues and waiting times at the provider when the demand for support has increased. This shows the vulnerability of having only one provider.

The approximately 25 PAS counselors who are part of the Danish counseling support are not procured by the National Social Appeals Board, but are selected through a recruitment process. The Agency has been exempted from the procurement rules in order to be able to provide PAS support that is qualified, flexible and offers freedom of choice in different parts of the country. Counselors who are offered to be part of the PAS program sign a contract with the National Social Appeals Board for a certain period of time and receive compensation for the counseling hours they are hired. The contract can be extended.

Important parameters for the selection of providers in a future collaborative support are the adoption-specific competences of the providers and their geographical location in the country. Providers should be able to offer the different adoption-specific competencies needed collectively (not individually) and also offer support in different parts of the country. The resource center should provide information through its web portal about which providers and licensed staff are included, where they are located and what skills and experience they have so that the individual can choose the most suitable.

A further aspect that may be relevant to how freedom of choice can best be achieved is the possibility of bringing together the providers and the licensed staff who offer counseling support for exchange of experience and joint learning. This is an important part of the Danish model where a coordinator at the National Social Appeals Board regularly brings together the PAS counselors for supervision, training and knowledge exchange. The group has thus developed a common methodology and knowledge base owned by the PAS program at the National Social Appeals Board. A prerequisite for doing this is that the number of providers is not too large.

Freedom of choice can be achieved in two different ways

In order to clarify the prerequisites for offering a discussion support, we have been in contact with the Swedish Agency for Public Procurement and a procurement expert at the Swedish Association of Local Authorities and Regions (SALAR).

The conclusion from these contacts is that it is not possible, as in Denmark, to avoid advertising and competitive tendering to establish a call centre with several external providers. Another conclusion is that there are no obstacles to offering freedom of choice through several providers. The solution chosen by MFoF with the procurement of one provider is thus not the only option. On the contrary, there are several ways to achieve freedom of choice. It will be an important task for the resource center to test and choose the appropriate solution to best achieve a future call support that meets the requirements of competence, accessibility and freedom of choice.

Below we outline the two models that can be used to achieve freedom of choice, as well as the advantages and disadvantages of each.

The resource center procures the call support and selects providers that collectively offer a broad and deep expertise and geographical spread

This model is based on the Public Procurement Act (2016:1145) and involves a framework agreement procurement where the resource center selects a number of suppliers that meet the selection requirements and concludes a framework agreement. By using the allocation key "the individual chooses the supplier" in the procurement, the individual is given the opportunity to choose freely within the framework agreement. The resource center can choose the length of the contract within limits and it is possible to cancel both the framework agreement and the individual contract in relation to a supplier who significantly violates the conditions.

The advantage of this solution is that the resource center can select an appropriate number of providers, based on the requirements and criteria, who together can offer the skills and availability required. One requirement is that the providers and those who offer call support must be licensed for a healthcare profession. There must be no risk of rogue providers and unlicensed staff offering call support. The framework contract can be constructed in such a way (through allocation keys when an individual contract within the framework contract

the individual can choose freely among the providers included in the framework agreement. With an appropriate number of providers, the resource center can also coordinate the people offering the counseling support and develop a common methodology and knowledge base, thus developing the support according to the needs of the group according to the Danish model.

The disadvantages of this model are that it places great demands on the resource center to establish good selection and allocation criteria in order to achieve the desired breadth and availability of expertise.

There may be a risk that the Resource Center "misses out" on good suppliers by limiting the number of suppliers within the framework agreement. There is also some ambiguity in how selection and award criteria achieve geographical availability in different parts of the country.

Users choose from among the providers who meet the requirements and who want to offer call support

This model is based on the Act (2008:962) on Systems of Freedom of Choice (LOV). LOV is an alternative to procurement under LOU. LOV means free establishment of private providers after application and approval and means that the individuals who use the support can choose among the providers included in the system for counselling support.

Based on LOV, the Resource Centre sets requirements for the providers and what is to be offered within the counselling support. All providers who meet the requirements may participate and offer counseling support.

The advantages of the model are that it is based entirely on the principle of freedom of choice, where the individual can choose freely among the providers that meet the requirements. The Resource Center does not make a selection, but all providers who meet the requirements can join the system. This could open up more providers with different adoption-specific skills and possibly also support in more parts of the country.

The disadvantages are that there is a risk that it will be more difficult for the resource center to quality assure the providers who are included and who offer support. As described above, it is essential that those offering support are licensed. Apart from checking against the requirements in the tender documents and the possibility of exclusion, the resource center cannot select or exclude suppliers. If many providers want to offer support, it will also be more difficult for the resource center to coordinate

organize the providers to develop methods within the framework of the call support. Under the LOV, there is an obligation to provide information about all suppliers with which the authority has entered into an agreement. According to Chapter 9, Section 1 of LOV, the information must, among other things, be factual, i.e. competitively neutral, and not be to the advantage of one or more suppliers. This would mean that the resource center would not be able to select and gather the providers and the licensed staff who offer the support and who are most in demand, to offer guidance and knowledge exchange and thus develop the support based on the group's needs. The resource center also needs to offer a non-elective option, which may be contracted out. There is also some uncertainty as to whether counseling support can be covered by LOV.

9.6 The national resource center will provide forums and meeting places for adopted people and their families

The investigator's assessment: There is a great need for various forums and meeting places for adopted persons and their families. Meeting other people who share the same experiences can strengthen the sense of belonging and coherence and prevent mental illness. The existing meeting places and forums for adoptees today are not sufficient.

The investigator's proposal: The national resource center should offer various forms of physical and digital forums and meeting places for adoptees and their families. This could, for example, involve organizing lectures and meetings based on different themes and offering meeting places for social cohesion. It is important that the resource center pays particular attention to the needs and wishes of children and young people for the exchange of experiences and social interaction.

9.6.1 There is a great need for meeting places for adopted people and their families

Our interviews show that there is a great need for different forums for adopted people and their families to meet and share experiences with others. Meeting other people who share the experience of being adopted can strengthen the sense of belonging and coherence and prevent mental illness. Although both AC and several organizations for adoptees offer different types of lectures and social meeting places, there is a need for forums that do not require membership of an organization. The proposal is therefore that the resource center should offer various forms of easily accessible physical and digital forums and meeting places for adoptees and their families.

The National Resource Center will provide a positive and safe place where adoptees can be strengthened in their identity and given the space to feel proud of their origin in community with others. The Resource Centre can organize lectures and meetings on different themes where participants can share their own experiences and hear about others. Such events can be organized in different ways, for example by age, country of origin or continent. The Resource Centre can organize language cafés or meeting places for adoptees who want to learn a particular language, as well as provide tips on language training.

The resource center can also provide social gathering places where people can socialize, for example through activities that have nothing to do with adoption. As described above, it is important that there are forums to meet that are positive, constructive and forward-looking. It is important that the resource center pays particular attention to the needs and desires of children and young people to share experiences and socialize.

Culture plays an important role in people's health and well-being and therefore the resource center should also bring together adoption-related culture in areas such as music, dance, creative arts, theater, writing, film and photography.

The Resource Centre can also play an important role in coordinating and disseminating information about meetings and venues organized by other actors.

9.6.2 Physical and digital meeting places

In our interviews and focus groups, both younger and older adoptees asked for physical meeting places. One young interviewee believes that the most important support for adopted young people would be to feel a sense of community, to be able to mirror themselves in other adopted people and to share the experiences of others. They wish there was a place to go to meet other adopted children and young people, hang out and get to know each other as well as get information and facts about adoption, learn about the adoption process and how to find their roots. There could be a library of books with facts and autobiographies, play and craft rooms, discussion rooms and rest rooms. The person suggests that it could be gathered in an "Adoptees' House". But it could also be at leisure centres or within an organization such as Bris. The staff who meet the young people should be adopted themselves and not too far apart in age. They can be both young adults without special training and trained staff, such as counselors. In addition to being adopted, support providers should be knowledgeable, committed, active and outreaching. People should be able to ask questions about adoption and get answers, and have access to in-depth support. In a joint letter, organizations for adoptees have stated that there is a need for a library for literature, research and also artistic material linked to adoption issues ⁽⁵⁷⁾.

Although there is a strong desire for physical meeting places, there is also a need for digital meeting places. This is partly because some people prefer digital meetings, and partly for practical reasons of accessibility.

9.6.3 Volunteering as an "adopted buddy"

There are possibilities for the resource centre to engage unpaid volunteers in its activities (see section 9.7.6). In Belgium, the A-buddy project for and with adoptees started in 2018, established and supported by the Adoption Support Center. The project is realized with the support of Flanders Care and NetWerk Onlinehulp Vlaanderen, both funded by Flemish authorities.

⁵⁷Chileadoption.se, TAR, AEF, AKF, SKAN network and AFO. *Joint document to the Adoption Commission regarding the establishment of a knowledge center for adoptees*. Submitted to the Adoption Commission 2024-09-16.

A-buddy can be described as a buddy service where adoptees can chat or book meetings with someone who is also adopted. The basic idea is that it can be different to get support and exchange experiences with someone who is also adopted, rather than with a counselor. The staff is made up of volunteers and the work is voluntary, with the exception of reimbursement for expenses and volunteer insurance⁽⁵⁸⁾.

There have been activities in Sweden in the past where adopted persons have acted as "buddies on call" for other adopted persons in a similar way. In our interviews, several adoptees were positive about this. Another idea raised is the use of mentoring, where an older adopted person can act as a mentor to a younger one. Helping others can be a way to heal yourself.

9.7 The national resource center will assist adoptees in tracing their origins

The investigator's assessment: The support in tracing origins that adopted persons are offered today through several different actors is not sufficient to meet the needs that exist and to live up to the provisions that exist in international and Swedish law regarding adopted persons' right to their origin and identity. MFoF has continuously developed its support in tracing origins based on the resources and other conditions that existed, but there are continued development needs. The support needs to be more concrete and helpful. Those who provide support need to benefit from the experience of more actors in order to provide more competent and developed support.

The rapporteur's proposal: The Resource Center for Adopted Persons and Adoption Issues is tasked with being a single point of entry for internationally adopted persons who wish to search for their origin. The resource center should build a general structure for the search and specific "packages" for searching for origin in different countries of origin.

⁵⁸Governo. *Analysis of adoption-specific support. Commissioned by the Adoption Commission. 2025-02-13, s. 13.*

The Swedish authorities abroad should be obliged to assist the national resource center in the search for origin. For example, the foreign authorities should provide the national resource centre with up-to-date information on the possibilities for adoptees to trace their origin under the legislation of the country, as well as which authorities and organizations are responsible for which parts of the process and how they can assist.

It is important that the resource centre broadens the competence and benefits from the knowledge and experience that exists in origin searching among MFoF, adoption organizations, adoptees' associations and individuals. The expertise can be utilized through temporary employment or assignments. The resource center should also enable civil society to contribute to the origin search.

9.7.1 Adoptees need to be offered better support in tracing their origins than is currently available

Current support through MFoF

Since 2020, MFoF has been tasked with offering adopted persons individual support in tracing their origins. Before MFoF was given the assignment in 2020, there was no state support in origin search in Sweden.

The support has been developed continuously during the time it has been offered, based on the resources and time perspective available. MFoF's reporting to the Government shows that many important elements are included in the support MFoF provides. MFoF can, for example, help to create a structure in the search, provide support in understanding adoption documents, seek information that may be valuable for a continued search or obtain information about various search and contact routes in the country of origin. According to MFoF, the support can also be practical, such as helping to formulate a text to send to an authority or organization in the country of origin, assessing what information or documents may be appropriate to attach to an application or support in connection with contact with other countries' authorities. To some extent, financial support is offered, through the possibility of having adoption documents translated from the language of the country of origin into Swedish and the possibility of tele-

The MFoF representatives believe that they have been able to provide several adoptees with an interpreter at the first contact in the context of a reunion. people new and better information about their background and adoption and that they have helped with reunions. MFoF also perceives that adopted persons are satisfied with the fact that it is a government agency that helps, as many have a distrust of adoption organizations.⁶⁰In its interim and final reports, MFoF has stated that the support meets some of the needs that adoptees may have regarding the search for origin, but also highlighted areas where the support needs to be further developed. Among other things, according to MFoF, various types of legal assistance would be needed, for example to gain access to documents or to interpret legislation in the country of origin, as well as an increased possibility of translation and interpreting assistance after an adopted person has found his or her family of origin⁶¹.

MFoF has emphasized that it is important that the individual is motivated and involved in his/her search for origin and is given the opportunity to control the process. Moreover, it is not possible in all countries for a third party to carry out the search, but it must be done by the adoptee himself⁽⁶²⁾.

The adoptees who participated in our interviews and focus groups would like more support in tracing origins than what MFoF offers in practice. Some express disappointment with the support provided by MFoF. For example, MFoF has only given tips on who to contact, not helped with booking or attending meetings with authorities in the country of origin. It has also emerged that some internationally adopted persons do not want to turn to MFoF because they lack confidence in the authority. They do not perceive that the agency is "on the side of the adoptees". Some who request support in tracing origins are also unaware that MFoF has a mandate to assist in this.

A collaboration group for adoptees' associations and individuals has submitted a letter in which they describe that MFoF does not offer the support that they should provide according to the website. They describe

⁵⁹MFoF (2022), *Pilot project on individual support for intercountry adoptees in the search for origin*; MFoF (2024), *Final report. Support for internationally adopted persons in the search for origin*. Government assignment S2021/08111 (partial). January 2024.

⁶⁰ Meeting with MFoF 2022-02-10.

⁶¹MFoF (2022), *Pilot project on individual support for intercountry adoptees in the search for origin*; MFoF (2024), *Final report. Support for internationally adopted persons in the search for origin*. Government assignment S2021/08111 (partial) January 2024.

⁶²MFoF, comments on Chapter 9, received on April 1, 2025.

that most adoptees testify that they have been treated with little interest, have received scant answers and have only been contacted by email and telephone, and that the workflow is extremely slow and bureaucratic. Some adoptees also testify to having received poor treatment.⁶³The cooperation group also emphasizes that MFoF has been inflexible and has not sought alternative routes, has not been helpful throughout the application process and has not assisted in calling embassies in Sweden or in the countries of origin. The documentation with examples of email conversations between an adopted person and the investigator at MFoF, which they attach to their letter, confirms the problem. The cooperation group also describes that MFoF has offered interpreter assistance via translation apps, which in some cases have provided misleading and incorrect information and led to devastating consequences for the adopted person in their search for origin.

MFoF states that in recent years there have been no delays in starting up origin searches and that answers to questions have been handled promptly. If a person has wanted to change contact person, this has been possible, but no such requests have been received. MFoF emphasizes that the process for a search is different for different countries, which they inform individuals about. In the case of Colombia, it can take over two years to receive feedback on their application to the Central Authority ICBF. In the case of India, it is not certain that there will be a response or feedback from the authorities, but you may have to apply via an orphanage. MFoF also points out that the requirements differ depending on the country of origin. In some countries, such as South Korea and Colombia, the authorities want the adopted person to apply for support. In other countries, it is a requirement that the application comes from the central authority. When authorities from countries of origin have wished to schedule meetings or conversations with individuals, the person has sometimes contacted MFoF and then the authority has assisted with interpretation support and offered to participate in the meeting, to provide support and take notes of the meeting. If a person has wanted to conduct the meeting on their own, MFoF has offered to reconcile after the conversation. MFoF also emphasizes that the resources the authority has received for the task of providing support in the original search has been a limiting factor for the extent of practical support⁽⁶⁴⁾.

⁶³Letter received by the Adoption Commission on February 25, 2024. Adoptees' associations and individuals' distrust and lack of confidence in the Swedish Family Law and Parental Support Agency (MFoF).

⁶⁴MFoF, comments on Chapter 9, received on April 1, 2025.

Current support through adoption organizations

Authorized adoption agencies also offer tracing services. AC organizes workshops where adoptees have the opportunity to discuss and reason about issues related to tracing. AC also offers individual support in tracing by providing copies of adoption documents and providing preparatory advice and support for a return journey. However, to start the tracing process, one needs to be a member of the AC, and the possibility of support throughout the process is limited to seven countries.⁶⁵In addition to the cost of membership, additional costs may be incurred in tracing. Since the mid-1980s, AC has organized group return trips for adoptees and adoptive families who want to trace their origins or get to know their country of origin. AC has so far organized trips to South Korea, Chile, Colombia and India. Before returning home, AC organizes two meetings that those who want to travel need to attend. AC has sometimes held talks prior to meetings with biological families and ensured that they receive support before the first meeting.⁶⁶In some cases, BFA has also helped people adopted through them to establish contact with the relevant authorities, orphanages and organizations in the country of origin in connection with return travel.⁶⁷The adoption organization FFIA has a foundation from which adopted people can apply for a grant for return travel. A grant of up to a maximum of half a basic amount can be provided, and priority is given to persons adopted through the FFIA.

Our interviews with intercountry adoptees reveal different perceptions of AC's support in tracing origins in particular. Several adoptees are critical of the fact that AC requires membership to get help with tracing their origins and that AC charges for a limited effort. Several have also experienced resistance from AC when they have wanted to search for their roots.⁶⁸Others consider that they have received good help from AC, for example in connection with reunification with their family of origin and how to prepare for contact and meetings with the family of origin.

⁶⁵ South Korea, Colombia, South Africa, Serbia, Montenegro, Philippines and Vietnam.

⁶⁶Meeting with AC 2023-10-23; MFoF (2022), *Pilot project with individual support for internationally adopted persons in the search for origin*. p. 26.

⁶⁷ <https://www.bfa.se/adopterad/>. Retrieved 2024-10-21.

⁶⁸See also L. Wool-Rim Sjöblom (2016), *Palimpsest*.

Support through adoptee organizations

Several organizations and networks for adoptees have gathered information on how adoptees can search for their origins on their websites, and several organizations assist individuals with advice and support in searching for origins. For example, SKAN has compiled the information booklet "Searching for roots in South Korea", which contains information on tracing origins in South Korea. SKAN has also compiled a list of orphanages in South Korea. AFO has developed a network of contacts that can help with tracing origins in other countries.

Chileadoption.se collaborates with the non-profit Chilean organization Hijos y Madres del Silencio, which works to reunite adoptees with their first families. This support has been seen as valuable by many, but some point out that this is a responsibility that should fall to the state. Adoptees ask for professional support from a state and neutral actor. At the same time, several emphasize the importance of the person who helps with the search for origins having cultural understanding, or connecting with people who do. Several adoptees report that they have received valuable help in their country of origin from other people, including other adoptees, who have offered support in tracing.

9.7.2 The Resource Center will offer support in tracing

According to my proposal, the Resource Center for Adopted Persons and Adoption Issues should be given the task of being a single point of entry for internationally adopted persons who want to search for their origins. The resource center should build a general structure for the search with guidance on which archives you can find your adoption documents, help with translation and understanding the content of the adoption documents, a checklist or guide to how to proceed in your search for origin based on where in the search process you are. In addition, the resource center should build specific "packages" on how to search for origin in different countries of origin. This may include tips on effective approaches from others who have sought their origins from the same country and tips on contacts in Sweden and the country of origin that can help you move forward in your search. It can also include tips on interpreters, guidance on how to access your adoption documents in the specific country and tips on

actors in the country of origin who can provide practical assistance in the search for origin or have cultural expertise about the country in question. The resource center should also assist in contacting the central authority in the country of origin to obtain documentation available in the country of origin. MFoF has partly gathered such information in its internal knowledge bank on the different countries. Sometimes they have been able to share this type of information with adoptees in individual interviews.⁶⁹This information should be used as a basis for build the specific country of origin search 'packages' that should be available for those who want to search their origin.

The need for psychosocial support that may arise in connection with origin search, return, reunification, is offered through the resource center's counseling support.

However, there is a limit to what an authority can do in origin searches. MFoF points out that they cannot use the same contact channels as, for example, organizations for adoptees, and contacts must go through the central authority or other authorities in the other country⁷⁰.

Children should also be offered support in tracing, following an individual assessment

The assistance in tracing currently offered by the MFoF only covers adoptees over the age of 18. The AC also recommends not starting an origin search before the adopted person has turned 18. The background according to AC is that far from all adoptees will have the conditions to search for and find their original family, for example because there is not enough background information to start a search or because the privacy legislation of the country of origin prevents a search. It may also be that the original family does not want contact. Support needs to be developed to deal with the situations and feelings that the adoptee may encounter, which may be both unexpected and shocking.⁷¹I have therefore considered that, as at present, tracing support should only be offered to adoptees over the age of 18. Adult adoptees have, under Chapter 26. 8 § public

⁶⁹ MFoF. Comments on chapter 9. Received 2025-04-01.

⁷⁰ Meeting with MFoF 2025-02-24.

⁷¹ AC's comments on chapter 9 Adoption-specific support, received on 2025-04-02.

and Secrecy Act (2009:400) to obtain information about circumstances of importance for him or her to know who his or her biological parents are. However, an adopted child may also have access to his or her adoption documents at the discretion of the social welfare committee.⁷² Article 22 of the 2008 Council of Europe Convention states, inter alia, that the adopted child has the right to receive information on his or her origin from the competent authorities and that appropriate guidance should be given to adopted children who have not reached the age of majority. I therefore consider that children should also be offered support from the Resource Center in tracing their origins. The resource center may assess in each individual case what support is appropriate to offer based on the child's maturity. The child's own views and wishes are an important starting point in this assessment. The need for psychosocial support that may arise in connection with tracing is offered through the Resource Center's counseling support.

9.7.3 Considerations regarding the broadening of competences and the demarcation between actors

We have considered different ways of broadening the competence and utilizing the competence of different actors to be able to provide good support in the search for origin. One principle that has guided us is that the support should be held together by a state actor so that there is a clear way in for adoptees who want to search for their origin, but that it is not enough for only a few employees at a Swedish authority to have this task. We have sought solutions so that both individuals and organizations can contribute their expertise and experience, and receive compensation for this. An individual who, for example, is adopted, has personal experience of tracing origins, has good knowledge of the country of origin and who has helped others to trace their roots should be able to be employed on a project basis to assist the resource center in building up country-specific support in tracing origins. An individual or association should also be able to contribute their expertise through a special assignment. For example, actors with cultural expertise about a specific country can act as a "cultural interpreter" for the return journey of an adopted person. Organizations that already have

⁷²MFoF (2022), *International adoption. Handbook for social services*, p. 117.

experience in supporting adopted persons in tracing their origins should also be able to apply for a government grant.

9.7.4 Swedish authorities abroad to assist in tracing origin

As set out in Chapter 8, I propose that the Swedish authorities abroad should be obliged to assist the MFoF with investigations in cases concerning permission for intercountry adoption. I consider that the overseas authorities also have an important role in cases concerning tracing of origin. Even though the Swedish authorities abroad have not had any specifically designated responsibility in intercountry adoption activities, in practice they have played a major role, both at an overall diplomatic level as well as in individual cases. This is particularly true in the countries from which Sweden has adopted many children. It is therefore reasonable that the Swedish authorities abroad should now also take responsibility for assisting adopted persons seeking their origin. By way of comparison, Denmark has, by decision of the Ministry of Social Affairs and Housing (Social- og Boligministerium), implemented a pilot project with a special envoy at the Danish embassy in Santiago de Chile. The project, which started in August 2022 and ended in July 2024, aimed to support Danish adoptees in searching for their origin. There has been no specific evaluation of the project, but it was monitored by the Ministry of Social Affairs and Housing. According to the Danish Embassy in Santiago, eight people have requested assistance during the project period. As a result of the project, the Embassy prepared a guide for adoptees from Chile who want to search for their adoption documents and their original family in Chile.⁷³ According to MFoF, Swedish embassies in different countries have also assisted MFoF with information in several cases and in some cases it has meant that the family of origin has been found.⁷⁴I

believe that the new provision in the Ordinance (2014:115) with instructions for the foreign representation, which I propose, should also include an obligation for the foreign authorities to assist the resource center in the search for origin. The task should include, among other things, providing the national resource center with up-to-date information on the possibilities that adoptees have to seek their

⁷³ E-mail to the Adoption Commission from the National Board of Appeal on February 26, 2025.

⁷⁴ MFoF, comments on chapter 9, received on April 1, 2025.

origin according to the legislation in the country and which authorities and organizations are responsible for which parts of the process and how they can assist. The Swedish authorities abroad can also, in the same way as they assist Swedish social committees in investigations in cases concerning the establishment of paternity, assist in taking samples for DNA testing.

9.7.5 The resource center needs to involve the expertise of civil society in tracing activities

In developing tracing activities, it is important that the National Resource Centre makes use of the expertise and experience of associations of adoptees, adoption organizations and individuals. At the same time, it is important to ensure the quality of the support offered by civil society and individuals.

We have met several adoptees who are currently assisting other adoptees on a voluntary basis with tips and practical help. There are also other civil society actors⁷⁵ who can contribute important knowledge and experience, such as the Red Cross's Restoring Family Links program. The Red Cross has indicated to the Adoption Commission that it can accept requests from adoptees for assistance with tracing on a case by case basis. The basic conditions are that the separation was caused by war, conflict or natural disaster, that the case falls within the criteria of the relevant National Society for tracing and that some minimum information about the traced person is available, such as name, last known address and approximate age. If this information is available, the Red Cross can make an assessment of whether they can proceed with the case and whether there is added value in involving the Red Cross. The Red Cross can also assist by contacting other national Red Cross societies and asking if they in turn can refer to non-profit organizations.

⁷⁵Civil society can be defined as an arena, separate from the state, the market and the individual household, where people, groups and organizations act together for common interests. Civil society actors are further described as acting on a primarily non-profit basis, which means that they do not distribute profits to members, owners or other persons, but reinvest any profits in their activities, see Prop. 2009/10:55 *En politik för det civila samhället*, p. 28.

organizations in the country. The Red Cross can also share information on the possibilities for investigation, to the extent that they have such information.⁷⁶The Resource Center can also draw on the experience and contacts of the Red Cross in its work to develop country-specific 'packages'. However, the amount of information they have that can help in the origin search can vary widely between countries.

Internationally, there are several examples of cooperation with civil society to support adoptees

The Dutch expert center INEA has a pilot project called "reconnecting home". It includes support for the five countries specifically identified by the Joustra Committee. INEA can grant support of up to €50,000 to associations representing adoptees from these countries to develop a model for tracing origin in each country⁷⁷.

From 2022 to 2024, the Swiss organization Back to the Roots has received public funding from the cantons to help people adopted to Switzerland from Sri Lanka between the 1970s and 1990s to trace their origins. Back to the Roots can assist in finding out what possibilities there are to search, which authorities were responsible and find adoption documents both in Switzerland and in Sri Lanka. The adopted person can also be helped to find people in Sri Lanka through various organizations, such as ISS or the Red Cross. Everything is financed by the cantons at a maximum cost of CHF 250,000 per year (just over SEK 300,000)⁽⁷⁸⁾

⁷⁶E-mail to the Adoption Commission from the Swedish Red Cross (Protection and Research Unit), received on 2025-03-04.

⁷⁷ Meeting with INEA in Houten 2023-10-03.

⁽⁷⁸⁾ S. Bitter (2024), 'Switzerland takes first steps to deal with illegal intercountry adoptions' In E. Loibl and D. M. Smolin (eds) (2024), *Facing the Past. Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, p. 202.

9.7.6 There are opportunities to involve civil society and individuals in adoption-specific support

There are various ways in which a resource centre can involve organizations and individual adoptees in, for example, tracing, repatriation and exchange of experiences.

Fixed-term contracts and assignments

According to the Swedish Agency for Government Employers, government agencies should be cautious about relying to a greater extent on volunteers to carry out the tasks of the business. If it is a matter of more than a few tasks or assignments, fixed-term employment means that both the employer and the employee fall into a system that clarifies rights and obligations regarding the scope, rules and responsibilities for insurance, occupational health care and the like.

A government employee has an employment relationship with the right to wages, benefits and protection under labor laws and collective agreements. The employer controls the performance of the work and is responsible for the working environment. Temporary employment contracts that could be relevant are, for example, special fixed-term employment and project employment. The employer does not need a reason for fixed-term employment. After the 12 months within five years, it becomes an indefinite contract. Project posts are used for time-limited assignments with external or separate internal budget funds linked to the project in question. Project posts require that the tasks are temporary and outside the regular activities. An ongoing project post can be extended up to four years if the project continues.

A contractor is self-employed and performs a task without being an employee. They can be self-employed but do not have to be. Contractors are not covered by collective agreements or employment protection and are responsible for their own taxes and social security contributions. If a person is not an employee, and they provide services to the National Resource Center for a fee, it is likely to be a procurement purchase, regardless of whether the contractor has a registered company or not for procurement laws to apply. The procurement procedure to be used depends, *inter alia*

⁷⁹Governo. *Analysis of adoption-specific support. Commissioned by the Adoption Commission. 2025-02-13, p. 9.*

on the value of the procurement, for example, a service can be directly procured if the value is below the direct award threshold.

State authorities may engage unpaid volunteers in their activities

Another way for the resource center to benefit from the experience of adopted persons is to enable volunteer work to support other adopted persons. There are examples of government agencies engaging individuals in their activities, for example, the Police Authority operates an unpaid volunteer scheme.⁸⁰

9.8 The National Resource Center will assist in case of suspicion of irregularities in adoptions

The investigator's assessment: Sweden has a responsibility to investigate suspicions of irregularities and to provide support to adopted persons who suspect irregularities in their adoption. There will be a need for information and support to adopted persons and their families on issues of irregularities for a long time to come.

The investigator's proposal: The National Resource Center for Adopted Persons and Adoption Issues shall be responsible for the MFoF's current task of being the national contact point for issues relating to irregularities. The resource center should also offer individual support to adopted persons who suspect irregularities in their adoption.

⁸⁰Governo. *Analysis of adoption-specific support. Commissioned by the Adoption Commission. 2025-02-13, p. 6.*

9.8.1 Suspicions of irregularities to be investigated and victims to be supported

The Joint Statement on Illegal Adoptions issued by several UN Special Rapporteurs on Human Rights in September 2022 states that victims of illegal adoptions have the right to know the truth and States have a responsibility to ensure that all victims receive the assistance they need to know their origins. States shall take all necessary measures to ensure that all cases of intercountry adoption are investigated fully, impartially, diligently and effectively, even if there is no formal complaint. States should ensure that authorities investigating illegal intercountry adoptions have access to all relevant documentation, records and other information to enable them to conduct the investigation effectively. States should also provide institutions involved in the investigation of illegal intercountry adoptions with sufficient financial and technical resources and qualified personnel to carry out their work quickly and effectively. States should also keep statistics on the number of illegal adoptions, including the date of adoption and the number of persons whose real identity has been restored.⁸¹

The HCCH also believes that States must investigate suspected irregularities in intercountry adoptions. The HCCH has noted that when there are no consequences for irregular behavior, the rules surrounding adoption activities can become ineffective and impunity can lead to further violations. According to the HCCH, it is difficult to improve existing preventive measures without conducting thorough investigations into the nature of the unlawful conduct.⁸²The HCCH Guidance on Preventing Adoption Abuse states that States should develop accessible and effective systems to enable adopted persons to report abuse and seek justice and redress. States shall coordinate and support the efforts of authorities and agencies involved in detecting, receiving and referring cases of illegal adoptions. Furthermore, States shall assist adopted persons, birth parents and adoptive parents who are victims of illegal acts

⁸¹United Nations Human Rights Treaty Bodies (2022), *Joint statement on illegal intercountry adoptions*, pp. 11, 13 and 15.

⁸²HCCH (2023), *Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption*, s. 16.

in international adoptions. This may include providing information on the case, as well as information on the different services and support available⁽⁸³⁾.

There is an obligation to re-establish the child's identity

The right to identity is a fundamental human right and is enshrined, *inter alia*, in Article 8 of the CRC. The European Convention does not explicitly protect the right to identity. However, the European Court of Human Rights has recognized this right as an integral part of the right to private life under Article 8. Countries have been found in the European Court of Human Rights to have violated Article 8 of the ECHR when they failed to take sufficient account of the adopted person's right to his or her origin.

If a child is unlawfully deprived of part or all of his or her identity, the child shall be provided with appropriate support and protection with a view to restoring the child's identity in a timely manner. This follows from Article 8(2) of the CRC.

This commitment applies regardless of whether a child has been deprived of part or all of his or her identity. This means that if a child is deprived of only his or her name for any reason, a State must provide appropriate support and protection with a view to restoring the child's name. The same applies if a child is deprived of his or her nationality, family relations or any other part of his or her identity. What is meant by appropriate assistance and protection for the purpose of promptly re-establishing a child's identity is not clear from the Article or from the travaux préparatoires of the Convention. The wording leaves it to the discretion of each State to determine the support and protection to be provided, with the only limitation that the support and protection must be appropriate to the purpose and sufficiently effective to ensure that the re-establishment is rapid. However, the Convention does not define what is meant by 'prompt' either. The Committee on the Rights of the Child has stated that if a child's identity documents have been illegally established for the child, and the child requests the restoration of his or her identity documents, a State should take action including by issuing corrected documents⁸⁵

⁸³ HCCH (2023), p. 35.

⁸⁴ *Godelli v Italy* no. 333783/09 of September 25, 2012.

⁸⁵ SOU 2020:63 *The CRC and Swedish law*, p. 389.

Best interests of the child when re-establishing identity

States are obliged to carry out the process of re-establishing the child's identity in a way that prevents, or at least minimizes, any harm to the child's emotional or psychological development.⁸⁶ Rescinding an adoption and returning the child to his or her original family may be in the best interests of the child in cases where the unlawful circumstances were discovered shortly after the adoption took place or where the child was older at the time of placement. On the other hand, if the child was young at the time of adoption and has lived with his/her adoptive family for some time and has become accustomed to the new environment, separation from the adoptive family is likely to cause (further) trauma. In practice, there are only a few reported cases where an adopted child has been returned to his/her original parents after an illegal adoption.⁸⁷ This includes cases where the adoptive family has voluntarily returned the child to the original family as well as cases where a court has ordered the return of the child. For example, children have been returned from the United States to their families in Vietnam, following the so-called Operation Babylift in 1975.⁸⁸

Belgium and Denmark have guidelines for investigating irregularities in historical adoptions

In Belgium, the Flemish government has adopted guidelines to deal with past irregularities in international adoptions. A person who suspects irregularities in an adoption (adoptee, adoptive parent or biological parent) can report their case to the Flemish Central Authority (VCA)⁽⁸⁹⁾ via an online service. The VCA interviews the reporter and then provides written feedback to the person concerned on the possibilities to investigate the case. If the reporter and the VCA decide that the case should be investigated further, the VCA procures an external actor in the country of origin for further investigations. If it appears that a crime has been committed (for example, counterfeiting,

⁸⁶ J. Tobin (2019), *The UN Convention on the Rights of the Child. A Commentary*, p. 303.

⁸⁷ E. Loibl (2021), "The aftermath of transnational illegal adoptions: Redressing human rights violations in the intercountry adoption system with instruments of transitional justice." *Childhood 2021*, Vol. 28(4), pp. 482 f.

⁽⁸⁸⁾ D.M. Smolin (2024) Introduction. In E. Loibl and D. M. Smolin (eds.) *Facing the Past Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, pp. 44 f.

⁽⁸⁹⁾ Flemish Center for Adoption.

of documents or abduction of a minor), the VCA is obliged to report this to the Public Prosecution Service.⁹⁰

In 2019, the Danish central authority, the Board of Appeal, prepared a report on the handling of suspicions of irregularities in adoption cases. Based on the guidelines, the National Social Appeals Board investigated suspicions of historical irregularities in five adoption cases from Chile, Bangladesh, Colombia, Sri Lanka and Indonesia. Based on the five investigations, the National Social Appeals Board has updated the guidelines.

Adoptees who suspect irregularities in their adoption can turn to the National Social Appeals Board. The National Social Appeals Board can:

- Examine the available documents and, on that basis, make a statement about how the adoption in question relates to the rules and practices in place at the time. This can help to describe the context in which the adoption took place and thus contribute to the adopted person's understanding of their own adoption process
- Inform the adopted person of any shortcomings and suspected irregularities.
- Refer the adopted person to organizations that can help adopted persons search for their origins.

Adoptees in Denmark can, depending on the circumstances of the individual case, apply to have the adoption annulled in the country of origin, request that the adoption be declared null and void if there is evidence of irregularities, and report criminal acts⁹¹.

9.8.2 MFoF has a temporary mandate to be the national contact point for issues related to irregularities

Since 2022, MFoF has had a temporary government assignment to be the national contact point for issues relating to irregularities in international adoptions. The assignment has been extended and will be

⁹⁰Flemish Center for Adoption. *Diensverlening betreffende preventieve en aanpak (mogelijke) illegal adopties*. 2025.

⁹¹National Social Appeals Board (2022), *Adoptees' right to their own identity: Experiences with handling irregularities in international adoption cases*. September 2022.

by February 2027 at the latest.⁹² According to the mission statement, the authority should be able to refer to the right actor and offer support and assistance within the framework of the authority's responsibilities. As a contact point, the MFoF must keep abreast of relevant investigations both in Sweden and internationally, including the criminal investigation in Chile into child abduction and irregularities in international adoptions from the country during the 1970s-1990s. Furthermore, the authority shall inform itself about the challenges and issues faced by adoptees from Chile, but also by adoptees from other countries where there are suspicions or information about irregularities. The authority shall actively disseminate information about the function of the mission to relevant target groups in Sweden and internationally to central authorities and other actors deemed to be of importance. As regards the part of the assignment that concerns referring to the right actor and offering support and assistance within the framework of the authority's response, the MFoF has limited the assignment to providing information on available contact channels in the countries of origin, as well as through support in tracing origins and call support.⁹³ The MFoF has chosen to limit the assignment to not investigating suspicions of irregularities in individual cases.

During its mandate, the Agency has gathered and made available relevant information for adoptees who have misgivings or information about irregularities, partly through direct contact with adoptees' associations and partly by launching a special web portal on the Agency's website. The portal contains information about the mission as a contact point, about some of the countries that are of particular interest to adopted persons and about different types of support that are available. In dialogue with adoptees' associations, the authority has been able to work in a targeted manner in connection with current events and to form an idea of the needs of adopted persons who are affected by information about irregularities concerning adoptions. A number of information campaigns have been carried out in order to raise awareness of the mission and the support provided by the authority to adopted persons⁹⁴.

⁹²Ministry of Social Affairs (2025). *Assignment to the Swedish Family Law and Parental Support Agency to provide support to internationally adopted persons and adoptive parents*. S2025/00113.

⁹³MFoF (2024), *Final report National contact point for issues relating to irregularities in international adoptions*. Government assignment S2021/08111 (partial). December 2024, pp. 4 and 15.

⁹⁴MFoF (2024), *Final report National contact point for issues relating to irregularities in international adoptions*. Government assignment S2021/08111 (partial). February 2024, p. 3.

MFoF believes that the role of national contact point should be extended and made permanent

In a report on the mission of the national contact point for issues relating to irregularities, the MFoF describes that they have limited the mission to referring to the right actor and offering support and assistance within the framework of the agency's responsibility to provide information on available contact channels in the countries of origin, as well as through support in tracing origins and call support. However, the MFoF considers that there is a need to examine the need for, and possible forms of, individual support also in cases of irregularities. MFoF believes that better conditions for long-term work could be provided, for example by an addition to the authority's instructions or by extending the authority's mandate as a national contact point and increasing funding⁹⁵.

9.8.3 The resource center will offer individual support to adoptees who suspect irregularities in their adoption

In recent years, several countries such as Belgium, Chile, Denmark, Norway, France, Switzerland, Sweden and South Korea have launched investigations into irregularities in intercountry adoption. It is likely that more countries will follow in its wake. I therefore believe that there will continue to be a great need for adoptees and their families to receive information and support in matters concerning suspicions of irregularities in their own adoption.

The MFoF has a temporary mandate to be the national contact point for issues relating to irregularities in international adoptions. The work done by MFoF within the framework of the contact point assignment, including the web portal, should continue to be developed and expanded by the national resource center. It is also proposed that the resource center should offer individual support to adoptees who suspect irregularities in their adoption. In this respect, the support offered by the Central Authorities in Belgium and Denmark to individuals who suspect irregularities in their adoptions can serve as a guide.

⁹⁵MFoF. *Final report National contact point for issues relating to irregularities in international adoptions*. Government assignment S2021/08111 (partial). February 2024, pp. 3 and 15 f.

management. The resource center should collect and make available the information in the case and inform the individual about what the process should have looked like according to both Sweden's and the country of origin's laws and procedures, as well as any shortcomings in the case in question. The resource center should also provide information on the possibilities available, for example, to re-establish the adopted person's identity, restore citizenship and file a police report.

The resource center should also provide information about the adoption-specific support available, such as counseling.

Children should also be offered support, after an individual assessment, in case of suspected irregularities

Since resource centers, after an individual assessment, should be able to offer support in tracing children, I believe that children should also be offered individual support in case of suspected irregularities. This is important not least because of the obligation under Article 8(2) of the Convention on the Rights of the Child to provide appropriate support and protection if a child has been unlawfully deprived of part or all of his or her identity. The Resource Center may assess on a case-by-case basis what support is appropriate to offer based on the child's maturity. The child's own views and wishes are an important starting point for the assessment. The need for psychosocial support that may arise is offered through the Resource Center's counseling support.

9.9 MFoF and the National Board of Forensic Medicine to investigate the conditions for a national DNA database

The investigator's assessment: It is not reasonable that adopted persons, partly as a result of deficiencies in the adoption documents, should have to rely on commercial companies to obtain more information about their origin. As one of the largest receiving countries in the world, Sweden should heed the UN's call to establish a national DNA database to facilitate the search for origins and, where appropriate, the restoration of identity.

The investigator's proposal: The National Board of Forensic Medicine and MFoF shall be commissioned to investigate the practical and legal conditions for establishing a national DNA database for adopted persons.

9.9.1 Adoptees call for free DNA testing and a national DNA database

There is currently no national DNA database for adopted persons in Sweden. Adopted persons who wish to trace their origins through DNA must therefore use the private companies that offer DNA tests to find links to living relatives. In a joint statement, several organizations for adoptees have stated that Sweden should urgently create opportunities for adopted persons to take DNA tests free of charge and that these should be collected in a national database, or alternatively that they should be sent to the relevant Swedish embassies and consulates, which in turn send tests for matching in the adopted person's country of origin. They also want Sweden to encourage the countries with which Sweden has cooperated to meet the needs of adopted persons to be matched with family members, so that these countries also work to DNA test persons in their countries.⁹⁶ Contributions to DNA testing and a national DNA database that ensures the protection of the privacy of the data subjects have also been raised in our focus groups and interviews. The AC also emphasizes that they support the adoptees' wish in both these aspects⁹⁷.

9.9.2 UN human rights body urges states to create DNA databases to reunite families

In the Joint Statement on Illegal Adoptions issued by several UN Special Rapporteurs on Human Rights in September 2022, they called on States to ensure that all victims of illegal adoptions receive the assistance they need to know their origins.

The state should play an active role in searching for and locating

⁹⁶Joint statement from AEF, AFO, AKF, Chileadoption.se, SKAN and TAR at the national day seminar in May 2023.

⁹⁷Statement adopted at the Federal Assembly of the Adoption Center in Malmö on 28 May 2023.

identify missing children. For example, States should create a DNA database for all cases of wrongful removal, forced removal, or falsification of identity that have been reported for the purpose of re-establishing the identity of victims of illegal intercountry adoptions.⁹⁸We are aware of only two countries that have established some form of national DNA database for adopted persons: Chile and South Korea⁹⁹, see also Volume 2, Chapter 12.

9.9.3 The conditions for setting up a national DNA database for adopted persons will be investigated

I believe that the Swedish state has a responsibility to assist adopted persons who wish to seek their origins through DNA. The Parental Code, the Convention on the Rights of the Child and the 1993 Hague Convention all emphasize the right to know one's origins as far as possible. It is not reasonable that adopted persons, partly as a result of deficiencies in the adoption documents, should have to rely on commercial companies to obtain more information about their origin. Sweden, as one of the largest recipient countries in the world, should heed the UN's call to establish a national DNA database to facilitate the search for origins and, where appropriate, the restoration of identity.

It will take time to build up a national database and it will not be able to provide hits other than for full siblings who are in Sweden. A national DNA database therefore does not meet the short-term need for adopted persons seeking their origins. At the same time, this cannot be a reason for Sweden not to start long-term work on creating a database that in the long term can make it possible to match a Swedish adoptee's DNA against DNA databases in other countries. In order for it to be possible to match samples from other countries' national DNA databases, the countries must use the same genetic markers. Thus, some international coordination, for example similar to that of the Interpol DNA database, is required to agree on which markers to use.

⁹⁸United Nations Human Rights Treaty Bodies. *Joint statement on illegal intercountry adoptions*, published on September 28, 2022, p. 15.

⁹⁹It is possible that Argentina has some form of DNA database aimed at reuniting families separated during the military dictatorship.

The National Board of Forensic Medicine (RMV) has informed the Adoption Committee that DNA samples can be analyzed by the RMV or by the regions, but that another state actor in Sweden may be responsible for the DNA database itself. The RMV is the central administrative authority for forensic genetics and is responsible, among other things, for carrying out paternity and family investigations for municipalities, courts and the Swedish Migration Agency. The RMV also conducts paternity and kinship investigations on behalf of individuals. I therefore believe that the RMV has both the competence and the technical prerequisites to be responsible for analyzing samples from adopted persons. I also believe that it is most obvious that MFoF should be the principal for the database containing the analysis results from the samples analyzed by RMV. I therefore propose that the RMV and MFoF be given the task of investigating the practical and legal conditions for establishing a national DNA database for adopted persons. These include, for example, the genetic markers required to match samples from other countries' national DNA databases and how international coordination can be achieved, as well as the need for new rules on confidentiality and personal data processing. A national DNA database may only contain DNA profiles from persons who have agreed to provide samples. The state's cost responsibility must include both the costs of taking samples and of analyzing the samples. It should therefore be completely free of charge for adopted persons who wish to submit a DNA sample to be included in the Swedish national DNA database.

Both staff at the RMV and MFoF have stated that the RMV can already assist with DNA testing to verify kinship in cases where an adopted person wants to ensure kinship with a potential parent or sibling. For example, this may involve obtaining a match through one of the private DNA companies or otherwise finding a parent or sibling. We have considered a financial contribution from the state for a forensic genetic examination at RMV with the aim of verifying kinship with a parent or sibling. However, I believe that this is not a viable option. Today, an investigation by the RMV of two DNA samples costs SEK 19 000. The grant would be limited to those people who already have a match that they want confirmed. In addition, it is not possible to save the test result (the DNA profile) because there is not yet a national DNA database. All in all

I believe it would provide very limited benefit at great cost. It is better that those resources are put into building a national database and then offering free DNA samples.

9.10 Guide to searching archives

The investigator's assessment: People who have been adopted internationally need better guidance and support in finding their adoption documents. At present, adoption documents are held in several different archives and there is no clear guidance on where documents are located, which makes searching more difficult and means that not everyone has access to the documents relating to their adoption. It is problematic that private individuals who mediated adoptions keep adoption documents and that individual adoptees thus cannot access their adoption documents.

The investigator's proposal: In order to keep adoption files together to a greater extent than at present, the MFoF should keep the adoption documents relating to individuals at the National Archives. This means that the files currently stored in MFoF's archive in Skellefteå should instead be stored at the National Archives. Furthermore, it means that when BFA and AC have completed their mediation activities and are thus to hand over their documentation to MFoF in accordance with section 8 b of the LIA, the files currently stored at the National Archives should remain there and the files stored in AC's local archive should be moved to the National Archives. The aim is to make it easier for adopted persons to gain access to their documents.

The Resource Center, in collaboration with the National Archives, municipal archives and district court archives, should develop a guide with advice and support for adopted persons on where and how to find their adoption documents. In its work with the National Archives Database (NAD), the National Archives should also collect search paths for the various archives and thus make it easier for individuals to find their adoption documents.

I would like to make a strong appeal to private individuals who keep documents from adoption agencies that concern individuals to hand over the documents to the National Archives.

9.10.1 Increased coordination of adoption documents and improved guidance on where to find them

Adopted persons have the right to access their adoption documents. However, many adoptees report that they have difficulty finding and accessing their adoption documents. Those seeking their adoption documents often need to turn to different archives to be sure that they have received all the documents: the National Archives - both in Täby and at the various regional units, municipal archives and district court archives in different parts of the country. They may also need to contact other bodies such as adoption organizations, the Tax Agency and the Migration Board. Another reason why it can be difficult to know where documents are located is that it depends on where the adoptive parents were registered at the time of the adoption. It may therefore be necessary to obtain information from the civil registry to find their adoption documents. In some cases, district courts have been reorganized and merged, which may affect where district court records are preserved.

Many of our interviewees believe that adoption files should be kept in a government archive. This is because they have felt thwarted by the AC when they have requested access to their adoption documents and they are also unsure whether the organization releases all documents. Several have experienced that the AC has not released all documents immediately, but only when the adopted person has returned and asked if there is more. Adoptees have also stated that the AC has thinned out documents in connection with the transfer of material to the National Archives. In a joint statement, several Swedish associations and networks for adoptees have stated to Parliament that adopted persons are currently at the mercy of adoption organizations' and private individuals' arbitrary choices of what should be saved, thrown away, served or withheld. They believe that the adoption files of adopted persons should be stored in a single state archive - preferably the National Archives.¹⁰⁰ AC also believes that adoption documents should be stored at the National Archives.¹⁰¹ It is important to also include the documentation that exists on individual adoption organizations'

¹⁰⁰Joint statement from AEF, AFO, AKF, Chileadoption.se, SKAN and TAR at the national day seminar in May 2023.

¹⁰¹Meeting with AC 2023-10-26 and Adoption Center's Interest Policy Program (IPP), <https://www.adoptionscentrum.se/app/uploads/2023/01/ipp-februari-2022.pdf>. Retrieved 2024-10-28.

intermediation activities and not only the individual files, as it provides valuable information on how the activities were conducted. This is also a requirement of the LIA.

9.10.2 Adoption documents should be held by fewer actors and there must be good guidance

Some adoptees consider that all adoption documents should be gathered in a state archive, so that adoptees only need to contact one body to obtain all documents relating to the adoption. Others ask instead that an actor with knowledge of where adoption documents are located, guide the adopted person to find the adoption documents. In my opinion, it would require very large resources to gather all adoption files, including those in municipal archives and district court archives, at the National Archives. I therefore consider it unrealistic to make such a proposal. It would also be contrary to current principles for archiving in Sweden and internationally, where documents are to be kept together, stored and searched for by the organization in which they originated. On the other hand, I consider it reasonable that the adoption documents currently stored in MFoF's archives in Skellefteå, which relate to documentation from authorized associations that have ceased, should instead be stored at the National Archives. When BFA and AC have concluded their brokerage activities and are thus to hand over their documentation to MFoF in accordance with section 8 b of the LIA, the files currently stored at the National Archives should remain there and the files stored in AC's local archives should be moved to the National Archives. In this way, the adoption documents mediated through the NIA and authorized associations are collected over time by one actor, the National Archives.

The fact that adoption records will continue to be held in several archives and in several locations makes it very important that the resource center, together with the National Archives and other archives, guide adoptees to access all the documentation available about their adoption.

The National Archives has already developed an internal guide to assist adoptees who want to access their adoption records, and they have a wealth of knowledge to help adoptees in their search. The National Archives has also produced an initial guide to the archives that can be used externally. The authority can

develop, as part of their service responsibilities, guides and instructions on how and where to find what they are looking for, for example based on when and from where they were adopted. To ensure that adoptees have access to the latest version of such manuals, the archives themselves should keep them up to date and the resource center can link to the archives and their manuals or guides on its web portal. The Resource Center should publish a general guide on its web portal and link to the more specific manuals of the different archives on how to search their archives. This will ensure that the guide is kept up-to-date with the latest information.

Since 2024, the National Archives has also been tasked with developing the National Archives Database (NAD). Unfortunately, NAD cannot link or connect different archives (for example, municipal and district court archives). However, the National Archives could use NAD to collect links to various archives relating to international adoption, in order to make it easier for individuals to find their way around the archives and search for information themselves.

9.10.3 Private individuals who mediated adoptions cannot be required to submit documentation to the National Archives, but they should do so

Some people who have been involved in placing children for adoption in Sweden have their own private archives with information about the adoptions they have placed. This applies both to persons who mediated adoptions individually and via authorized adoption organizations. When these persons do not want to disclose the documents, adopted persons do not have access to the complete documentation about their adoption and background. Since these private persons' documentation is not covered by section 8c of the LIA, there is no obligation for them to disclose copies of these documents. There are examples of attempts to obtain documentation from individuals involved in intercountry adoption activities. In 2011, the MIA sent a letter to individuals who had been involved in intercountry adoptions requesting them to submit adoption records to the National Archives. The National Archives then sent a letter to eight intermediaries offering to accept records. However, only one person submitted documents,

and it is still the only private archive held by the National Archives. The National Archives has subsequently drawn up a list of persons who may have private archives of adoption documents. I would like to strongly urge those private individuals who hold adoption agency records relating to individuals to hand over the records to the National Archives.

9.11 Knowledge support for professionals

The investigator's assessment: Knowledge of adopted persons and adoption-related issues needs to be increased among the professionals in municipalities and regions who meet intercountry adopted persons in their work.

The investigator's proposal: The Resource Center for Adopted Persons and Adoption Issues will compile existing knowledge on adoption, adoptees and other relevant areas such as trauma, attachment and racism. This knowledge will be shared with professionals who work with adopted persons.

This knowledge should be disseminated through the web portal (information and general online training), telephone advice and targeted training. Professionals who have undergone training and increased their adoption-specific skills should be made visible in some way in the regular activities so that adoptees who wish to do so can find and be referred to them.

The resource center should use the National Board of Health and Welfare's existing knowledge management structures to disseminate adoption-specific knowledge within social services and health care. The resource center should also work to introduce adoption-specific knowledge into other related activities, for example in relevant strategies and knowledge support and telephone support lines.

In the long term, however, gaps in knowledge should be filled. The resource center should identify the need for new knowledge in the field of adoption and, based on such a needs analysis, promote the necessary research and knowledge development. The resource center should communicate the need for research to relevant research bodies and research funders. The government and research funders should pay attention to the adoption issue in future initiatives and allocate

funds to stimulate research in the field of adoption, preferably through a call for funding for research projects in the field of adoption.

9.11.1 There is a need for awareness-raising activities for municipalities and regions on adoption-related issues

Already in the research hearing conducted by the 2003 Adoption Inquiry, participants highlighted the need to manage and understand the adoption-related knowledge already gathered. In turn, society and professionals dealing with adopted persons need to make better use of existing knowledge and research.

Many expressed the need for a national knowledge center or resource center to gather knowledge, expertise and research results on adopted persons and adoptive families as a basis for support and advice ¹⁰².

In its 2022 survey, the National Board of Health and Welfare noted that there is a lack of collective knowledge that would need to benefit adoptees, their relatives and the profession. The National Board of Health and Welfare emphasized that there needs to be knowledge and competence about adoption-specific circumstances and needs among different actors in health care and social services, and it needs to be available at different times in the adopted person's life. Several actors in the National Board of Health and Welfare's study expressed that knowledge about, for example, racism and discrimination, trauma and the identity development of adopted persons must be available to people who in their profession meet people who have been adopted ⁽¹⁰³⁾.

Mattias Strand and Natte Hillerberg's 2024 interview study also highlighted the need for increased knowledge of adoption-related issues among therapists and other health professionals. They showed that there is a need for increased knowledge in several areas, such as the impact of adoption trauma, racism and other post-adoption factors on the health of adopted persons. Several participants in their study also highlighted the need for complementary psychotherapeutic approaches to CBT¹⁰⁴.

¹⁰² SOU 2003:49, *Volume 2*, p. 363 ff.

¹⁰³ National Board of Health and Welfare (2022), p. 10; Submission from the National Board of Health and Welfare, received 2025-02-14.

⁽¹⁰⁴⁾ M. Strand and N. Hillerberg (2024).

In our interviews, both internationally adopted people and people who meet adopted people in their profession have highlighted the need to increase skills and knowledge about adoption-related issues. This is true in general in society, but especially among, for example, professionals in social services, BUP and adult psychiatry, other health care and youth clinics. They need more knowledge about, for example, adoption and racism. Some adoptees feel that they often have to educate others and explain how adoptions work and that adoptees can relate to their adoption in different ways. Our interviews have also revealed that there is a need for increased competence about adoptees, mental illness and racism in preschools and schools, in order to support adopted children. Staff in schools need to understand and, if necessary, intervene with adopted children, as adoptees are overrepresented when it comes to mental illness. Many adoptees have experienced trauma and various psychiatric disorders. School health services in particular need to be more competent and aware of the need to be extra attentive to adopted children's moods or behaviours, so that they can receive the right care and support. School and preschool staff need to be able to talk about the fact that we look different and address issues of racism.

The knowledge and thus the ability of professionals to address these needs is in line with the rights of the child under the CRC. For example, Article 6 states that States Parties shall ensure the survival and development of the child to the maximum of their abilities, and Article 24 emphasizes the child's right to the highest attainable standard of health and access to health care and rehabilitation, and that States Parties have an obligation to strive for the full realization of this right.

9.11.2 New knowledge and research is needed in the field of adoption

The 2003 Adoption Inquiry already noted that research and knowledge development on intercountry adoption was a neglected area that needed to be prioritized. There was also no public actor with the task of identifying research needs, coordinating research and disseminating research results to the professionals who meet adopted persons and adoptive families. The inquiry therefore proposed that the government should establish a national research and

knowledge center for international adoption issues. However, the government did not establish such a knowledge center.¹⁰⁵ Our investigation shows that the need for adoption-related knowledge remains.

We have commissioned the Swedish National Board for Health and Welfare (SBU) to investigate whether there is research showing how different interventions affect the mental and physical health of adopted people. SBU notes that there is a lack of well-designed systematic reviews that have examined interventions and the need for interventions aimed specifically at adult adoptees. Nor are there any well-designed systematic reviews that have studied the importance of the adopted children's different backgrounds and conditions for the need for interventions and the effect of the interventions. However, SBU identified well-designed systematic reviews that examined the effect of interventions for adoptive families and adoptive parents on the mental health and attachment of adopted persons. However, the possibility of drawing conclusions about the effect was limited by large differences between the primary studies included and partly low study quality⁽¹⁰⁶⁾.

Based on interviews, focus groups, evidence submitted to the Adoption Commission and previous studies, we have identified some areas where there is a need for new knowledge and research:

- more knowledge to understand the reasons for the poorer physical and mental health and social living conditions of adopted persons,
- what are the evidence-based and effective methods of psychosocial support for adoptees
- knowledge of trauma linked to adoption,
- older adoptees and their support needs; and
- what specific interventions work for adoptive families where the child has neuropsychiatric problems, and how the psychological and emotional resources of adoptive parents affect the adopted children.

¹⁰⁵ SOU 2003:49.

¹⁰⁶ SBU. *Compilation of systematic reviews from the SBU Information Service. Mental and physical health interventions for adopted children and adults*. Short answer from SBU's information service Dnr 24-1024, 2025-02-28.

The analysis of the research summary in the 2003 report problematized the existing research. The researchers called for, among other things, more longitudinal studies and studies that shed light on different phases in the lives of adopted persons, the existence and analysis of risk factors in the countries of origin and their outcomes, more studies of identity development, comparative studies of adoptions that went very badly and adoptions that went very well, and studies that shed light on the effects of ongoing support and treatment measures for adopted persons and adoptive families ⁽¹⁰⁷⁾.

9.11.3 Research in the field of adoption should be stimulated

As we have shown above, there is a consensus that knowledge and skills on adoption-related issues need to be increased in society, especially among professionals who work with adoptees. In order to achieve this, new knowledge needs to be developed, and existing knowledge needs to be compiled and disseminated. There are different ways to achieve this.

In order to generate new knowledge that is useful for professionals who work with internationally adopted persons, relevant and applicable research needs to be promoted. I have considered whether it is sufficient for the Resource Center to establish contact with researchers and research funders and outline the need for new knowledge in order to promote research in the field. However, my assessment is that this would not be sufficient, and that it needs to be supplemented with targeted funds to stimulate research in the field of adoption. I therefore propose that the Government also allocate specific funds to the appropriate research funding body for calls for funding of research projects in the field of adoption. It is better for the government to provide earmarked funds for adoption-related research to a research funder than for the resource center itself to allocate research funds. However, the resource center should have some funds to be able to allocate funds for assignments to conduct knowledge compilations and evaluations in the field of adoption.

Research funding bodies such as Forte and the Swedish Research Council sometimes have calls for funding for thematic research projects, for example segregation, environment and women's health. When it comes to the area

¹⁰⁷SOU 2003:49, *Volume 2*, p. 77 ff.

women's health, the Government first commissioned Forte, in collaboration with the Swedish Research Council, to map and analyze research needs in the field of women's health and diseases. They then submitted a report on the research needs that exist and proposals for a research initiative in the area.¹⁰⁸In the Government's research proposal of December 2024, women's health is one of the initiatives identified for the years 2025-2028, where the Government has allocated special funds to both Forte and the Swedish Research Council to conduct research in the area.¹⁰⁹The area of adoption could be one such theme in the future. If a similar initiative is implemented in the field of adoption, the task of the resource center should be to inform researchers and research funders of the knowledge needs, and then to compile and disseminate the research that is produced.

One option considered is for the Center to establish a collaboration with a particular HEI through agreements or contracts. However, this risks being too restrictive, given the breadth of the research and knowledge development that may be needed. A better alternative is, as in our proposal, to let the need for new knowledge be the guiding principle and to give different higher education institutions the opportunity to conduct research so that the one that is most appropriate in the case in question carries out the research.

9.11.4 Adoption-specific skills should be made visible in regular activities

The professionals who have undergone training and increased their adoption-specific skills need to be made visible in some way in the regular activities so that the adopted persons who want to can find there and make it easier for other professionals to know where to refer a person who wants to meet someone with adoption-specific skills. There are several ways to achieve get it. We have tested different options for how professionals who have developed their skills to a certain level at the resource center can be made visible in the regular activities. One such option is certification, corresponding to LGBTI certification. However, certification often involves an extensive training process, verification of qualifications before certification is granted, and a requirement that the certificate be renewed after a few years. This is potentially something that can

¹⁰⁸ Forte (2023), *Women's Health and Diseases. Mapping and analysis of research needs.*

¹⁰⁹ Prop. 2024/25:60 *Research and innovation for the future, curiosity and benefit.*

develop in the longer term. Initially, however, it is better that those who have completed the resource center's training courses receive a course certificate that confirms their adoption-specific competence and interest. Such a certificate can be used to advantage to make the competence visible on the organization's website, etc. One possibility is also that the resource center on its web portal has a list of, or links to, the people who after completing the training wish to be included there.

9.11.5 The starting point is that existing activities and structures should be used

The resource center will compile existing knowledge about adoption, adoptees and other relevant areas such as trauma, attachment and racism. This knowledge will be shared with professionals who work with adopted persons, including social services, psychiatry, schools, preschools and youth centers.

My starting point has been, as far as possible, to make proposals that are based on and strengthen existing activities and structures within government governance. The Resource Center should continue to work on the basis of the knowledge and experience that MFoF has built up in the assignments it has had so far. The resource center should provide developed knowledge support and offer everything from information and online training on the web portal on issues relating to adoptees and adoption, to targeted adoption-specific training for different professional groups. To increase effectiveness, it is important that the National Board of Health and Welfare can, if necessary, assist the resource center in the development of knowledge support, and that the resource center and the National Board of Health and Welfare cooperate in disseminating knowledge-enhancing support to professionals in social services and health care. This increases the chances of the support having an impact on practical work in the field. It is particularly important that the National Board of Health and Welfare helps to disseminate knowledge support to the healthcare sector, as the National Board of Health and Welfare already has established structures and a higher level of trust than other actors in matters relating to health and social care.

One way to build on and strengthen existing activities and structures is for the resource center to work to bring adoption-specific knowledge into other related activities, for example in existing support lines and knowledge support and in the implementation of

existing strategies. This is better and more effective than the Resource Center setting up its own helpline for adoptees, or the government developing a specific national strategy for adoption issues in collaboration with the Resource Center. The Resource Center should share adoption-specific knowledge with existing support lines, such as the National Mental Health and Suicide Prevention Support Line, the MIND Suicide and Life Line and the BRIS Support Line. The resource center can then also refer those adoptees who have a more urgent need for counseling. The resource center should also work to make the group of adoptees visible through the implementation of, for example, the national strategy for mental health and suicide prevention. Adoptees are not mentioned as a particularly vulnerable group in that strategy, despite the fact that adopted people have been shown to have an increased risk of mental illness and suicide. Sub-goal 2 of this strategy is about strengthening and developing the conditions for good mental health in children and young people, including by becoming better at identifying and paying attention to children who have experienced trauma and being able to offer them early intervention. Sub-objective 4 is about, among other things, developing professional treatment in public organizations that meet people with mental illness or suicidality and developing interventions for groups at increased risk of mental illness. The resource center should also disseminate adoption-specific knowledge to the National Center for Suicide Research and Prevention (NASP) and their regional suicide coordinators.

Other relevant authorities, regions and municipalities should also pay attention to adoption-specific needs in current initiatives, assignments and knowledge support. The Resource Centre should review which other existing activities may need to strengthen their knowledge of adoption-related issues. This could include, for example, raising the profile of adoptees in the implementation of the National Strategy on Sexual and Reproductive Health and Rights (SRHR). Adoptees are not mentioned as a particularly vulnerable group in either the Strategy or the SRHR Action Plan. Research has shown that internationally adopted people find it more difficult than others to establish and maintain relationships and therefore live alone in adulthood, increasing the risk of depression and suicide.¹¹⁰ Sexologist Anna Linde has shown in several studies that SRHR can be an important part of the mental health of internationally adopted people.

⁽¹¹⁰⁾ A. Hjern and B. Vinnerljung (2022), pp. 3 and 19 ff.

She shows that they have been subjected to abusive treatment and exoticization, that they have received inadequate treatment in health care and that the SRHR perspective is often missing when discussing the mental health of adopted persons ¹¹¹.

One possibility is for the resource center to carry out certain commissioned training courses that are paid for by the client. However, the assessment is that the training courses that are developed should, as far as possible, be free of charge or offered at cost price so that regions and municipalities have the opportunity to use and absorb the training, regardless of their financial situation. This is what Barnafriid, for example, has chosen to do with its training for professionals.

9.12 Adoptees should be entitled to financial support for a trip to their country of origin

The investigator's assessment: The right to identity and knowledge of one's origin is a fundamental human right. Given the shortcomings in many people's adoption documents, Sweden has a particular responsibility to assist and facilitate adoptees in learning about their origins, if possible. A financial contribution for a trip to the country of origin is an important part of this.

Rapporteur's proposal: Adopted persons should be able to receive an economic allowance of up to 25% of the price base amount to enable them to travel to their country of origin. The allowance would replace the current adoption allowance that adoptive parents can receive after an adoption mediated by an authorized adoption organization. The allowance will be paid in arrears against proof of expenses and will be administered by the Swedish Social Insurance Agency.

¹¹¹Anna Linde's documentation from interview study on adoptees' sexual and reproductive health and rights (SRHR), submitted to the Adoption Commission 2024-05-02; Anna Linde (2023), *International adoptees sexual health - To be seen or to be visible*. Master's thesis, Malmö University, Faculty of Health and Society.

9.12.1 Adopted persons to receive a financial contribution for return travel

Given the gaps in the adoption records of many adopted persons, it is often not possible to find out about their origins from the records. Even where there is a name of the mother, it can be very difficult to search without more information to go on. Therefore, finding out about one's origins often requires both a DNA search and on-the-spot research in the country of origin. Returning to the country of origin is often expensive, especially if the country is outside Europe, and the adopted person usually needs to hire an interpreter on the spot to communicate with the authorities and, in the case of reunification, with the original family.

Adoptees, MFoF¹¹², BFA¹¹³ and AC¹¹⁴ all request financial support to enable adoptees to return to a country of origin. For some, a return journey is about trying to find their original family, others want to travel to reconnect with the country, language and culture. For some adoptees, the possibility of returning to their country of origin can provide relief from challenging existential questions. A return journey can help provide a more complete picture of the adoptee's identity and history and also reshape their life story and provide a sense of belonging. How a person views their life story and sense of belonging has a significant role in their health and well-being. Several adoptees stress that a return journey is not a vacation. This is partly because a return journey is associated with specific costs, for example for interpreters, visits to authorities and hiring people to provide practical assistance in the country. Partly because going back to the country of origin is a matter of identity and can be emotionally disruptive and painful. Some people therefore also want to be able to travel back with their family.

¹¹²MFoF (2022), *Pilot project with individual support for internationally adopted persons in the search for origin*. p. 27; MFoF (2024), *Final report Support for internationally adopted persons in the search for origin*, s. 17.

¹¹³BFA (2018), *Providing relevant support to adoptees and their families*. <https://www.bfa.se/medlem/adoptionernas-framtid/bfa-stallningstagande-2018/>. Retrieved 2025-04-08.

¹¹⁴Adoption Center's Interest Policy Program (IPP), <https://www.adoptionscentrum.se/app/uploads/2023/01/ipp-februari-2022.pdf>. Retrieved 2024-10-28.

Adoptive parents receive an adoption allowance but adoptees do not receive any financial support in the search for their origin

Several of the people we interviewed stated that adoptive parents receive an adoption allowance of SEK 75,000 from the Swedish Social Insurance Agency. A prerequisite for adoption allowance to be paid is that the adoption has been mediated by an authorized adoption organization. One of the aims of the adoption allowance is to prevent economically disadvantaged groups from being excluded from the possibility of adopting.¹¹⁵ Adopted persons consider that if the State has provided financial support to adoptive parents to adopt children, the State should also provide financial support to adopted persons to enable them to seek their origin. This is especially true in light of the fact that many adoptees lack, and sometimes have incorrect, background information in their adoption documents. Some suggest that one option could be for the State to provide means-tested assistance to level the playing field for return. Those who are most in need of a return journey may have the least financial means to do so.

Adoptees should receive a travel grant to return to their country of origin

Since the state has actively participated in international adoption activities, I believe that the state has a responsibility to ensure that people who have been adopted to Sweden, in most cases without having had the opportunity to decide on the adoption themselves, are given the opportunity to return to their country of origin once in their lives. I therefore propose that those who wish to return to their country of origin should receive financial support to do so. The need for financial support to return is great and time for reunification is running out for many. The parents of people adopted in the 1960s, 1970s and 1980s are older and may soon be gone.

This also applies to other people who may have knowledge and who can contribute to the search for origin. Crucial information in the countries of origin disappears as the years go by. I would like to emphasize that the travel grant is not a form of financial compensation to people who have suffered irregularities in their adoption. The travel grant is

¹¹⁵Prop. 1988/89:3 om bidrag vid adoption av utländska barn, p. 6 and 8.

a financial support scheme aimed at all persons who have been adopted from another country.

I have considered limiting the travel grant to those persons who have no information about their origin in their documentation. However, such a limitation would lead to difficult assessments in practice. Even if there is a name of a parent in the adoption document, it can be very difficult to search without other information, such as ID number or place of residence. As the right to origin is not only about biological origin but also about cultural origin, I believe that the travel grant should cover all adopted persons, regardless of whether they have information about their biological origin or not. For some adoptees, biological origin is very important, while for others it is more important to know more about the country of origin.

I have considered what costs the travel grant should cover, such as travel, vaccinations, accommodation, interpreters and in-country transportation. I also consider it important that adoptees have the possibility to travel with a relative, which entails additional costs. Taking into account that the number of internationally adopted people in Sweden amount to just over 50,000 individuals, I consider that the travel grant should only be paid for the actual costs of the journey to the country of origin, i.e. not costs for accommodation and other expenses. I believe that the most important thing is that the travel grant can lower the threshold for as many adopted people as possible to be given the financial conditions to make a return trip to their country of origin once in their lives. However, I would like to emphasize that it would have been desirable if the state had been able to offer a travel grant that covers the costs actually associated with a return journey.

I have considered the possibility of differentiating the maximum amount according to country or continent. However, in order to reduce the administrative handling of the grant, I propose that travel grants should be paid for actual costs for travel to and from the adopted person's country of origin, up to a maximum amount of 25 percent of the price base amount. Linking the amount to the price base amount aims to secure the value of the travel allowance over time. In 2025, the proposal would mean a travel grant of up to SEK 14 700.

9.12.2 Return travel allowance to be administered by Försäkringskassan

The provisions on adoption allowance are contained in Chapter 21 of the Social Insurance Code. Adoption allowance is a residence-based benefit. This means that anyone resident in Sweden is insured for adoption allowance (Chapter 5, Section 9 of the Social Insurance Code). In Chapter 8, I propose that the Act (1997:192) on International Adoption Mediation be repealed. As a result of this proposal, the adoption allowance will also be abolished. I propose that the grant for searching for origin should replace the current adoption grant in Chapter 21 of the Social Insurance Code and be administered by the Swedish Social Insurance Agency.

A repatriation grant may be paid to persons over the age of 18 who have been adopted from abroad to Sweden before the age of 18 by someone resident in Sweden. The allowance may be paid to persons who have been adopted through an authorized adoption organization or through a private or individual adoption. Return travel allowance shall be paid to persons who have been adopted in accordance with a decision by a Swedish court or whose foreign adoption decision has been approved in Sweden in accordance with the Act (1997:191) on Sweden's accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, the Act (2018:1289) on Adoption in International Situations, the Act (1971:796) on International Legal Relations in Respect of Adoption or the Act (1904:26 s.1) on Certain International Legal Relations in Respect of Marriage and Guardianship. Repatriation grants are not available to persons who have been adopted in another Nordic country or adopted in the country of residence of the adoptive parents at the time. Applicants must be able to present a copy of the adoption decision or another document proving the adoption (in the same way as for an application for an adoption allowance). As the allowance is intended to enable adopted persons to seek their origin, persons adopted by a relative or by a parent's spouse or cohabitant shall not be entitled to an allowance for the search for origin.

Return travel grants are paid in arrears against proof of expenditure. The disadvantage of payment in arrears is that the applicant must spend money himself until the trip is completed. However, advance payment places significantly greater demands on both assessment and

follow-up and the risk of extensive administrative handling of recoveries.

The maximum amount of the grant shall be paid only once per adopted person but shall be possible to apply for at any time during the life of the person after the age of 18. In order for the return travel grant to be paid, the application for the grant must be made within one year of the return travel. The decision of the Social Insurance Agency may be appealed to the General Administrative Court (Chapter 113, Section 10 of the Social Insurance Code).

The Swedish Social Insurance Agency may issue further regulations on the implementation of the return travel grant in accordance with section 3 of the Ordinance (1998:562) on certain authorizations for the Swedish Social Insurance Agency.

9.13 Government grants to organizations that assist adopted persons with tracing

Investigator's assessment: There is a very high level of knowledge and practical experience on tracing within organizations and networks of adoptees, adoption agencies and individuals. Their cooperation with various actors in the countries of origin is often crucial to finding families of origin and enabling reunification. This expertise must be harnessed. As a complement to the resource centre's activities with tracing, the state should also finance, regulate and in other ways contribute to the development of activities that assist adopted persons with tracing. The establishment of such activities should take place in stages and begin with a tracing activity.

The investigator's proposal: The Government shall adopt an ordinance on government grants for a pilot project involving organizations that assist adopted persons in tracing their origins.

MFoF will be the authority responsible for grant decisions and will be tasked by the government with coordinating and evaluating grant applications.

9.13.1 The knowledge of origin search that exists within civil society must be harnessed

We have met many different actors in civil society who assist adopted persons with tracing both in Sweden and in different countries of origin. There is a broad consensus that the state needs to take primary responsibility for helping and supporting adopted persons with tracing, but also that the knowledge and experience that exists in organizations, networks and individuals must be utilized. In my opinion, there is a great deal of knowledge and practical experience about tracing within organizations and networks for adoptees and adoption organizations in Sweden and that their cooperation with different actors in the countries of origin is often crucial for finding families of origin and enabling reunions. For example, Chileadoption.se works closely with the non-profit Chilean organization Hijos y Madres del Silencio and AFO has a network of contacts that can help in searching for origins in other countries. AC also has long experience of supporting adoptees in their search for origin and has established contacts in many countries. AC has also expressed to MFoF and the Ministry of Social Affairs that they believe that state subsidies should be paid to adoption organizations for their PAS work.¹¹⁶ I believe that the expertise that exists in civil society must be utilized and that the state should finance, regulate and otherwise contribute to the development and optimal functioning of activities involving tracing of origin for adopted persons.

There are several examples of government grants to actors providing support and assistance to individuals

There are several examples of state subsidies to actors that provide support and assistance to individuals. One example is the so-called anti-discrimination agencies, which are run by non-profit organizations, but with funding from the state through the Swedish Agency for Youth and Civil Society.¹¹⁷ The agencies offer free legal advice and also training to companies, associations, municipalities and regions. The agencies

¹¹⁶AC. *Application for government grants for 2023 and request that the regulation SFS 2015:980 be reviewed* 2023-01-13.

¹¹⁷Ordinance (2002:989) on State aid for activities to prevent and combat discrimination.

also often carry out opinion-forming work. They are sworn to secrecy and are not subject to the principle of public access. They also cooperate with the Discrimination Ombudsman. The principals of the activities are in all cases non-profit organizations.¹¹⁸ On 1 April 2025, the Ordinance (2025:119) on experimental activities with independent children's ombudsmen entered into force. The pilot activities with independent children's representatives from civil society organizations aim to provide support to children in contact with authorities and courts to strengthen the child's voice and participation in the contacts. The independent children's ombudsman should also be able to help the child to obtain information about the rules and rights that apply and to which the child is entitled in different situations⁽¹¹⁹⁾.

9.13.2 The state shall contribute to the establishment of activities within civil society organizations that offer support in tracing

An experiment with organizations offering origin tracing support to adopted persons

I believe that the state should contribute to the establishment of activities within civil society organizations that offer support in tracing. The establishment of such activities should take place in stages and begin with a pilot project. The purpose of the pilot project is to test the activities on a smaller scale, so that they can then be followed up and evaluated. The Government should adopt an ordinance on government grants for experimental activities with organizations that assist adopted persons in tracing their origins. MFoF is the appropriate government agency to decide on and pay out government grants under the proposed regulation. MFoF is currently responsible for the government grant to authorized adoption associations and to national organizations for adoptees. The activities are intended to complement the support with tracing that the resource center will be responsible for. The organizations that receive government grants can provide more concrete and practical support than the more general support that the resource centre can provide. The organizations should be able to assist with

¹¹⁸SOU 2023:40 *Improved opportunities for children to claim their rights under the Children's Convention* p. 517 ff.

¹¹⁹<https://www.regeringen.se/pressmeddelanden/2025/02/oberoende-barnombud-ska-ge-standing-by-children-in-vulnerable-situations/>. Retrieved 2025-04-07.

explain the information in adoption documents both in Sweden and in the country of origin, make contact with individuals and organizations in the country of origin, provide advice and support in the application process and before a return journey, and prepare the first contact in connection with reunification. It is important that the organizations receiving government grants coordinate with the national resource centre of

clear demarcation of who does what. It should be free of charge for adopted persons to receive support in tracing origins from the organizations participating in the pilot.

I consider that the pilot activities with civil society organizations offering support in tracing should be targeted at persons over 18 years of age. Tracing is a process that can provoke strong emotions and reactions and it is therefore important that such a process ensures that the child is not harmed and that the child has access to the protection and support that the child needs. I therefore do not consider it appropriate for the pilot to include children.

However, the question of whether children should be included in the activity should be

in the assessment of an extension and expansion of the activities. I have chosen to submit a proposal for a government grant regulation that regulates in general terms what the purpose of the grant is, what an activity and how grants are paid out. MFoF is proposed to be given the right to issue regulations concerning the requirements that may be imposed on civil society organizations in order to receive the government grant. This may include specifying in more detail the quality and competence requirements to be set and how the privacy of individuals can be ensured. It may also prescribe in more detail what information the authority needs in the form of accounts and documentation in order to pay out funds and to evaluate and coordinate the experimental activities. In other documents, the MFoF may provide further guidance if deemed appropriate by the authority.

The Regulation is proposed to enter into force on September 1, 2026 and to apply for the first time to State aid for the year 2027.

Conditions and financing of the state aid

In accordance with the general conditions for grants to civil society organizations¹²⁰, tracing activities must be carried out by non-profit associations or foundations. Grants may be awarded to an established organization with at least two years' experience in providing some form of support to adopted persons and their families.

A non-profit organization or foundation that has received a state grant under the Regulation may be liable for repayment if, inter alia, the organization has caused the grant to be given incorrectly or in an excessive amount by providing incorrect information or in some other way, if the grant has not been fully or partially used or applied for the purposes for which it was granted, or if the required report has not been provided. The responsible authority shall decide to recover all or part of the grant if the beneficiary is liable for repayment. If there are special reasons for doing so, the authority may waive recovery in whole or in part.

According to the government's bill on a policy for civil society, financial support to associations should be given as organizational grants, operating grants, project grants and mission compensation.¹²¹ I believe that an operating grant is the most appropriate form of support for the proposed activity. Operating grants should be chosen when the purpose is to support a civil society organization in its role of providing service to both members and the public. The grant form also enables the state to set clear requirements for counter-performance. The achievement of objectives is to be assessed on the basis of the organizations' counter-performance, which means that it should be possible to apply performance management in a similar way to other government activities.

The funding of activities with origin searches needs to be long-term in order to establish stable activities that can maintain high quality over time. I therefore propose that it should be possible to make decisions on government grants for three years, but that the grants should be made annually and subject to the availability of funds. A prerequisite for this is that the Riksdag decides on a so-called ordering authorisation, which sometimes occurs for appropriations that are wholly or partly allocated

¹²⁰ Prop. 2009/10:55, p. 148.

¹²¹ Prop. 2009/10:55 p.141 f.

to civil society organizations with the aim of creating stability and sustainability.¹²²

Other work of the organizations

An association or foundation that receives a grant to carry out origin search activities must be able to carry out other activities in parallel with these activities, such as opinion and advocacy work and training activities. However, the government grant received by the organization for origin search activities shall not be used for these purposes.

Government assignment to MFoF to coordinate, develop and follow up the experimental activities

I propose that MFoF be given the task of coordinating, following up and evaluating the implementation of a pilot project with organizations that assist adopted persons in tracing their origins. In the assignment, the details of the implementation of the and objectives are specified. The actual duration of the pilot activities, i.e. the time that civil society organizations offer the activities, should last for three years. This is to ensure that the activities are carried out for a sufficiently long time to be able to be properly followed up and evaluated. The assignment to MFoF should include compiling the results of the government assignment. At the latest when one year remains of the three-year operational trial, MFoF should submit a first interim report to the Government. This includes submitting proposals on whether and how the experimental activities can be expanded in an extended experimental period or whether and how they can be transformed into permanent activities.

At least two different non-profit associations or foundations should be granted grants under the Regulation. This is to achieve a certain breadth and depth in the experimental activities, which is deemed to provide greater opportunities for important experiences and conclusions ahead of an extension and expansion of the activities. MFoF should make a broad announcement of the opportunities to apply for the government grant in question and be part of the pilot project.

¹²²SOU 2023:40, p. 512.

In implementing the pilot, MFoF should provide relevant and adequate support to the organizations granted funding under the Regulation. MFoF should also seek the views and wishes of the organizations in terms of what support they need and also otherwise how the experimental activities should be designed and followed up. MFoF should also be responsible for developing and implementing introductory and further training for organizations conducting pilot activities with support in tracing adopted persons. The training measures could, for example, concern guidance for people working to assist individuals in tracing and ethical dilemmas.

9.14 Location of a national resource center for adoptees and adoption issues

The investigator's assessment: A national resource center for adoptees and adoption issues must have a high level of competence, accessibility and trust. An important part of the center's mission is to offer direct support to individuals as well as knowledge support to individuals and professionals. This places demands on where a resource centre should be located both organizationally and geographically. The resource center should be located at an authority whose basic mission provides the conditions for fulfilling the resource center's mission to provide direct support to individuals and knowledge support to individuals and professionals. Of the three alternatives considered (the Public Health Authority, MFoF and the National Board of Health and Welfare), MFoF is deemed to be the most suitable authority for implementing and completing a resource center assignment.

The investigator's proposal: The national resource center for adopted persons and adoption issues should be placed at MFoF, as a new unit with a geographical location in Stockholm. Such a solution provides the conditions for the resource center to offer both physical and digital direct support with high availability and high adoption-specific competence. In order to strengthen the target group's participation in the resource center's activities, an advisory body will be linked to the resource center.

9.14.1 The choice of location is important

In our interviews and focus groups, it has been highlighted that a resource center should be located where it gives legitimacy to the activity. This can be created by placing the centre in connection with an existing government activity that can carry out the task in a good way and has the confidence of the target groups, and that the centre is independent of the adoption organizations. One message from the expert group is that the knowledge brokerage needs to be linked to the existing government structures for knowledge management.

9.14.2 Centers of excellence are located in different activities and host organizations

We have commissioned a survey of a number of existing centres of expertise, how they are organized and where they are located.¹²³The survey shows that there are advantages in locating a resource centre at an existing business, not least for reasons of resources and efficiency. In the vast majority of cases, competence centers are relatively small operations where it is not justified to build up their own administration and support activities. By being located at an existing host organization, it is possible for the centre to use the administrative resources of the business, but also existing knowledge and expertise.

The mapping shows that existing centres of excellence are located in different host organizations, depending on their focus and mission. Some are located in universities and are linked to clinical activities in a hospital or a region.

This applies, for example, to the National Center for Women's Peace, NCK, at Uppsala University and Region Uppsala, and the National Center for Suicide Research and Prevention, NASP, at Karolinska Institutet and Region Stockholm. Others are only linked to a region, such as the National Center for Relatives, NKA, established at Region Kalmar, and the Västra Götaland Region Center of Excellence on Domestic Violence, VKV, at Region Västra Götaland. There are also centers that are solely linked to a university, such as Barnafriid, BARNAF, at Linköping University. Several centers are located at authorities such as the

¹²³Governo. *Mapping of national competence centers in Sweden*, 2024-01-30.

Examples include the National Competence Center for Elderly Care (NKÄ), which is located at the National Board of Health and Welfare, and the National Center against Honor-Related Violence and Oppression (NCH), which is located at the County Administrative Board of Östergötland but is to be transferred to the Gender Equality Authority. There are also examples of independent centers, such as the Swedish Dementia Center, SDC.

9.14.3 Pros and cons of different placements

The mapping exercise, our stakeholder interviews, and the views of our expert group and reference group show that there are advantages and disadvantages to different locations for a resource center.

A location at universities and regions such as NCK and NASP has the advantage of enabling the center to conduct and participate in research (especially clinical research) and training. The location can provide greater freedom and a less hierarchical administration than in other types of government agencies. The location at a university also provides legitimacy and credibility. A disadvantage of a region as a host authority is that the region is politically controlled and influenced by politics and its priorities. The location at a university can also complicate prioritization and governance due to the autonomy of universities. There are also reportedly limitations on how a region can disseminate knowledge and support to other regions, which can limit the availability of a resource center.

Placement at an authority other than a university has the advantage of providing access to knowledge and data and good support for the Center's mission. It also provides legitimacy, stable governance and the opportunity to raise issues relating to the center's work with the government. A disadvantage is that the host organization owns the mission and influences how the centre can carry out the mission. Placement at a large authority can mean that it takes longer to push through and implement various issues. Disadvantages of placement at a county administrative board are that the authority handles a large number of issues in its operations and has no assignment towards health care, which makes it difficult for the authority to steer in this area.

A stand-alone activity has the advantage of being more nimble than, for example, a larger government agency. A disadvantage is that it can be difficult for an independent center to make its voice heard and to be accepted by neighboring actors.

Ultimately, it is the subject matter, focus and mission of the center that must determine the choice of location. What is the main mission of the resource center? Where is the focus of the mission? Are there actors with existing expertise in the area that can be added to the resource center? Where are the best conditions for creating a long-term approach and accessibility? What location gives legitimacy to a resource center? These are questions that need to be answered to determine the most appropriate location.

9.14.4 A resource center should be located in an authority

The main focus of the mission of a national resource center for adoptees and adoption issues is to provide direct support to individuals and knowledge support to individuals and to professionals who in their work meet adopted persons. The center will not conduct own research and especially not clinical research. My assessment is therefore that a placement at a university or region is not appropriate. Placement at a government agency governed in the usual way is more consistent with the center's mission and focus as described above. Such a solution provides the conditions for stable operations and governance and that the resource center's issues are followed up by the government and can be raised to the government.

Based on the above, a resource center for adopted persons and adoption issues should be located at a government agency but not a university. In my opinion, this provides the best conditions for creating a long-term perspective, stability and legitimacy for the resource center.

9.14.5 Three options for the location of a resource center

We have considered three options for the location of a resource center for adopted persons and adoption issues: the Public Health Agency, MFoF and the National Board of Health and Welfare. The choice of these authorities is based on

I have assessed that they have core missions in areas relevant to the Resource Center.

In order to analyze the conditions for placing a resource center at one of the authorities, we have asked the authorities to answer a number of questions. These concern the conditions for taking on a resource center assignment, the authority's expertise in the area, whether the authority has experience of similar assignments, where a resource center could be located within the authority, the advantages and disadvantages of locating a resource center at the authority and how the authority views a resource center assignment. The authorities answered the questions in writing and we then followed up the authorities' answers at a meeting with representatives of each authority. The exception is the Public Health Agency, where we considered that the written response was sufficient for to understand the authority's attitude to and conditions for a possible assignment. Below we present what emerged from the contacts with the three authorities.

Public Health Agency of Sweden

The Public Health Agency of Sweden promotes good and equal health throughout the population, and focuses its activities in particular on groups that are most at risk of ill health. The Agency has no competence to deal with issues relating to individuals and does not work specifically with adoption issues in its activities. The only area that has a link to adoption issues is the Agency's work on the youngest children (0-2 years), where the Agency develops knowledge on how society can provide the best possible support for conditions for equal health, and where adoption can be a circumstance discussed instead of foster care. The agency also works with knowledge support for children and young people, but this generally concerns issues relating to various forms of vulnerability and what affects or promotes children's health and development, particularly at community and group level.

One advantage that the authority highlights by placing a resource center at the Public Health Agency of Sweden is that they are a large authority with experience in developing and disseminating knowledge support, monitoring and analysis, producing statistics, coordination and distribution of

government grants. The disadvantage is that the Agency lacks specific expertise in adoption and directly related issues, as well as in dealing with cases involving individuals. The competence center will thus need to be built from scratch, and will lack a clear link to the agency's other activities.

The Public Health Agency of Sweden's overall assessment is that a national resource center for adopted persons and adoption issues should not be located at the agency. There are other authorities that work more closely with the issues related to the resource center and where the benefits and synergies of a resource center would be clearer and greater.

MFoF

According to its instructions, MFoF shall conduct and promote knowledge-based work and be responsible for knowledge dissemination in parenting support, family counseling and family law covered by municipal social services. This work includes the production of regulations, general advice, knowledge support and tools. MFoF is the central authority under the 1993 Hague Convention and is responsible, among other things, for monitoring international developments in international adoptions. Since 2020, MFoF has provided support in tracing, adoption-specific interview support and is the national contact point for issues relating to irregularities in international adoptions. MFoF believes that a resource center is in line with the agency's mission and can be seen as a strengthening and further development of what the agency already can and does.

The advantages highlighted by MFoF of locating a resource center at the agency are that it would provide accessible, coherent and coordinated support to adopted persons and their families. MFoF is an established actor nationally and internationally and can, based on its existing mission, continue to develop expertise and support for adopted persons, adoptive parents and the profession. MFoF also has experience of working with different channels to disseminate knowledge, such as webinars, podcasts,

¹²⁴The Public Health Agency of Sweden's response to questions regarding the National Resource Center for Adoptees and Adoption, 2025-02-11.

website and through writings and publications. Disadvantages of placing a resource centre at MFoF are, according to the authority, that there are individuals who do not have confidence in the authority because the authority has historically been responsible for authorization and supervision of international adoptions. MFoF does not control health care, which according to the authority can be a limitation but not an obstacle to disseminating knowledge to health care as well.

MFoF considers that the experience that the agency has built up in recent years through the assignments of tracing origin, call support and national contact point for irregularities, together with its role as a central authority and expertise in knowledge brokerage, makes the agency suitable for an assignment as a national resource center. MFoF believes that the agency has very good conditions to fulfill a mission as a resource center and the department for international adoptions within MFoF can become part of a new resource center. However, MFoF sees a need to strengthen the competence of the agency in order to deliver better in all the agency's different missions⁽¹²⁵⁾.

National Board of Health and Welfare

The National Board of Health and Welfare's instructions do not contain any specific task regarding adoption issues, but there are related issues. For example, the agency provides support in matters of national adoptions that the social services work with. The activity at the National Board of Health and Welfare that most closely resembles the proposed resource center for adoption issues is the National Board of Health and Welfare's national competence center for elderly care (NKÄ). However, NKÄ does not offer support to individuals.

With regard to the tasks of a resource center, the authority does not see any problem when it comes to offering competence-enhancing measures for professionals who meet adoptees in their everyday lives, promoting research in the field, offering forums and exchanges of experience or otherwise disseminating information and knowledge about adoption issues. However, the Authority sees it as more

¹²⁵MFoF, Written response to the Adoption Commission's questions regarding a national resource center for questions about adoptees and adoption, 2025-02-13; Meeting with MFoF 2025-02-24.

unclear whether it can offer support to individuals through counseling and assistance in tracing. According to the Administrative Procedure Act, a state authority must provide the individual with such assistance that he or she can protect his or her interests. This means that the authority cannot assist the individual in a case. On the contrary, the information given to the individual must be factual and impartial.

The National Board of Health and Welfare, as a government agency, cannot be given a function in which it advises and takes a position on individual cases or issues relating to adoption. If it is proposed that a center be established at the National Board of Health and Welfare, the center's tasks should be clarified so that they are compatible with the authority's role and with the Administrative Procedure Act. At our meeting with the National Board of Health and Welfare, it was stated that if the National Board of Health and Welfare is to be given a remit to provide support to individuals, a change in the law is required; a remit in the authority's instructions is not enough. However, the authority risks ending up in dual roles if it has both a knowledge dissemination mission where the authority must be perceived as impartial and at the same time provide individual support. Today, the National Board of Health and Welfare is very careful to distinguish between these roles and there may be a risk of damage to the authority's reputation.

The Authority wonders whether, on this basis, it is appropriate for them to be given a resource center mandate.

One advantage of placing a resource center at the National Board of Health and Welfare is that the agency will have overall responsibility for international and domestic adoptions. The needs of adoptees can be integrated into the agency's issues. The National Board of Health and Welfare also has established forms of knowledge management as well as networks and channels for reaching out to the social services and health care, which is particularly important as the National Board of Health and Welfare has a high level of trust in these sectors. The National Board of Health and Welfare also has experience with national centres of expertise and how they should be positioned and relate to the agency's organization and processes. Disadvantages of placing a resource center at the National Board of Health and Welfare are that the agency lacks or has limited competence for some of the center's proposed tasks, in particular international adoptions and support to individuals in the form of, among other things, tracing of origin. The responsibility for individual support proposed for the Center deviates from the usual tasks of the Agency. A further disadvantage is that the resource center will be one of many tasks within the National Board of Health and Welfare and there is a risk that the adoption issue will be given less profile and attention than if the center were to be placed in a

be organized in a smaller authority. However, the National Board of Health and Welfare has extensive experience of being responsible for and keeping together many different issues, and the authority believes that the resource centre form counteracts such a risk by organizing the centre in a way that makes it clear both internally and externally.

If a competence center were to be established at the National Board of Health and Welfare, it would mean that the authority would need to develop competence in the area. Some of the tasks of the proposed center are currently performed by MFoF, according to instructions or government decisions, and it will therefore be important to clarify the division of responsibilities between the authorities.

If an adoption resource center were to be established at the National Board of Health and Welfare, it would probably be placed as a unit within a department of the agency. The resource centre would be in line with the organization and governance of the agency in general, thus creating clarity internally but above all externally.

The National Board of Health and Welfare's assessment is that the assignment is largely compatible with the authority's basic mission, except in the case of direct support. The mission needs to be regulated in the agency's instructions and the tasks relating to support for individuals need to be clarified so that they are compatible with the agency's role and with the Administrative Procedure Act.

The Agency needs to be resourced to carry out such a mission¹²⁶

Conditions and considerations for the location of a resource center at MFoF or the National Board of Health and Welfare

Based on the responses we have received from the authorities, my conclusion is that the choice for the location of a national resource center for adopted persons and adoption issues is between MFoF and the National Board of Health and Welfare. I do not consider it appropriate to proceed with the Public Health Agency as an alternative.

As described earlier in this chapter, a national resource center for adoptees and adoption issues should be able to meet the needs of adoptees for support, particularly in terms of counseling, support in tracing origins and support in cases of suspected irregularities. Being able to offer direct support is therefore important. The

¹²⁶National Board of Health and Welfare, Written response to the Adoption Commission's questions regarding a national resource center for questions about adoptees and adoption, 2025-02-17; Meeting with the National Board of Health and Welfare 2025-02-24.

can be done in different ways, for example by allowing external providers to offer the support. This is what is done today for call support and, as I propose, parts of the support for tracing should also be offered through actors other than the resource center. Regardless of this, there will be a need for a national resource center to be able to guide individuals on various issues, i.e. to provide direct support. This is one of several important starting points for the location of a resource center.

In terms of support to individuals, the MFoF already offers such support in the form of interview support and tracing. The agency has built up expertise and developed materials and guides to assist in various types of questions and cases concerning tracing of origin. Based on its role as the central authority for international adoption issues, the authority has established contacts with other central authorities. MFoF also has knowledge of adoption activities over time, which is important in order to be able to develop support in tracing origins, but also support for individuals in cases of suspected irregularities in adoptions. MFoF's current contact point assignment also helps to build up competence in this area. The National Board of Health and Welfare does not have the same knowledge and expertise today. The National Board of Health and Welfare also expresses that it is not appropriate for them to be given a mission to offer direct support to individuals as it clashes with the authority's knowledge dissemination mission where the authority should be perceived as impartial. The Social Welfare Board emphasizes that they are very careful to distinguish between this and see a risk of damage to the authority's confidence with such a mission. A central part of a resource center's activities would thus risk falling away, or having to be offered in full only through external actors. However, it is my assessment that a national resource center cannot completely divest itself of the role of offering direct support to individuals. MFoF has also discussed the boundaries for providing direct support and concluded that it is possible to offer information to individuals and refer them on in the way the authority does today. However, MFoF needs to consider where to draw the line and how this relates to what other authorities do.

As for the mission of a resource center to offer knowledge support to professionals, compile research and produce guidance, it fits both MFoF and the National Board of Health and Welfare, as both authorities have that kind of mission and role in other areas.

areas. It is particularly close to the existing mission and role of the National Board of Health and Welfare. A resource center located at the National Board of Health and Welfare would have good conditions for reaching out with knowledge support to social services and health care. However, MFoF has unique expertise in the field of international adoption, which is important in order to have an overview of what knowledge exists and what knowledge and research is needed within the framework of a resource center. MFoF also works with knowledge support for professionals already today when it comes to parenting support, among other things.

As regards the task of the resource center to offer forums and meeting places, MFoF has the advantage that they already have established channels and working methods to reach out to different target groups in the field of adoption, for example through podcasts, webinars and seminars.

Another important factor for the location of a resource center is the size and governance of the host authority. MFoF is a small authority and a resource center assignment will be an important addition to the authority. This suggests that the assignment should be prioritized and given great focus. The National Board of Health and Welfare itself emphasizes that an assignment in international adoptions will be one of a large number of assignments for the authority. There is a risk that the issue will "disappear" in the authority as a whole. However, the National Board of Health and Welfare emphasizes that the resource center as a form helps to counteract this risk. It gives the mission greater clarity both internally and externally.

As I have noted, there is a great need for the support that a national resource center for adopted persons and adoption issues will provide. This need has existed for a long time and it is only in recent years that the Government has decided that support should be offered through MFoF. My assessment is therefore that it is important that the establishment of a national resource centre does not take too long. This suggests that a resource center should be placed at an authority where there is already developed expertise in the field of international adoption. MFoF also has experience of offering direct support to individuals and working with knowledge support initiatives.

Proposal to integrate MFoF into the National Board of Health and Welfare

The inquiry into a review of the tasks and organization of smaller authorities submitted its final report in February 2025.¹²⁷The inquiry's task was to analyse the activities, tasks and organization of the smaller authorities and make proposals for authorities or parts of authorities' activities that should be discontinued, as well as to which authority or authorities any remaining tasks should be transferred.

The report proposes that all of MFoF's tasks relating to parenting support, family counseling, family law and international adoptions be incorporated into the National Board of Health and Welfare. According to the report, it is particularly important that MFoF's current tasks concerning international adoptions are transferred to the National Board of Health and Welfare. It is also very important to ensure continuity in terms of capacity and quality in several of MFoF's tasks, including international adoptions. The inquiry makes no proposal for a change in the location of the tasks to be incorporated into the National Board of Health and Welfare. According to the report, it is reasonable that the current activities continue to be carried out in Skellefteå until further notice. According to the report, an arrangement is expected to provide a better overall view and better opportunities for more coordinated and efficient work with, for example, international adoptions. It can also provide administrative benefits. One risk with a reorganization is that issues of international adoptions may receive less attention or be given lower priority and that the MFoF's specialist expertise in the area is weakened in a larger authority. According to the report, such a risk can be managed and limited in an appropriate manner.

In dialogue with the Ministry of Social Affairs, we have received the recommendation that we should base our analyses and proposals on the existing structure of the authorities, i.e. we analyze and assess the authorities on the basis of the tasks and role they have today. However, I note that my proposals work well regardless of what happens in this matter.

¹²⁷SOU 2025:13 *A more efficient organization of smaller authorities - analysis and proposals*, pp. 33 and 354 ff.

9.14.6 A resource center will be established as a separate unit within MFoF, located in Stockholm

Key measures for setting up in MFoF

My proposal based on the considerations above is that MFoF should be given the task of establishing a national resource center for adopted persons and adoption issues and that the resource center should be located at MFoF but as a separate unit in Stockholm. The center's mission shall be stated in MFoF's instructions and financed by appropriations from the Government via MFoF's appropriation directions. The Resource Center shall be established from 1 September 2026.

However, a prerequisite for MFoF to be given this role and responsibility is that the resource center mission is not simply a continuation of the agency's current support mission. The disadvantages and objections to placing a resource center at MFoF must be dealt with, not least with regard to the criticism that has been made of MFoF's existing support and lack of accessibility. As we have described in previous sections, the resource center should offer qualitative and competent support with high accessibility. The center must have a high level of legitimacy. My assessment is that several measures are required to achieve this.

The fact cannot be ignored that the MFoF does not currently enjoy the full confidence of its target group. Although many people who have used MFoF's support are satisfied, there are also those who are dissatisfied and express distrust of the agency. This is particularly true of associations of adoptees. Regardless of the number of people who distrust MFoF's capacity to manage a resource center, it risks affecting the legitimacy of the resource center, which would be very unfortunate.

In order for a national resource center to gain the legitimacy it needs, I therefore believe that a new start is needed when establishing a resource center. An important part of this new start is to make it clear that the resource centre is separate from the processing of intercountry adoption cases, to make it clear that the centre is independent of the adoption organizations and to separate it organizationally and physically from the existing activities at MFoF.

As I have stressed, I consider it important that a resource center is highly accessible and can offer direct support. It is not enough

with contact via email, phone or digital meetings as today. I judge that support will be more effective and better meet the needs that exist if it also includes the possibility of direct contact, for example for exchanges of experience and meeting places as well as support in searching for origins. This argues against a location in Skellefteå. A center located in Stockholm is geographically more accessible than a center located in Skellefteå and it can thus capture more people within a larger immediate area. For the vast majority of individuals, it also takes longer and costs more to get to Skellefteå than to Stockholm. My proposal is therefore, as stated above, that the national resource center should be established as a separate unit within MFoF, located in Stockholm. This provides the opportunity to create the center with high accessibility that is requested. I am aware that this is a sensitive issue. The agency moved to Skellefteå in 2018 and has since worked hard to build up new expertise at the agency. There is a risk that a new loss of competence will arise in the short term, but I believe that this can be avoided by building up the new unit in good time and recruiting staff before the resource center's operations are to start on 1 September 2026. I therefore assess that the benefits of locating the center in Stockholm, in terms of increased accessibility, broadened skills and the opportunity for a fresh start, outweighs the possible risks and inconveniences it may entail.

Another important issue is the competence of the resource center. The expertise currently available in the intercountry adoption department at MFoF is largely adapted to the authority's task of authorizing and supervising intercountry adoption activities. About half of the employees work with tasks that will be part of the resource center's mission. A resource center therefore needs to recruit new skills based on the mission that the resource center will have. A location in Stockholm can facilitate the recruitment of suitable staff. According to my proposals, competence in tracing origins can also be broadened, for example by making use of the competence of individual adoptees, adoptee associations and adoption organizations in various ways. The introduction of an advisory body with representation of researchers and individuals with different experience also adds expertise.

It is clear that MFoF wants a mission for a national resource centre, which is gratifying and provides good conditions for the mission to be prioritized and given focus within the authority. However, the assignment requires an awareness that the activities of the resource center are of a different kind than the assignment that the authority has today and that this will place great demands on the authority. The assignment also requires that the authority and the resource center are given sufficient resources.

Skills and staffing of the resource center

My assessment is that a national resource center for adopted persons and adoption issues comprises twelve FTEs. The resource center would have a director and staff recruited on the basis of the specific skills required to fulfill its mission.

In addition, there is the call support and the organizations that receive government grants to help with tracing.

In addition to a head of the resource center, there must be an employee who coordinates the counseling support and develops the support together with the external providers who offer the counseling support, in contrast to how the National Social Appeals Board coordinates the PAS support. One employee will work with legal support and otherwise contribute legal expertise within the resource center. Five people will work on building up and offering support in tracing origins and support in cases of suspected irregularities. Of these, two posts will be flexible and will be filled through fixed-term project appointments in order to utilize relevant skills in a more flexible way based on the specific skills needs of the resource centre over time. This can advantageously be several part-time positions or shorter project positions to quickly build up knowledge of origin search in different countries. Two staff members will work on knowledge support to professionals and on stimulating and managing research. Two FTEs will work on communication, financial and IT issues related to the Resource Center respectively.

The Ombudsman for Children has stated that it is important that the resource center has expertise in children's special conditions and needs, and knowledge and experience of talking to children.

An advisory body will be attached to the resource center

An Advisory Board will be attached to the Resource Center. The council shall include individuals, researchers and others with relevant expertise for the center's activities and provide an opportunity for different experiences and perspectives to meet. MFoF will appoint the members of the Council. The Council has an important role in involving the target group in the activities and in strengthening the knowledge and competence base of the Resource Center. If there is a need to develop research links in the activities, a special research council can be attached to the resource center. The advisory body could then become a user council.

10 Impact assessment, costs and financing proposals

10.1 The mission

According to our directives, the investigator is to shed light on the consequences of the proposals submitted in a comprehensive and thorough manner. In addition to what follows from the provisions of Sections 14-15a of the Committees Ordinance (1998:1474), the investigator shall in particular analyse the significance of the proposals for the authorized associations. If the proposals can be expected to lead to increased public finance costs, the investigator shall propose how these should be financed. If a proposal is submitted that changes or extends the responsibilities or powers of an authority, the costs of this must be reported. If the proposals affect municipal autonomy, the consequences and the special considerations that justify the proposals must be reported separately (see Chapter 14, section 3 of the Instrument of Government). The impact assessment regarding gender equality shall relate to conditions both in the countries of origin and in Sweden insofar as they are affected by the inquiry's report. An account of the consequences of the proposals and their compatibility with Sweden's international human rights commitments, such as the Convention on the Rights of the Child and the 1993 Hague Convention, shall be provided.

The inquiry was convened in October 2021 and shall base its impact assessment on the provisions set out in sections 6 and 7 of the repealed Ordinance (2007:1244) on Regulatory Impact Assessment ¹.

¹Ordinance (2024:183) on impact assessments Transitional provisions.

10.2 Impact on children and children's rights

Article 3 of the UNCRC states that in all actions concerning children, the best interests of the child shall be a primary consideration. The principle of the best interests of the child is an approach in decision-making processes. Analyses therefore need to be carried out continuously during the course of the work as an integral part of the work of developing proposals for measures.²We have continuously analyzed the best interests of the child in the investigation work.

10.2.1 The proposal to phase out intercountry adoption services

The proposal to discontinue the international adoption agency business has a major impact on children's living conditions, which means that we have carried out a detailed description and analysis of the consequences and effects from a children's rights perspective. In this assessment, we have used the Ombudsman for Children's methodology for how a structured assessment of the best interests of the child can be made.⁽³⁾Below is a brief summary of the child impact assessment.

Even such an intrusive measure as intercountry adoption can be the best care solution for an individual child if the adoption is carried out exclusively with regard to the needs of the child and with respect for the rights of the child and the parents. However, intercountry adoption activities cannot be considered only from a micro perspective. At the system level, the activity of placing children for adoption is problematic because it is based on a demand for children. The combination of demand for children from receiving countries and strong financial interests can create both an incentive in countries of origin to place more children for intercountry adoption than is required from a child rights perspective and the risk of child trafficking and other irregularities. These underlying factors mean that there are major risks of irregularities and that it is not possible to fully guarantee that adoptions always take place legally and ethically. Swedish authorities do not have the possibility or even the right to fully control the processes carried out in other countries. Sweden cannot therefore guarantee that there are no irregularities in the countries with which we cooperate.

² Ds 2022:22 *Better impact assessments*, p. 72.

³<https://provningbarnetsbasta.barnombudsmannen.se/>.

Taking into account the risks and consequences that irregularities in international adoptions can lead to, I consider that international adoption mediation is no longer a sustainable solution for protecting children's interests. Despite the benefits that an international adoption can bring to an individual child, my assessment is that the proposal to discontinue the brokering activities contributes to improved opportunities for children as a group to have their rights under the Convention on the Rights of the Child met. Research shows that international adoptions unintentionally lead to the national solutions in the children's countries of origin being of poorer quality than would be the case if international adoption had not taken place. At a micro level, the dismantling of intercountry adoption brokering activities may mean that children currently living in orphanages in another country are not given the opportunity to find a permanent family in Sweden. However, intercountry adoption is no longer the primary option for meeting the care needs of any category of children anywhere in the world. It is a relatively very small group of children who would be affected by the phasing out of intercountry adoption. In 2024, 54 children were adopted to Sweden from nine countries and the forecast going forward is declining.

10.2.2 The proposal to tighten the rules for authorizing intercountry adoption

In a globalized world, there will always be a need for intercountry adoption in individual cases. An intercountry adoption may be in the best interests of an individual child, taking into account, inter alia, the child's right to grow up primarily with his or her family, which may be relatives (or someone in the extended network) living in a different country from the child. One consequence of the proposal to discontinue international adoption mediation is that it will only be possible to carry out a cross-border adoption without the involvement of an adoption organization, i.e. through what is currently known as an individual adoption. As described in Chapter 8, there are risks in the current process for individual adoption and I am therefore proposing stricter rules for authorization of intercountry adoption. The assessment is that the requirement that there must be a personal relationship between the child and the adopter even before the adoption reduces the risk that the child's right to his or her identity and

The fact that the adopter knows the child before adoption also strengthens the child's chances of maintaining contact with his or her parents, siblings and relatives in the country of origin and of retaining his or her language and culture, as provided for in Articles 20 and 30 of the Convention. A personal relationship requirement also reduces the risk of child trafficking.

The proposal that permission for intercountry adoption may also be granted if the child is related to the adoptive child of the adopters, i.e. a biological (full or half) sibling of a child who has already been adopted by the applicant, is justified on the basis of the child's right to preserve family relationships. The CRC does not explicitly state how the issue of siblings should be dealt with, but it does state that an adoption must not result in a child being separated from his or her siblings unless separation is in the child's best interests. Separating siblings may therefore be contrary to the child's right to maintain family relationships.⁴The Committee on the Rights of the Child has expressed that the principle of family unity should be taken into account in a placement, for example, siblings should not be separated.⁵Research shows that sibling relationships have a positive impact on a child's development.

The proposal that the Agency for Family Law and Parental Support (MFoF) should examine both the reliability of the intermediation and the best interests of the child, taking into account all circumstances, aims to strengthen legal certainty and ensure that international adoptions only take place if they are in the best interests of the child.

10.2.3 The proposal to transfer the review of whether the adoption procedure may continue from the social committees to the MFoF

As described in section 8.10.4, it is currently unclear what responsibility the social welfare boards have to ensure that the legal requirements for adoption are met when deciding whether the adoption procedure may continue. At present, the social welfare committees do not, as a rule, carry out any detailed checks of the adoption documents. The proposal that the MFoF should

⁴ J. Tobin (2019), *The UN Convention on the Rights of the Child. A Commentary*, p. 777.

⁵ Ombudsman for Children. Swedish translation of the Committee on the Rights of the Child's General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin (CRC/C/GC/6), p. 40.

assuming responsibility for deciding on continued consent aims to strengthen the verification of the existence and authenticity of all adoption documents. Such a system would increase the possibility of stopping adoptions that are deemed not to meet the requirements set out in legislation and conventions, including those relating to the identity of the child, adoptability, and the application of the principle of subsidiarity. The proposal aims to strengthen legal certainty and ensure that intercountry adoptions only take place if they are in the best interests of the child.

10.2.4 The proposal that the court should reject an adoption application if the applicant does not have permission from the MFoF

As explained in section 8.7.3, there is nothing to prevent a person wishing to adopt a certain predetermined child from applying directly to a Swedish court (district court) without first having obtained the consent of the social welfare board to receive the child, the MFoF's authorization for private adoption and consent to the adoption procedure being allowed to continue. If the applicant applies directly to a Swedish court, it may therefore be

so that the child leaves his or her home country without any assessment of the applicants' suitability as adoptive parents or whether adoption is otherwise in the best interests of the child. The applicants are also not required to undergo parental training. The proposal that the court should reject an adoption application in the absence of MFoF authorization is intended to ensure that the rights of the child are respected in the adoption process. The requirement for authorization from the MFoF, and thus also a consent from the social welfare committee, aims to give the court a thorough basis for assessing that the adoption is in the best interests of the child. This is particularly important when it comes to moving a child across national borders, with all that this entails in terms of meeting all the child's interests. The proposal and its implications for children are set out in detail in section 8.10.5.

10.2.5 The proposal to establish a national resource center for adoptees and adoption issues

The proposal to establish a national resource center for adoptees and adoption issues will have positive consequences for children.

Unlike today, the proposal in section 9.5 for new counseling support means that the current age limit of 15 years is removed. The resource center must assess in each individual case what support is appropriate to offer based on the child's maturity. Children's own opinions and wishes are an important starting point in the assessment. The aim is to ensure that more children have access to counseling support than is currently offered. The counseling support also means greater accessibility from a geographical perspective and that more providers will offer counseling support. The purpose of more providers is, among other things, to reduce the risk of queues forming, as is the case today. It is particularly important for children and young people that counseling support can be offered as quickly as possible when needed. The proposal increases the possibility for more children and young people to have access to counseling support that meets their needs.

The support in searching for origins that MFoF offers today only covers adopted persons over the age of 18. Since children can have access to their adoption documents after the social committee's assessment, I believe that children should also be able to be offered support from the resource center in searching for origins. The resource center may assess in each individual case what support is appropriate to offer based on the child's maturity. The child's own views and wishes are an important starting point in that assessment. The proposal is in line with Article 22 of the 2008 Council of Europe Convention which states, inter alia, that adopted children have the right to receive information on their origins from the competent authorities and that appropriate guidance should be provided to adopted children who have not reached the age of majority. The need for psychosocial support that may arise in the context of tracing is provided through the Resource Center's counselling services.

The proposal in section 9.8 on individual support for adopted persons who suspect irregularities in their adoption also covers adoptees under the age of 18. This is important not least because of the obligation under Article 8(2) of the Convention on the Rights of the Child that a child who has been unlawfully deprived of part or all of his or her identity shall be provided with appropriate support and protection with a view to restoring that identity promptly. The Resource Center may assess on a case-by-case basis what support is appropriate to offer based on the maturity of the child. The psychosocial support needs that may arise are offered through the Resource Center's counselling services.

One young interviewee told us that the most important support for adopted young people would be to feel a sense of community, to be able to mirror other adopted people and take part in

of the experiences of others. My proposal that the national resource center should pay special attention to the needs and wishes of children and young people for the exchange of experiences and social community aims to meet that need. The aim is that the national resource center can become a safe place where adopted children and young people can feel a sense of belonging and connection. This can prevent mental health problems among children and young people.

My proposal for knowledge-enhancing support for professionals who meet internationally adopted persons in their work can improve knowledge of the special needs of adopted children at child health centers, preschools, schools, youth clinics, primary health care and social services. Knowledge and thus the ability of professionals to identify these needs is in line with the rights of the child under the Convention on the Rights of the Child. For example, Article 6 states that States Parties shall ensure the survival and development of the child to the maximum of their abilities, and Article 24 emphasizes the child's right to the highest attainable standard of health and access to health care and rehabilitation, and that States Parties have an obligation to strive for the full realization of this right.

10.3 Implications for government agencies

The MFoF is affected by several of the proposals. The proposal to phase out intermediation activities means that MFoF's task of authorizing and supervising adoption organizations that mediate international adoptions will cease. Intermediation activities must be completed by the end of December 2028 at the latest and MFoF must be commissioned by the Government to draw up a phasing-out plan that transparently and clearly describes how the phasing-out of intermediation activities will take place. The closure requires MFoF to prepare and plan for the closure. To the extent that MFoF needs to grant authorization, it is a matter of authorization to close ongoing cases, which means less extensive work than in the case of new or extended country authorization. MFoF does not need to grant Sweden authorization either. In practice, the supervision of brokerage activities only covers AC and is thus more limited than before. As the phasing out is taking place gradually, the need for staff in this activity will gradually decrease until 2028. Our assessment is that four of the five FTEs

that currently work with authorization and supervision can be gradually phased out based on the phasing-out plan that MFoF proposes to develop.

The proposal for stronger state control in international adoption means that the MFoF will grant permission for international adoption (previously called individual adoption) of children domiciled in another country and examine whether the method of mediation is reliable. The authority already examines whether the method of mediation is reliable, but the proposal adds a new task of also examining whether the adoption is in the best interests of the child. The MFoF has also proposed this to the Government. From 2020 until today, MFoF has handled approximately 20-30 cases per year concerning the examination of whether the method of mediation in private adoption is reliable. My assessment is that the number of cases will decrease in light of the fact that permission may only be granted if there is a personal relationship between the applicant and the child. It will no longer be possible to adopt an unknown child from a country where the applicant has lived, worked or originated. However, the new task of assessing the best interests of the child in adoption places higher demands on the MFoF's assessment compared to today.

The proposal that the responsibility for examining whether the adoption process may continue under Chapter 6, Section 14 of SoL⁶ should be transferred from the social welfare boards to the MFoF entails a new task for the MFoF. This has also been proposed by the MFoF itself to the Government. Since I propose that international adoption should only be permitted in cases where there is a close personal relationship between the applicants and the child even before the adoption, the assessment of the applicant's suitability and eligibility to adopt the specific child will already be made in connection with MFoF's assessment of permission for adoption. The focus of the review of continued consent will therefore primarily be to ensure that all documentation about the child is available and that it is correct.

The proposal to establish a national resource center for adopted persons and adoption issues at the MFoF means that the authority will be instructed to offer adoption-specific support through the resource center. The resource centre will be located at a separate unit in Stockholm, which affects the organization of MFoF's activities and places demands on MFoF in the establishment and setting up of the resource centre. In terms of the tasks related to the Resource Center, the MFoF already has this task in part today.

⁶Chapter 24. Section 5 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

through the special government assignment on call support, origin search and national contact point, which is to be reported in February 2027. However, the proposal for a resource centre is considerably more extensive and places new demands on the activities compared to today. It should not be seen merely as an extension or continuation of the support activities the Agency currently offers. It is about establishing stronger and more accessible counseling support, offering developed and packaged support in tracing origins together with external expertise, to build up support for suspected irregularities and to develop and work with knowledge dissemination and research in the area. The five FTEs currently working on support activities can be added to the resource center. Otherwise, new recruitment is required.

The Swedish overseas authorities are affected by both the proposal for stronger state control of intercountry adoptions and the proposal for support in tracing origins. According to the proposal in section 8.10.3, the Swedish authorities abroad will be obliged to assist the MFoF with investigations in cases concerning permission for intercountry adoption. However, they already have this task today, as the MFoF is obliged under section 6 a, third paragraph of the LIA to consult with the Swedish authority abroad in matters concerning authorization. The assessment is that the task is already within the remit of the foreign authorities. Since I propose that the adoption agency business should be phased out, there will also be fewer cases in the future.

It is also proposed that the overseas authorities assist the Resource Center in tracing origin. The Swedish authorities abroad are to assist the resource centre with up-to-date information on the possibilities that adoptees have to search for their origin under the legislation in the country and which authorities and organizations are responsible for which parts of the process and how they can assist. It is also proposed that the Swedish authorities abroad, in the same way as they assist Swedish social welfare boards in investigations in cases concerning the establishment of paternity, assist in taking samples for DNA testing. The proposals may have some impact on overseas authorities, particularly in countries from which many people are adopted. The expatriate authorities will assist in the preparation of supporting documents and materials when the Resource Center develops new "packages" for tracing origin in a country or develops an existing package. It is considered that this is part of the mission of the expatriate agency. If more people become interested in origin

This may also mean an increased demand for support from individuals. However, the main responsibility for support lies with the resource center and the proposal is not based on the foreign authorities having a developed support but referring to the resource center and the support available there. It is therefore considered that these tasks also fall within the existing remit of the EEAS. If it turns out that the foreign authorities in some countries have to allocate significant extra resources to cope with this task, the Government may need to review the allocation of resources to the foreign authorities in the future.

The National Board of Health and Welfare is to some extent affected by the proposal to raise awareness among professionals who meet adopted persons in their work. The proposal means, among other things, that the resource center should use the National Board of Health and Welfare's existing structures for knowledge management to disseminate adoption-specific knowledge in social services and health care. The National Board of Health and Welfare should not develop completely new knowledge support, regulations, general advice or guidelines for adoption issues, but only support the resource center in the development of knowledge support and guide the resource center in which channels are appropriate to use for the various knowledge support. This is deemed to fit into the National Board of Health and Welfare's existing assignment regarding state governance with knowledge regarding health care and social services.

Among other things, the National Board of Health and Welfare is responsible for the development and dissemination of knowledge in its field of activity⁽⁷⁾.

The district courts are not expected to be affected to any great extent by the proposals. The discontinuation of mediation activities may also mean fewer adoption cases. The proposal that the court should reject an application for adoption if the applicant does not have permission for international adoption may also mean fewer adoption cases.

The Swedish Social Insurance Agency is affected by the proposals in that the agency is given the task of handling applications for and payment of travel grants to internationally adopted persons. The Swedish Social Insurance Agency already handles the payment of various grants, such as the adoption grant to adoptive parents, and thus has systems and procedures for handling this type of case as well. The influx of cases depends on how much money is allocated to a travel grant and how great the demand for the grant is.

⁷Ordinance (2015:284) with instructions for the National Board of Health and Welfare.

10.4 Impact on the authorized associations

The proposal in section 8.10.2 to discontinue international adoption agency activities means that it will no longer be permitted to place children from abroad for adoption in Sweden. This means that the adoption organizations that are active must discontinue their mediation activities. Barnen Framför Allt (BFA) has already begun to wind down its activities following a decision by the board in the fall of 2024. BFA is therefore not affected by the proposal.

The Adoption Center (AC) has stated that their placement activities can "theoretically" continue as long as there is a need for international adoptions, interest from prospective adoptive parents and countries wishing to cooperate with the AC.⁸ However, the current situation of fewer children being placed for adoption in Sweden means that the AC does not receive the income from adoption fees that it needs to maintain its activities. According to the MFoF, the AC has stated that it is in a strained financial situation. If AC were to receive no new income, they have funds to cover just over a year of the organization's total costs as it stands at present.⁹ According to MFoF, there is therefore a risk that AC will have to wind up its mediation activities before our proposals become reality, i.e. before 1 January 2029. This may mean that AC is not affected by the proposal in practice either.

In addition to brokerage activities, AC currently carries out assistance and support activities for adoptees and adoptive parents, known as Post Adoption Services (PAS). AC can thus remain as an organization even when the mediation activities have been discontinued. AC has long experience of PAS and it is important that this expertise continues to be utilized. In section 9.13, it is proposed that the Government should adopt an ordinance on government grants for a pilot project involving organizations that assist adopted persons in tracing their origins. ACs will thus be able to apply for government grants for their work on tracing origins and return journeys. The Regulation is proposed to enter into force on 1 September 2026 and to be applied for the first time in the case of state aid for the year 2027. This means that the AC's long experience in international adoption

⁸ AC's answer to question 6-13. Received by the Adoption Commission on 2025-02-11.

⁹ MFoF's response to questions from the Adoption Commission, received on 2025-02-13.

activities and contacts with adoption organizations, authorities and other actors in other countries can be utilized.

10.5 Implications for local self-government

The proposal in section 8.10.4 that the responsibility for examining whether the adoption procedure may continue under Chapter 6, section 14 of the SoL¹⁰ should be transferred from the social committees to the MFoF means that the municipalities will have fewer tasks in international adoption activities. In other respects, the proposal is not expected to result in the municipalities being given any new or expanded tasks other than what they already do or are obliged to do today. The proposals therefore do not affect municipal autonomy.

10.6 Business and market impacts

The assessment is that the business and market impacts mainly concern small businesses, as explained below.

10.6.1 Impact on the working conditions, competitiveness or other conditions of small enterprises in relation to larger enterprises

The proposal for a future counseling service described in section 9.5 is based on freedom of choice and that the counseling service should offer broader and deeper adoption-specific expertise and higher availability than is currently offered. More providers will be given the opportunity to offer counseling than today, when a contracted provider offers counseling. The proposed model does not require a single supplier to meet all the competence requirements, but it opens up the possibility for more small suppliers to contribute part of the competence requirement to the overall call support. The threshold for small companies to compete in the market will thus be lower. With more suppliers, the competence in call support as a whole can be both broadened and increased. The proposal for more accessible support also creates the conditions for small providers in different parts of the country to offer call support. To avoid a few larger providers

¹⁰Chapter 24. Section 5 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

with contracted subcontractors are given competitive advantages in relation to small suppliers, specific requirements should be set out in the tender specifications.

10.7 Impact on employment and public services in different parts of the country

The various proposals concerning the MFoF's activities have consequences for employment in different parts of the country. The proposal to discontinue intermediation activities will have consequences in the form of a reduced need for staff at MFoF. At the same time, there is a certain continued need for staff based on the proposal for stronger government control of international adoption. The assessment is that, all in all, this results in a reduced staff requirement in Skellefteå of four full-time equivalents. As regards the national resource center, the proposal is that it be set up at a special unit at the MFoF located in Stockholm. The argument for this is that a central part of the resource center's activities is direct support in searching for origins, but also exchange of experience and forums that require higher geographical accessibility than a center located in Skellefteå could provide. This means that the resources relating to the tasks that are to be included in the resource center's activities and which are currently located in Skellefteå may mainly need to be moved to Stockholm.

10.8 Consequences and compatibility with Sweden's international convention obligations

The starting point for all considerations and proposals has been Sweden's human rights commitments, particularly with regard to the rights of the child in adoption, see Volume 2, Chapter 2. According to the directives, the starting point for our work must be the rights of the child in accordance with the Convention on the Rights of the Child and the 1993 Hague Convention.

The proposal that the activity of placing children for adoption in Sweden should be discontinued is compatible with both the Convention on the Rights of the Child and the 1993 Hague Convention. There is no obligation for Sweden to cooperate with other countries on adoption under these conventions.

The proposal to limit the possibility of intercountry adoption to cases where there is already a personal relationship between the child and the applicant before the adoption aims to safeguard the rights of the child under Articles 7, 8, 20 and 30 of the CRC. The proposal that permission for intercountry adoption may also be granted if the child is related to the applicant's adopted child, i.e. a biological (full or half) sibling of a child who has already been adopted by the applicant, aims to safeguard the child's right to maintain family relationships under Article 8 of the European Convention on Human Rights and the Convention on the Rights of the Child. The Committee on the Rights of the Child has expressed that the principle of family unity should be taken into account in a placement, for example, siblings should not be separated.¹¹ The proposal that the MFoF should examine both the reliability of the placement and the best interests of the child and the proposal that the responsibility for examining whether the adoption procedure may continue under Article 17(c) of the 1993 Hague Convention should be transferred from the social welfare boards to the MFoF, aim to ensure the HCCH and UN call that intercountry adoptions should only be carried out through accredited bodies in both the receiving country and the country of origin.

The proposal that the court should reject an application for adoption if the applicant does not have an authorization from the MFoF aims to ensure that the competent authorities have ensured that the adoption of a child is in the best interests of the child. These requirements should therefore be met in order for the adoption to be considered. This is a legitimate aim of the proposed scheme and is therefore deemed compatible with Article 6 ECHR and the Convention on the Rights of the Child. The proposal and its consequences are described in detail in section 8.10.5.

The proposals on counseling and assistance in tracing origins aim to fulfill Sweden's obligations under Article 9(c) of the 1993 Hague Convention to promote adoption counseling and post-adoption assistance and support. According to the HCCH, States must do everything within their power to fulfil this obligation, which includes meeting the needs of both adopted persons and their families.

¹¹Ombudsman for Children. Swedish translation of *the Committee on the Rights of the Child's General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin (CRC/C/GC/6)* p. 40.

¹²HCCH (2008), *The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention. Guide No.1*, p. 125.

to investigate unlawful adoptions and, where the child has been unlawfully deprived of part or all of his or her identity, to provide appropriate support and protection to re-establish it in accordance with Article 8(2) of the CRC. The way in which this responsibility is to be fulfilled is set out in section 9.8.1.

In section 7.6, I urge the Government to speed up the process for Sweden to ratify the Convention for the Protection of All Persons from Enforced Disappearance (UNCED for short). The purpose of rapid ratification is to strengthen the rights of those whose adoptions may fall within the definition of enforced disappearance under the Convention.

Overall, my proposals strengthen the rights of the child in the adoption process and are therefore also directly linked to several goals and targets of the 2030 Agenda, such as Goal 10 on reducing inequalities and target 16.2 on protecting children from abuse, exploitation, trafficking and violence. Our proposals in Chapter 9 on support for adopted persons and their families are linked to Goal 3 on good health and well-being.

10.9 Equality between women and men

More adopted women than men have sought adoption-specific support in the form of counseling and tracing support offered by MFoF. So far, almost four out of five people who have sought counseling through MFoF have been women. It is possible that many men are reluctant to seek support even if they need it.

My proposal to bring all support under one 'roof', to make it better known and more accessible, to offer support in different forms, in different places and without excessive waiting times, increases the chances that all those who need support will receive it. An informative and guiding web portal that gathers and disseminates knowledge can also 'lower the thresholds' for receiving information and support. It gives internationally adopted persons a way in to read up on about adoption-related issues, the support offered by the State, as well as tips of various kinds. In addition, the proposal for the resource center to offer various forms of physical and digital forums and meeting places for adoptees and their families may in some cases specifically target the group of men. It is possible that the proposal for a new and more accessible counselling service based on greater freedom of choice and higher accessibility

across the country could reduce over-representation, although it is recognized that women generally consume more health care than men in general. This could mean that more men get the help they need, and at the same time the comparatively large group of women who have used and are likely to continue to use the support will be better supported in the future.

The proposal to develop counseling support also means that more counselors will be needed in the future. There is an over-representation of women among the psychotherapists, psychologists and other professionals who may offer counseling. The proposal therefore promotes women's employment in particular.

The proposal to discontinue intermediation activities will affect men and women differently. The adoption agency (AC) that currently mediates adoptions employs more women than men. However, this is a small number of people. When the intermediation activities cease, fewer children will also be adopted internationally to Sweden. In 2024, twice as many boys as girls were placed for international adoption via AC to Sweden: 24 boys and 12 girls. This means that in this respect, boys are more affected by the proposals than girls.

Most of the original parents affected by the proposal are women. Mothers are still much more likely to give up children for intercountry adoption than fathers.

10.10 Impact on crime and crime prevention

The proposals to establish a resource center and strengthen support for adopted persons, both through direct support to the target group and through professionals who encounter adopted persons in their work, could have some implications for crime and crime prevention. Research shows that internationally adopted persons are not only at a higher risk of mental health problems, but also of antisocial behavior, substance abuse and crime compared to the general population. Access to professional support reduces the risk of future ill health, and it is possible that improved support may also reduce the risk of crime and thus have a crime prevention effect.

The introduction of grants could theoretically entail a risk of crime in the form of grant fraud. However, in view of the relatively low amount of the new travel grant, combined with the fact that the grant can only be awarded once per person, the risk of fraud and overuse is considered low.

The proposal that it should not be permitted to broker children from abroad for adoption in Sweden removes the risk of illegal acts that could have arisen in the brokered adoptions. It is my assessment that the cessation of adoption mediation will not lead to an increased number of international adoptions. Even if this were to happen, my proposal to strengthen legal certainty in international adoptions will reduce the risk of illegal or criminal acts. Among other things, permission from the MFoF will be required to adopt a child with original residence in another country, and the MFoF will examine the reliability of the method of mediation and whether the adoption is in the child's best interests, as well as taking over responsibility for examining whether the adoption procedure may continue from the social committees. In addition, an application for adoption may only be considered by the court if the MFoF has authorized the adoption. All this aims to ensure that the adoption is in the best interests of the child and to curb illegalities and other irregularities in adoption activities.

However, it cannot be completely ruled out that illegal acts may also occur in future adoptions. My assessment is nevertheless that no more illegal acts will occur in connection with adoptions as a result of my proposals, which is largely due to the fact that future adoptions will be limited to known children. Permission for international adoption may only be granted if the child is related to the adopters or the adopters' adopted children, or if there are otherwise special reasons for adoption in view of the personal relationship between the applicant and the child.

10.11 Opportunities to achieve integration policy goals

The proposal for improved adoption-specific support for adoptees, the public and professionals has the potential to contribute to the integration policy objectives. One of the integration policy objectives relates to social and cultural integration, including

the proportion of foreign-born people who feel a sense of belonging and participation in society should increase. The incidence of phenomena that restrict the opportunities of foreign-born women and men and girls and boys to live a free, dignified and independent life within the community should decrease. The proposal that the resource center should offer various forms of physical and digital forums and meeting places for adoptees and their families can contribute to this. Improved and more accessible counseling support can also support adoptees in dealing with issues and experiences of alienation, intermarriage and discrimination, which our investigation has shown to be common among internationally adopted persons. Many internationally adopted persons in Sweden with whom we spoke have also experienced racism, which can counteract the experience of belonging and participation in society. The proposal to provide awareness-raising support to the general public and, in particular, to professionals who meet internationally adopted persons in their work, has the potential to counteract racism in society as well as ignorance or poor treatment by staff in areas such as psychiatry, other health care, social services, preschools and schools. The proposal can thus also contribute to the integration policy objectives of social and cultural integration.

10.12 Socio-economic analysis

The proposal for an improved adoption-specific support

There are currently around 60 000 internationally adopted people in Sweden. Many are doing well, but research shows that internationally adopted people as a group are at increased risk of mental illness, long-term sick leave and involuntary loneliness. Internationally adopted people are more likely than the rest of the population to have contact with psychiatric care as adults (60% more than the rest of the population). They are also more likely than the general population to be long-term excluded from the labor market due to illness (twice as often). The support currently offered to adoptees and their families does not meet their needs.

The Swedish State has a special responsibility for intercountry adoptees. According to the HCCH, States must do everything within their power to fulfill this obligation, which includes providing

meet the needs of both adopted persons and their families. In addition, both international and Swedish law contain provisions concerning adopted persons' right to their origin and identity. In addition, there are ethical arguments for the Swedish state to have a special responsibility for internationally adopted persons, partly based on the group's vulnerability, partly in light of revealed irregularities that Swedish authorities have not prevented. The Swedish state has for a long time supported adoptive parents and adoption organizations to enable children to be placed for international adoption in Sweden.

The Swedish state should now offer the best possible support to these people and their families, who together form a large group of people. The proposals move from supporting people to adopt to supporting those who have adopted. The proposal is for the resource center to offer counseling, a forum for sharing experiences, support in tracing origins, support in cases of suspected irregularities, grants for repatriation, guidance to archives, promotion of adoption-related research, professional training, and a web portal that brings together information, knowledge and tips of various kinds.

Several positive consequences can be expected from introducing adoption-specific support as proposed, compared to not introducing it. Under my proposal, a national resource center is established that offers better, broader and more accessible adoption-specific support than is currently available. A so-called zero alternative means instead that the current forms of adoption-specific support will continue without new measures, i.e. interview support and support for origin searches.

The positive consequences are twofold: the value for the recipients in the form of better support and well-being, and reduced social expenditure in the long term as a result of less ill health and care costs. Early and good support can prevent mental health and social problems, reducing the need for extensive interventions later in life. New forms of support are also expected to lead to increased employment through new services and professional roles in therapy, counseling and research. Finally, it is expected to improve the mental health of adoptees and their families. This has value in itself, of course, but can also lead to increased employment and reduced sick leave, benefiting both the individual and society. As discussed earlier in this chapter, new adoption-specific support is expected to have a positive impact on equality, fairness and diverse groups in society. The new counseling

the aid offers greater choice with more providers and a wider geographical spread, which can promote equality between urban and rural areas and between women and men.

The negative consequences that may arise from the proposals on adoption-specific support mainly concern increased costs. New forms of support will cost the state more than what is currently allocated to adoption-specific support. The proposals are expected to lead to increased demand for support, and if more adopted persons and their relatives seek support, this will lead to increased costs. The planned upskilling of the profession means that health and social care staff may need to spend time training on adoption-specific issues. The application procedure for return travel grants requires some administration by the Swedish Social Insurance Agency, but the agency's established routines and IT support for the adoption grant should be able to be used. To achieve the desired impact of the new grants, the resource center needs to ensure an implementation process with marketing and dialogue with relevant parties. This will involve increased costs, at least initially. Even if the demand for support is initially expected to increase, the costs should level out over time, as the target group is not expected to increase. The forecasts we have commissioned show that the target group will decrease over time, but only after 2050. The need for support is expected to remain at approximately the same level until then and then decrease. There is thus a need to establish long-term support.

There is also some risk that the new support may have more unexpected negative effects. If demand is high, it could lead to long queues for counseling support, for example, which could give a negative image and perception of the support among the target group. At the same time, there are already queues for the counseling support currently offered. More providers and a maximum number of calls are two ways to reduce the queues. To ensure that the initiative does not turn into a negative experience for the target group, it is important that the support is properly dimensioned. There could also be unequal access to the new call support. If the new counseling support does not reach the whole country, adoptees in some areas may have less access to physical counseling support than others. However, in this respect, the situation cannot be worse than with the current counseling, which is only offered in a few places in the country. Furthermore, there could be a skills shortage. If many new actors are involved, the quality may vary, especially if adoption

specific knowledge is initially lacking. In the worst case, this can lead to rogue operators offering inadequate help. The resource center can counteract this by designing clear criteria in the action and through continuous guidance, exchange of experience and skills development for the counselors.

There is some risk that the introduction of new or increased support could reinforce the stigma around adoption and perceptions that adoption is associated with problems. At the same time, increased support can provide the target group with more knowledge, affirmation and recognition. Support can provide validation of feelings and events related to adoption, which can have a positive impact on a person's well-being. If the state provides support in, for example, tracing origins, it could create tensions between adoptees and their adoptive parents, lead to family conflicts and increased psychological stress. Although increased knowledge of one's origins can be healing, in the short term it can arouse difficult feelings. To address this, good and well-dimensioned counseling support is needed. It is also important that the new forms of support are followed up by an external party after a certain period of time to assess whether they have had the intended effect.

If my proposals for improved adoption-specific support are not implemented, the problems may persist or worsen. If new forms of adoption-specific support are introduced, the situation of the target group may instead improve so that intercountry adoptees can feel better, increase their employment rate and reduce care costs. The overall conclusion is that the new adoption-specific forms of support are expected to meet the needs of the target group to a greater extent than today. The proposal will increase social costs in the short term but may reduce them in the long term.

The proposal to end adoption mediation

As stated in section 8.10, the proposal is that it should not be permitted to place children from abroad for adoption in Sweden. The proposal is based on the overall assessment that international adoption mediation is no longer a sustainable solution for protecting children's interests. Intermediation is problematic from a child rights perspective because it is based on a demand for children, which can hinder long-term development to improve children's

living conditions in the children's home countries and create incentives for irregularities. Nor do Swedish authorities have the opportunity or even the right to fully control the processes carried out in other countries and thus cannot guarantee that irregularities do not occur in the partner countries.

However, under the proposal, intercountry adoption would be allowed, but with stronger state control. For example, permission from the MFoF would be required to adopt a child from another country, and would only be granted if the child is related to the applicant or if there is a close personal relationship. The rules ensuring the best interests of the child in adoption must be respected, so if the applicant does not have the permission of the MFoF, the court must reject the application for adoption. According to the proposal, the MFoF must also examine the reliability of the intermediation and the best interests of the child, and this examination must take place before the child leaves his or her home country. In order to ensure that all documentation is available and that it is correct, the important assessment of whether the adoption procedure may continue should also be moved from the social committees to the MFoF, which is better equipped to make this assessment. The agency should establish a partnership with an agency that can verify the authenticity of adoption documents.

The "zero alternative" against which we compare the proposal in the analysis is that adoption activities continue as at present, where adoptions are mediated via an adoption organization or as an individual adoption based on the regulations that exist today.

The proposal that it should no longer be permitted to place children from abroad for adoption in Sweden is expected to have several positive consequences. The proposal reduces the risk that financial considerations and adults' desire for children will be prioritized over children's need for adoption. The proposal means that some irregularities can be avoided, and that children who do not need international adoption can instead grow up in their home country. At the macro level, the proposal also contributes to strengthening long-term developments to improve the living conditions of children in their countries of origin.

One risk of the proposal is that there may be children who genuinely needed to be adopted internationally and who, under the proposal, would be at risk of remaining in their home country. However, there are many other countries that continue to place children for adoption, so it is likely that most children who really need to be placed for intercountry adoption

may come to a recipient country other than Sweden. In addition, the number of children placed for adoption in Sweden via the Swedish adoption organizations is currently very small. In 2024, 54 children were placed via a Swedish organization, of which 18 were placed by BFA, which has now chosen to end its placement activities.

In other words, there is already a limited number of children who find a new family in Sweden through international adoption agencies.

The proposal to abolish intermediation also entails several cost savings. One consequence of the proposal is that the resources devoted to the authorization and supervision of adoption agencies are no longer needed. In addition, the state financial contribution received by adoption organizations for mediation activities is no longer needed. In addition, one consequence of the proposal is that the financial support to parents for costs in connection with the adoption of children (adoption allowance) will also be abolished. The savings that can be made in this part can, as we show below, be used to fund support for those who have already been adopted internationally to Sweden. I believe that it is of greater benefit to society to invest resources in good support for the approximately 60,000 adopted persons and their families, than to invest resources in maintaining and developing a system to give a few children a year a new family in Sweden through international adoption.

The various proposals I am making to strengthen state control of the cross-border adoptions that will be permitted in future clearly have positive consequences. Ensuring that adoptions placed in Sweden in the future are legally secure and in the best interests of the child is of great importance for the individual child and family. Stronger control may also counteract the social costs that can potentially arise when irregularities have a negative impact on the person concerned. These proposals do not entail any increased costs for the state, but are within the MFoF's existing remit.

10.13 Financial impact of the proposals and financing proposals

10.13.1 Introduction

In this section we present the economic consequences of the proposals, our cost estimates and proposals for financing the proposals. In the first section, we describe the size and development of the target group as a basis for our demand forecasts for adoption-specific support.

10.13.2 Description of the size and evolution of the target group over time to support demand forecasts

It is important to be able to plan the scope of the direct support included in the adoption-specific support. In order to do this, it is necessary to know what the target group's demand for support will look like in the future. Experience from the counseling support currently offered through MFoF is that the demand for support varies with gender and age. Women seek and take advantage of the support to a greater extent than men, and women aged 23-30 and 39-46 have sought counseling support to a greater extent than other age groups. Of the 89 individuals who took advantage of MFoF's support for origin search during the period 2020-2023, 72 percent were women and 28 percent men. Those who sought support were between 18 and 58 years old, with an average age of 38 years.

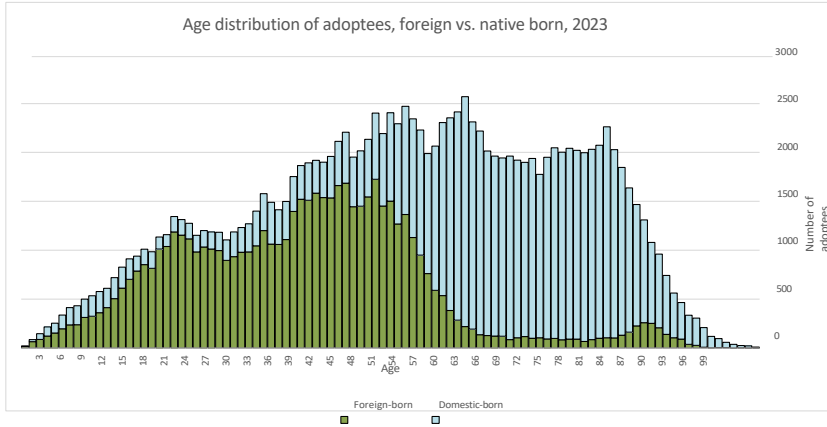
In order to assess the demand for direct support in the future, we have commissioned a survey¹³ of the current age distribution of adoptees and projections of future age trends.

Age and gender distribution of the target group in 2023

According to Statistics Sweden's population statistics, there were just over 136,000 adoptees in Sweden in 2023. 43 percent (58,481) of these were foreign-born and 57% (77 632) domestic-born. Figure 10.1 shows the age distribution of the two groups in 2023.

¹³Governo (2025), *International adoptions: demographic and socio-economic projections. Subdelivery 1: Projection of the age distribution of adoptees, 2025-2050*, 2025-03-10.

Figure 10.1 Age distribution of adoptees in 2023, by domestic and foreign-born

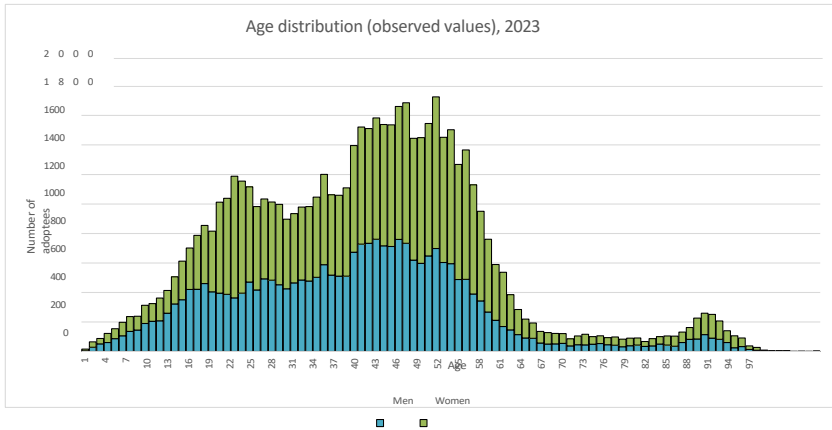


Source: Governo (2025) SCB, 2023 figures.

As shown in the chart above, the group of national adoptees is older than the group of international adoptees. This is because national adoptions have historically been more common. Most adoptees over the age of 50 were born in Sweden, while most foreign-born adoptees are under the age of 50.

Figure 10.2 shows the age distribution among international adoptees. Of all internationally adopted persons in Sweden, the proportion of women is 55 percent and the proportion of men 45 percent, but this differs between different age groups. In the age group 19-30, women are clearly overrepresented (58% compared to 42% for men), while the opposite is true for adoptees under 18 (57% men and 43% women).

Figure 10.2 Gender and age distribution of internationally adopted persons (women and men) in 2023



Source: Governo (2025).

Women are more likely than men to have applied for and received the counselling support currently offered by MFoF. According to the analysis, this can only partly be explained by the fact that there is a slight preponderance of women among internationally adopted persons in Sweden. This suggests that women either have a greater need for counseling support, or that they are more likely to seek support.

Forecast for the age development of the target group

Based on the statistics on the age distribution of intercountry adoptees today, we have developed a forecasting model to make projections on the age development of the group until 2050. This information is important to understand and forecast the need for support in the future. The projections have been made for 2030, 2040 and 2050 and are presented below. We have calculated on the basis of an inflow of 50 international adoptees per year, which is based on an estimate of the number of intercountry adoptions when the intermediation activities are phased out. If we were to assume an additional 30 mediated adoptions per year, the difference in the projections would be marginal.

The most common is a three-tiered responsibility, with one agency investigating suitability to adopt, one agency facilitating adoptions and one responsible for supervising adoption activities. In most countries, private agencies are responsible for brokering adoptions, with the exception of Australia and Denmark, where the state is responsible. Intercountry adoptions are declining sharply in all the countries surveyed.

8.4.1 In Denmark, the state has taken over responsibility for intermediary activities

In Denmark, the number of international adoptions has decreased from 338 children in 2011 to 40 children in 2022. In 2023, 23 children were adopted from another country.⁶⁰

State responsibility to assess applicants' suitability

In Denmark, municipalities have no responsibility in the adoption process. Instead, the responsibility for investigations lies with the Family Court House, a state authority with regional organization and responsibility for family matters. The supervisory function in the Danish adoption system is the National Social Appeals Board, a government agency which is Denmark's central authority for international adoptions. The Ankestyrelsen is responsible, among other things, for authorising and supervising the national and international activities of the Danish adoption agency. In Denmark, the person or persons adopting a child from abroad receive a state subsidy. This grant amounts to DKK 50 000⁶¹.

It is difficult to get permission for private adoption

In Denmark, it is theoretically possible to carry out an adoption without the help of an adoption organization, but in practice it is difficult to obtain permission to do so. The Danish Central Authority states that there has been no such adoption for several years. According to Danish adoption legislation, an applicant wishing to carry out an adoption without the assistance of an adoption organization must have specific qualifications.

⁶⁰Adoptionsnævnet (2024), *Trends in age and waiting times for international adoptions 2021-2023*, p. 5.

⁶¹State Treasury (2021), p. 160.

knowledge of the child or the child's relatives, or otherwise have special reasons for such an adoption. Furthermore, the applicant must be able to show, among other things, that the adoption will be carried out in a legal and ethically justifiable manner and that the Danish adoption organization does not cooperate with or have discussions about future cooperation with the child's country of origin. The applicant also needs to prove that the relationship with the child or the child's relatives has been established legally (both under Danish law and the law of the country of origin) and that it has not been established for the purpose of carrying out an adoption⁽⁶²⁾.

Denmark's last adoption organization ended its operations in 2024

In 2023, Denmark had one approved adoption organization: Danish International Adoption (DIA). DIA was created through a merger in January 2015 of the two intermediary organizations AC Børnehjælp and DanAdopt. In January 2024, the Danish Minister for Social Affairs, Housing and Elderly Affairs announced that DIA's license to mediate adoptions from South Africa would be revoked. The National Board of Appeal also decided to investigate DIA's other partner countries: the Philippines, India, Taiwan, Thailand and the Czech Republic.⁶³ The reason was that DIA had violated the terms of its authorization and in a number of cases had acted in violation of the 1993 Hague Convention and the principles of the Danish Adoption Act.⁶⁴ The Minister stated that this was the most serious crisis in the field of adoption in the last ten years and that when children are placed for adoption with a new family on the other side of the world, there must be the necessary guarantees that the adoption has been carried out correctly in relation to the biological parents. Following this announcement, the DIA Board decided to end its adoption activities⁶⁵.

⁶² State Treasury (2021), p. 160.

⁶³ Ankestyrelsen (2024), *Current status of the National Social Appeals Board's role and actions in connection with Danish International Adoption's discontinuation of the organization's activities as an intermediary for international adoptions*. News 2024.

⁶⁴ Danmarks Radio (DR): *Adoptions from abroad to Denmark stop after sanctions*. Published on January 16, 2024.

⁶⁵ Bufdir (2024), *Bufdir's recommendation on the temporary suspension of intercountry adoption - response to follow-up track goals*, p. 19.

The state has taken over brokerage activities

As a consequence of the DIA's decision, the National Board of Appeals took over the DIA's tasks on 1 November 2024.⁶⁶DIA staff were offered employment at the National Board of Appeals.⁶⁷The National Board of Appeals has continued cooperation with the Czech Republic, Thailand and India. As of February 2025, it was not yet clear whether cooperation with the Philippines and Taiwan could continue.⁶⁸

There is an ongoing political debate in Denmark about how the future adoption system should be designed to ensure the best interests of children and comply with international conventions. A majority of the parties in the Folketing agree that international adoption should continue to be possible for Danes, but under more robust and secure conditions⁶⁹.

8.4.2 Finland has three authorized adoption organizations

In Finland, the number of international adoptions has decreased from 160 children in 2010 to 57 children in 2022. In 2023, 53 children were adopted from another country.⁷⁰

Central authority gives permission for adoption

The Adoption Board is a special expert, licensing and supervisory authority in adoption matters and a central authority under the 1993 Hague Convention. The Adoption Board is an independent authority under the National Supervisory Authority for Welfare and Health (Valvira). The Adoption Board monitors the development of adoption activities in Finland and grants licenses to applicants for both national and international adoption. It supervises adoption organizations and grants adoption organizations permission to cooperate with foreign adoption organizations⁷¹.

⁶⁶ Following a change in the law.

⁽⁶⁷⁾ <https://ast.dk/nyheder/nyheder/nyheder-2024/aktuel-status-pa-ankestyrelsens-rolle-og-aktioner-i-connection-with-danish-international-adoptions-settlement-of-the-organization-work-as-mediator-of-international-adoptions>. Retrieved 24-11-19.

⁶⁸ <https://ast.dk/nyheder/nyheder/nyheder-2025/status-pa-opgaver-vedr-adoptionsområdet>. Retrieved 25-02-19.

⁶⁹E-mail to the Adoption Commission from the Swedish Embassy in Copenhagen on November 6 2024.

⁷⁰ Valvira (2024), *Adoption Board Annual Report 2023*, p. 21.

⁷¹<https://valvira.fi/sv/adoptionsnamnden/verksamhet-och-uppgifter>. Retrieved 2025-02-19.

There are three adoption organizations

There are three adoption organizations in Finland; Interpedia, Save the Children's International Adoption Service and the City of Helsinki's Social and Health Care Sector. Their task is to assist applicants during the adoption process and to monitor that adoptions are carried out in the best interests of the child and in accordance with international law. The agencies are also responsible for keeping adoption records and providing support to adopters and adopted persons.

The person(s) adopting a child from abroad can apply for a government grant. The grant varies depending on the country from which they are adopting as the costs for applicants vary for the same reason. Those adopting from Thailand can receive a grant of €5,000 and from Taiwan €9,000. For the other countries, the grant is €7,000. The Finnish government pays an annual grant of €95,000 to the three adoption organisations. The grant is distributed on the basis of the number of adoptions carried out by the agencies and the size of the agencies. Two of the agencies also have the opportunity to apply for a grant from the Finnish Social and Health Organization Support Centre (STEA). The amount of this grant varies depending on, among other things, the activities of the agencies, and it must be applied for every year. The grant cannot be distributed to municipalities, which means that the City of Helsinki Adoption Service cannot apply for it. In 2020, Save the Children received a grant from STEA of EUR 119 500 and Interpedia received a grant of EUR 232 000⁷².

Individual adoptions are rare

In Finland, too, an applicant can complete an adoption without the help of an adoption agency, but this is very rare. In order to carry out such an adoption, it is required, among other things, that the child is a close relative of the applicant(s), or that the child is a relative of the applicant's adopted child. If there is no kinship, the child must have come to the applicants for purposes other than adoption and have been permanently cared for and brought up by the applicants. As a rule, it is not possible to carry out such an adoption from countries where one of the Finnish adoption organizations has an established cooperation⁽⁷³⁾.

⁷² State Treasury (2021, p. 161.

⁷³State Treasury (2021), p. 161 f.

8.4.3 Iceland has an authorized adoption organization that is 75% funded by the state

Only one child per year has come through international adoption to Iceland in the last two years. In 2022 no child was placed and in 2020 five children were placed⁷⁴.

Regional authorities assess the applicant's suitability

In Iceland, the equivalent of the Swedish municipalities' responsibilities are handled by regional administrative authorities (Sysselmand) and by local children's rights committees. The administrative authority decides whether or not the applicant meets the requirements for adoption after the local children's rights committee has conducted an investigation into the suitability of the applicants. The Ministry of Justice is Iceland's Central Authority under the 1993 Hague Convention and is responsible for authorizing and supervising adoption agencies in the country.

There is an adoption organization

Iceland has an adoption organization, the Icelandic Adoption Society (IAS), which is responsible, among other things, for arranging adoptions, organizing parental training and maintaining contact with the child's country of origin. They are also responsible for providing support to adoptees and adoptive parents after the adoption is completed and for follow-up reports to the countries of origin⁷⁵.

Also in Iceland, adoptive parents can apply for a government grant. This subsidy amounts to ISK 745 179 (approximately SEK 47 000).⁷⁶The funding of the Icelandic adoption system is mainly governmental. 75 % of the income to the IAS comes from the Icelandic State. The IAS receives an annual grant of approximately 34 million ISK (just over 2 million SEK), which is independent of the number of intercountry adoptions mediated in the country. The state funding is dependent on the IAS meeting

⁷⁴E-mail from Dómsmálaráðuneytið (Ministry of Justice) to the Adoption Commission on December 10, 2024.

⁷⁵ State Treasury (2021), p. 162.

⁷⁶ State Treasury (2021), p. 163.

the requirements of an agreement drawn up between them and the Ministry of Justice.⁷⁷

In exceptional cases, permission for private adoption may be granted

In Iceland, the applicant can only be authorized to proceed with an adoption without the assistance of an adoption agency in exceptional cases, for example in the case of a family adoption⁷⁸.

8.4.4 Norway has two authorized adoption organizations that are financed almost entirely by fees from the applicant

In Norway, the number of international adoptions has decreased from 297 children in 2011 to 94 children in 2022. 37 children arrived in 2023 and 24 children in 2024.⁷⁹

State responsibility to assess applicants' suitability

The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) is Norway's central authority under the 1993 Hague Convention. Its responsibilities include the authorization and supervision of Norwegian adoption agencies and the authorization of the countries of origin with which the agencies cooperate. Bufdir monitors the organizations' adoption cooperation with individual countries by reviewing the adoption cooperation every two or three years. Bufdir can revoke an intermediary's authorization if laws, regulations or conditions of the authorization are not met.⁸⁰

Since 2015, responsibility for assessing applicants' suitability for adoption lies with a regionalized government organization called Bufetat, which is part of Bufdir. Before that, the responsibility lay with the municipalities, just as in Sweden. Bufetat's activities cover five major regions in Norway and they work with a wide range of family and child-related issues in addition to adoption.

⁷⁷ State Treasury (2021), p. 163.

⁷⁸E-mail to the Adoption Commission from Dómsmálaráðuneytið (Ministry of Justice) on December 10, 2024.

⁷⁹ Intercountry Adoption Review Committee (2025), *Interim report on Ecuador and Colombia*, p. 52.

⁸⁰Section 34 Adoption Act.

Norway has two adoption organizations

Those wishing to adopt from abroad must first contact one of Norway's two adoption organizations: Adopjonsforum and InorAdopt.⁸¹ From the adoption organization, the applicants receive a confirmation and a recommendation on the appropriate country of adoption and the age range of the adopted child. The applicants then contact Bufetat, which carries out the adoption assessment and decides whether or not the applicants may adopt. If they are approved for adoption, the adoption organizations handle the remaining parts of the adoption process. After completing an adoption, Norwegian adoptive parents receive a government grant. In 2020, the grant was NOK 99 000.

Approximately 5 to 8 percent of the Norwegian adoption organizations' income consists of government grants⁸².

Private adoption is allowed in individual cases

In Norway, it is possible, in exceptional cases, to carry out an adoption without the help of an adoption organization. In order to obtain permission to carry out such an adoption, at least one of the applicants must have a special connection to the child's country of origin and the adoption must be able to be carried out safely. Furthermore, it is not possible to carry out such an adoption from a country where a Norwegian adoption agency already has an established cooperation. However, this does not apply to adoptions where at least one of the applicants has a close relationship with the child or the child's close family. One of Bufetat's regional offices (Region East) examines all applications from applicants who wish to adopt without the help of an adoption agency. According to Bufetat, it can sometimes be difficult for them to obtain the necessary information about the adoption process from countries with which Norway has no established cooperation. According to the authority, this may impair the possibility of ensuring that adoptions carried out without the assistance of an adoption organization are carried out from a child rights perspective⁽⁸³⁾.

⁸¹In January 2025, the adoption organization Verdens Barn decided to discontinue its adoption activities. The phasing out will be completed by the end of 2025.

⁸²State Treasury (2021), p. 158.

⁸³State Treasury (2021), p. 159.

Today there is cooperation with Colombia and Taiwan

In June 2023, the Norwegian government appointed a government inquiry to review foreign adoptions. The commission started its work in December 2023 and will submit its report by the end of 2025. At the same time, Bufdir was tasked with reviewing the specific placement licenses for the countries from which Norway adopts, in order to obtain updated information on the legal certainty of the current cooperation. In 2023, Bufdir withdrew the permits for Taiwan, Thailand, the Philippines and Madagascar. The Ministry of Children and Family Affairs is the appeal body for Bufdir's decisions and has received appeals regarding cooperation with the Philippines, Madagascar and Taiwan. In autumn 2024, the Ministry granted InorAdopt's appeal regarding the authorization for Taiwan.

In January 2024, Bufdir recommended that the Ministry of Children and Family Affairs decide on a general temporary stop of two years for adoptions from abroad to Norway, while the government investigation is ongoing. Further information on the need for a temporary freeze was submitted to the Government in April 2024. The recommendation was based on Bufdir's professional assessment of the functioning of the system for international adoptions to Norway and was based on a risk assessment of the current system and the division of responsibilities for international adoptions to Norway. Bufdir has not assessed whether adoptions to Norway have been carried out on illegal grounds and the recommendation therefore does not interfere with the work of the investigation. It is not related to the historical international adoptions that took place several decades ago. Nor is the recommendation based on specific States of origin. The recommendation is based on identified weaknesses in the system for handling intercountry adoption cases today. In the report, Bufdir writes that in its assessment of the best interests of the child, it has placed greater emphasis on preventing irregular (illegal) adoptions from taking place than on children from another country being given the opportunity to be adopted to Norway during the period in which the government investigation is ongoing and a possible new adoption system is in place⁸⁴.

In June 2024, Bufdir withdrew the licenses for the Czech Republic, Hungary, South Africa and Peru as Bufdir considers that it has not been demonstrated that intercountry adoptions are carried out fully in accordance with international standards.

⁸⁴Bufdir (2024), *Bufdir's recommendation on the temporary suspension of intercountry adoption - response to follow-up track goals*.

national principles for adoption. Adoptions from Colombia may continue with new conditions and from Bulgaria to finalize an ongoing case. Adoptions from South Korea have also been granted limited renewals. A few weeks after Bufdir's decision to revoke the permits for the Czech Republic, Hungary, South Africa and Peru, the Norwegian government announced that it will not stop international adoptions to Norway while the investigation is ongoing. However, several of the risk-reducing measures proposed by Bufdir in its report will be implemented, including the transfer of responsibility for checking the documents in each individual adoption case from the adoption organizations to Bufdir.⁸⁵ Adoption cooperation with Colombia and Taiwan is thus currently underway.

8.4.5 The Netherlands has decided to end international adoption mediation

In the Netherlands, international adoptions have been declining since 2005. In 2017, 210 children were adopted in the Netherlands. In 2019, 145 children came to the Netherlands through international adoption and in 2020, 70 children came

The Netherlands has permanently stopped all international adoptions

In 2019, following a growing number of reports of irregularities, the Dutch government set up an inquiry to examine international adoption activities, the so-called Joustra inquiry.⁸⁷ After the inquiry published its report in 2021, the Netherlands temporarily suspended all international adoptions, as recommended by the inquiry. The inquiry, which investigated adoptions to the country during the period 1967 to 1998, revealed large-scale and systematic irregularities in several donor countries, and the government considered that there was a risk that the irregularities uncovered could persist

⁸⁵ <https://www.regjeringen.no/no/aktuelt/regjeringa-sett-i-verk-risikoreduserande-tiltak-for-a-sikre-trygge-adopsjonar/id3045935/>. Publicerad 24-06-19.

⁸⁶ National Board of Health and Welfare (2022), p. 51.

⁸⁷ Committee on the Investigation of Intercountry Adoption .

⁸⁸ Committee on the Investigation of Intercountry Adoption (2021), *Report* (unofficial translation) and *Consideration, Analysis, Conclusions, Recommendations and Summary*.

The Joustra report was highly critical of the role of private authorized adoption agencies in the adoption process. It considered that the system of private elements in the adoption process is prone to fraud and has so far given rise to abuse. They therefore considered that the system of international adoption with private elements could not be maintained as they doubted that it was possible to design a public law system in which the identified abuses no longer occurred⁸⁹

A year later, the government decided that activities would resume but with fewer partner countries and adoptions from these countries started in 2023. The Netherlands also intended to reorganise its system of four adoption agencies into one and draft a new law on adoption. During the transition period, the four adoption agencies were fully funded by the State. The idea was that by 2025 a new adoption organization would be established, unrelated to the current organizations. The new adoption agency would be more closely linked to the Dutch Central Authority⁹⁰. However, in April 2024, a majority in Parliament called on the government to completely phase out international adoptions and in May 2024, the Dutch government decided to permanently end intercountry adoption mediation in the country. The government stated that, taking into account the weaknesses of the system, intercountry adoption is no longer a sustainable solution to protect children's interests. The best interests of the child are best served when they can grow up in a safe environment in their own country, region or culture. As the risk of irregularities cannot be completely excluded even in a strengthened system, a majority in Parliament to actively begin phasing out the activity.⁹¹ The responsible authority Fiom⁹² was asked not to process any new applications for adoption.⁹³

⁸⁹Committee on the Investigation of Intercountry Adoption (2021), *Report*. Unofficial translation, p. 140.

⁹⁰Buifdir (2024), *Buifdir's recommendation on temporary suspension of intercountry adoption - response to follow-up track goals*, p. 18.

⁹¹Ministry of Justice and Security (2024), *Proposal for phasing out intercountry adoption*. December 9, 2024.

⁹²Fiom is the Netherlands' center of expertise in the field of unwanted pregnancy, kinship issues and adoption.

⁹³Ministry of Justice and Security (2024), *Memorandum. Proposal for phasing out intercountry adoption*. December 9, 2024.

A six-year decommissioning period

In December 2024, the Government proposed to Parliament a six-year phasing-out period to "gently" phase out international adoptions, wind up adoption agencies and give prospective adoptive parents time to prepare for the new situation. Adoption organizations are given the possibility to extend their authorization once more for five years, which means that they can submit matching proposals for adoption to the Central Authority until 1 May 2030. At the end of 2030, the Central Authority will take over any remaining tasks from the adoption organizations.⁹⁴

8.4.6 Australia has a government responsibility for intercountry adoption services

The number of international adoptions to Australia has decreased by 94% from 2004 to 2023. 434 children were adopted in 2004 and 28 children were adopted from another country in 2023.⁹⁵

The Australian Department of Social Services has cooperation agreements with a number of countries

In the Australian adoption system, there are no non-profit organizations involved in the placement activities. Instead, cooperation agreements with countries of origin are established by the Australian Government of Social Services (DSS). The DSS is also responsible for ensuring that Australia complies with the principles of the 1993 Hague Convention and for providing support to adoptees and adoptive parents.⁹⁶ The DSS has adoption agreements with twelve partner countries.⁹⁷ The states and territories are responsible for receiving applications for adoption from applicants, assessing the suitability of applicants for adoption and for the actual placement activities in the adoption system.

⁹⁴Ministry of Justice and Security (2024), *Afbouwplan interlandelijke adoptie*. December 9, 2024.

⁹⁵Australian Institute of Health and Welfare (AIHW). *Adoptions Australia*. Web Report 2024. <https://www.aihw.gov.au/reports/adoptions/adoptionsaustralia/contents/adoptions#numerofadoptions>. Retrieved October 16, 2024.

⁹⁶State Treasury (2021), p. 163.

⁹⁷In 2024, they were Bulgaria, Chile, Colombia, Hong Kong, India, Latvia, Poland, South Africa, Sri Lanka, Taiwan and Thailand.

process. They are also responsible for post-adoption support and follow-up and keep the adoption documentation⁹⁸.

8.5 The need for international adoption today

8.5.1 Most children adopted to Sweden today are reported to have special needs

According to the principle of subsidiarity, a child should only be adopted by a family in another country if the child cannot grow up with his/her original family and there is no other suitable care option in the child's home country. According to the MFoF, since families adopting nationally mainly want children who are as young and healthy as possible, most children adopted internationally today have so-called special needs. Countries of origin have their own criteria for what is considered a special need, but it often involves illnesses and/or disabilities or the child being older than three to four years. It can also be sibling groups or children who are cared for by social authorities in the child's home country.⁹⁹MFoF has noted that Roma are discriminated against in Serbia, the Czech Republic and Hungary and that it is mainly Roma children who become available for adoption from these countries. In Panama, too, there is an overrepresentation of intercountry adoption of children from the indigenous population.¹⁰⁰An argument for maintaining the placement of children for intercountry adoption is therefore that particularly vulnerable children are given an opportunity to grow up in a permanent family in another country instead of in an orphanage in their home country.

Our 2024 file review shows that almost a third of children were not assessed as having special needs or risk factors

In our file review of all adoptions in 2024 mediated by the AC, a slightly different picture emerges. The children who came to Sweden for adoption in 2024 were on average 2.7 years old when they arrived in Sweden. The youngest child was seven months and the oldest seven years and nine months. We understand that around 35 to 40 percent

⁹⁸ <https://www.intercountryadoption.gov.au/key-contacts-and-support/state-territory-support/>. Retrieved 2024-10-07.

⁹⁹ MFoF (2020), *Parenting through adoption. Training material for parent education*, p. 25.

¹⁰⁰State Treasury (2021), p. 82.

cent of the children have been assessed as having special needs according to the documentation in the adoption files. However, there are major differences in how great the special needs are and can be. In addition, the files show that around 25 to 30 percent of the children have some form of risk factor for future need of special support. In at least 30 percent of the files, it appears that the child has no special needs or any particular risk factor. This is our assessment based on the review of the files, but there is some room for interpretation.

Difficult assessments of the best interests of the child in today's international mediation

Older children have cultural and social roots in their home country

A child who is older when they are adopted to Sweden has cultural and social roots in their home country in terms of language, culture and social relations. The adjustment to a new family in Sweden is therefore considerable. In 2023, the media reported on an adoption in which a four-year-old boy was adopted to Sweden from Serbia and thus separated from his older sister who lived in the same family home.¹⁰¹In the case in question, the AC stated that it is tragic to separate siblings but that the alternative was that the boy would not be able to have a permanent family.¹⁰²The Convention on the Rights of the Child does not explicitly state how the issue of siblings should be handled, but the Convention states that an adoption must not mean that a child is separated from his or her siblings unless it is in the child's best interests to be separated. Separating siblings may therefore be contrary to the child's right to maintain family relationships¹⁰³.

The fact that children have lived in institutions for a long time increases the risk that the children have experienced trauma, abuse and lack of care, which are known risk factors for physical and mental illness.¹⁰⁴Caring for a child with complex trauma therefore requires resources beyond the ordinary.¹⁰⁵According to a report from the National Board of Health and Welfare, children adopted after the age of two have an increased consumption of psychiatric

¹⁰¹ SVT Uppdrag Granskning. *Missing children*. Published on February 21, 2023.

¹⁰²<https://www.adoptionscentrum.se/nyheter/adoptionscentrums-svar-pa-fragorna-om-serbia-to-mission-audit>. Retrieved 25-01-20.

¹⁰³ J. Tobin (2019), *The UN Convention on the Rights of the Child. A Commentary*, p. 777.

¹⁰⁴The Adverse Childhood Experience (ACE) study shows that traumatic events in childhood can negatively affect health in adulthood.

¹⁰⁵MFoF (2019), *Support before, during and after adoption*, p. 4.

care and an increased risk of suicide in adulthood.¹⁰⁶ There is also research showing that long-term foster care may be preferable to adoption when the child is over four years old, has emotional and behavioral problems, belongs to an ethnic minority group, has a history of abuse, and has a connection to the foster parents.¹⁰⁷

Children forcibly taken into care in their home country are adopted to Sweden

Adoption as a child welfare measure means that children in social care are made available for adoption under certain conditions, without the consent of the guardians. In Sweden, adoption is not a child welfare measure, i.e. the social welfare committee cannot bring an action for the adoption of a child who is in the care of the social authorities. Forced adoption is contrary to a long democratic and legal tradition in Sweden.¹⁰⁸ The 2009 Adoption Inquiry, which was tasked, inter alia, with investigating in which cases an adoption should require the consent of the child's parents, concluded that there was particular reason to be cautious about elements of coercion in adoption. The experience of countries where it is possible to go against the wishes of a custodial parent was not entirely positive¹⁰⁹.

In 2009, on behalf of the Child Protection Inquiry, Gunvor Andersson conducted a literature review of national adoptions in countries where adoption is used as an alternative to foster care and where it is possible to carry out an adoption without the guardian's consent. Andersson noted that when the issue of adoption as a child welfare intervention is raised in Sweden, the idea is to ensure permanence in children's out-of-home placement and it is considered fairly obvious that children should then be adopted by foster parents, with whom they already live, not that they should be put in the adoption queue for a move to another (permanent) family. Andersson was also surprised to find many similar demands for post-adoption support in countries where adoption is used as a child welfare intervention as those directed at social services in our country when it comes to support for foster parents. She noted that children from the child welfare system

¹⁰⁶ National Board of Health and Welfare (2022), pp. 7 and 27 f.

¹⁰⁷ SOU 2015:71 *Children's and young people's rights in compulsory care*. Part A, p. 635.

¹⁰⁸ SOU 2015:71, p. 631.

¹⁰⁹ SOU 2009:61 *Modern adoption rules*, p. 144.

have special needs and their problems are similar whether they are in foster or adoptive homes.¹¹⁰

Each country has its own legal system and principles regarding the procedures for social care of children whose lives and health are at risk. Several of the countries with which Sweden cooperates, such as Colombia, have adoption as a child welfare measure, which means that children in the care of social authorities can be adopted internationally. According to human rights lawyer Kyung-eun Lee⁽¹¹¹⁾, internationally adopted children have been discriminated against because receiving countries have applied different standards and processes to children coming through international adoptions than to those adopted nationally. She describes how receiving countries have had dual adoption systems, such as Sweden. Sweden has actively promoted and adopted legislation that facilitates the adoption of children from abroad, while Sweden's own child protection system has had a restrictive application of adoption¹¹².

International adoption of children belonging to minorities or indigenous peoples requires special considerations

As reported above, the MFoF has noted that there is an overrepresentation of children belonging to a minority or an indigenous people among the children adopted internationally. In accordance with Article 30 of the Convention on the Rights of the Child, a child belonging to a minority or an indigenous people has the right to his or her own cultural life, religion and language. Adoption is the child welfare intervention most likely to deprive minority and indigenous children of their special rights.¹¹³ According to the Committee on the Rights of the Child, when placing children belonging to indigenous peoples, States should give due regard to the need to maintain continuity in the child's upbringing, and take into account the child's ethnic, religious, cultural and linguistic background. In States Parties where children belonging to indigenous peoples are over-represented among children who have been separated from their home environment, there should be a consultation with indigenous peoples to ensure that the child's

¹¹⁰ G. Andersson (2009) *Adoption as a childcare measure*. Annex to SOU 2009:68.

¹¹¹ Kyung-eun Lee has a PhD on the rights of the child in intercountry adoption from Seoul National University. She has worked as a director in the South Korean Ministry of Health and Welfare and for Amnesty International Korea.

⁽¹¹²⁾ K. Lee (2021), *The Global Orphan Adoption System: South Korea's Impact on Its Origin and Development*, p. 95 f.

⁽¹¹³⁾ H. Hahn and V. Sinha (2018), *Adoption Protections for Indigenous Children in Canada*.

communities, specific policy measures are developed to reduce the number of children in alternative care and prevent them from losing their cultural identity. In particular, if a child is placed in care outside his or her local community, the State Party shall take specific measures to ensure that the child can maintain his or her cultural identity.¹¹⁴

According to UN human rights rapporteurs, discrimination against minorities and indigenous peoples has been a major driver of illegal adoptions in several countries.¹¹⁵The Committee on the Rights of the Child has also expressed concern that children belonging to indigenous peoples are at high risk of being trafficked.¹¹⁶One example is Guatemala, which halted adoptions from the country in 2007 following widespread trafficking of stolen Mayan children.¹¹⁷The adoptions took place both during and after the civil war of 1960 to 1996, which claimed the lives of over 200 000 people, most of whom were Mayan.

8.6 Assessing what is in the best interests of the child in intercountry adoption is complex

8.6.1 The best interests of the child in adoption must be assessed based on several of the child's rights

According to Article 21 of the CRC, the best interests of the child shall be a primary consideration in an adoption. Other interests shall be taken into account but the interests of the child shall prevail over all other interests and considerations, including the interests of the biological parents, the prospective adoptive parents, the adoption organizations or a State. Although the interests of all parties concerned may be taken into account, in the case of competing interests, the State is under an obligation to ensure that the interests of the child prevail.¹¹⁹

The rights in the CRC are interdependent and mutually reinforcing, and the violation of one right can affect the enjoyment of the others. This means that the rights are equally important, but some rights are

¹¹⁴Ombudsman for Children. Swedish translation of *the Committee on the Rights of the Child's General Comment No 11 (2009) Children belonging to indigenous peoples and their rights under the Convention*, p. 48.

¹¹⁵UN Human Rights Treaty Bodies. *Joint statement on illegal intercountry adoptions*. Published on September 28, 2022, section 1.2. and Committee on Enforced Disappearances. *Joint statement on illegal intercountry adoption*. CED/C/9. December 5, 2022.

¹¹⁶Ombudsman for Children. Swedish translation of *the Committee on the Rights of the Child's General Comment No 11 (2009) Indigenous children and their rights under the Convention*, p. 72. ¹¹⁷S. Sargent (2010), *Indigenous Children's rights - international law, self-determination and intercountry adoption in Guatemala*. Contemporary Issues in Law. Volume 10 No 1. 2010.

¹¹⁸ Foreign Policy Institute. Country Guide. Guatemala.

(¹¹⁹)J. Tobin (2019), p. 769 f.

The provisions of the Convention specifically address the issue of children's rights in adoption. These rights can be divided into supportive, protective, relational/identity-building and participatory. The supportive rights include Articles 6, 9, 16, 18 and 27 and are concerned with protecting the child's family life and avoiding the need to place the child in alternative care or adoption. The protective rights include Articles 2, 6, 19 and 35 and aim to protect the child from potential harm in the context of adoption decisions. The relational and identity-based rights include Articles 7, 8, 9(2), 20(3), 21 and 30 and deal with the rights that can be derived from the child's relationship with his or her family of origin and cultural and social community. The participatory right is set out in Article 12 and gives every child the right to express his or her views and have them taken into account in all matters affecting them.¹²⁰In assessing what is in the best interests of the child in an intercountry adoption, a holistic approach must be taken to all these fundamental rights.

International adoption can ensure a child's right to life and development but can also mean the loss of other important rights

Article 6 of the CRC recognizes the inherent right to life of every child. According to the article, a State shall ensure to the maximum extent possible the survival and development of the child. The child's right to life and development means that the child has the right to be cared for and protected, that the child has the right to love and security, and that the child has the right to a stable and lasting relationship with his or her parents. The travaux préparatoires of the CRC make it clear that the right to life in Article 6 is to be given higher priority than other rights in the Convention. The right to life is also regarded as *jus cogens*, i.e. the right itself is considered to have an inherently higher normative hierarchical status than other rights. At the same time, the Committee on the Rights of the Child has emphasized that there is no hierarchy between the Convention rights¹²¹.

¹²⁰ J. Tobin (2019), p. 770 f.

¹²¹ SOU 2020:63, p. 332 f.

The child's right to grow up in a family

The preamble to the Convention on the Rights of the Child states that the family is the natural environment for the development and well-being of the child and that the child should grow up in a family environment in order to achieve the full and harmonious development of his or her personality. If a child is deprived of his or her family environment States shall ensure that the child receives alternative care (Article 20). Such care may include, inter alia, placement in family homes, kafalah in Islamic law,¹²² adoption or, if necessary, placement in appropriate institutions for the care of children. When considering solutions, due account shall be taken of the desirability of continuity in a child's upbringing and of the child's ethnic, religious, cultural and linguistic background.

For an individual child, international adoption may be the only opportunity to grow up in a permanent family. Adoption can enable the recovery of a child's development in terms of physical growth, attachment, cognitive development and school performance, self-esteem and behavioral problems. A child who has some form of illness or disability can also be given better opportunities for care, treatment and rehabilitation by being adopted to Sweden than might have been possible in the child's home country.

The child's right to grow up in their home country and to have contact with parents, siblings and other relatives

Intercountry adoption involves a very radical change in a child's entire life situation, as the child changes not only the primary caregiver but also the language, culture and social context. Intercountry adoption also deepens the child's separation through the geographical, linguistic and cultural distance created between the child and the original family.¹²³ Therefore, both the CRC and the 1993 Hague Convention affirm that the best interests of a child are served by growing up in his or her country of origin. The fact that the child can remain in his or her country of origin offers completely different possibilities to ensure the child a number of fundamental rights such as the right to preserve his or her identity, language and culture (Articles 8 and 30 of the CRC).

¹²² A permanent form of foster care.

⁽¹²³⁾ D. M. Smolin (2024), *Introduction*. In E. Loibl and D. M. Smolin (eds), *Facing the Past. Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, p. 11.

the Convention). It is also often a prerequisite for the child to maintain a personal relationship and direct contact with parents, siblings and other relatives even if the child cannot live together with his/her family (Articles 9 and 20 CRC). The child's ability to remain in his or her country of origin is also a prerequisite for the child to be able to maintain contact with his or her other social circle, such as friends and schoolmates.

The Convention does not explicitly state how the issue of siblings should be handled. However, the Convention states that an adoption must not result in a child being separated from his or her siblings unless separation is in the child's best interests. Separating siblings may be contrary to the child's right to maintain family relationships.¹²⁴In our expert group, it has been stated that the children who are adopted to Sweden today have not had contact with their family or relatives in their home country before they were adopted. There is therefore in practice no possibility for the child to maintain a personal relationship with the family even if the child remains in his or her home country.¹²⁵At the same time, Save the Children has estimated that at least four out of five children cared for in an institution in 2009 had one or both parents alive.¹²⁶UNICEF also notes that many children in orphanages are not orphans in the traditional sense. Instead, they are children who have been left in orphanages because their parents do not have the financial means to care for the child themselves.¹²⁷In order to obtain an overall picture of the current situation, we carried out a file review of all adoptions in 2024 that were mediated by AC. This file review shows that almost 40 percent of the children adopted to Sweden have siblings left in the country of origin.

8.6.2 The best interests of the child in the long and short term

In its 2003 report, the Committee on International Adoptions concluded that international adoption may be the best solution for an individual child, but as a general solution to the plight of vulnerable children, international adoption is only a short-term relief effort that does not solve the fundamental global problems that

¹²⁴ J. Tobin (2019), p. 777.

¹²⁵ Minutes of the Expert Group Meeting of the Adoption Commission 2024-09-23.

¹²⁶ Save the Children (2009), *Keeping Children Out of Harmful Institutions: Why we should be investing in family-based care*, p. 5.

¹²⁷ <https://www.unicef.org/protection/children-in-alternative-care>. Retrieved 25-03-17.

is a cause of child abandonment. In order to improve the living conditions of vulnerable children in the long term, efforts are needed above all to promote broad welfare development in the countries of origin, and the recipient countries should contribute to such development through general efforts. The aim must be for children to grow up in their biological family or in another family in their country of origin. The inquiry considered that it was not realistic to believe that all children could have this opportunity, even in the future, and believed that efforts to improve children's conditions must be made through both long-term and short-term efforts. If a receiving country like Sweden is to have an international adoption business, and at the same time be credible in its efforts to improve the conditions of vulnerable children, the emphasis of aid efforts for children must be such aid that in the long term improves social and economic conditions in the countries of origin. This may reduce the risk of children being abandoned¹²⁸

8.6.3 Best interests of the child at micro and macro level

In several of our interviews with former employees of MIA and MFoF, they describe that the agency reasoned about the best interests of the child at the micro and macro levels. At the micro level, the individual child is central. The child is part of the so-called adoption triangle made up of the original parents, the child and the prospective adoptive parents. At the macro level, the adoption system is central. The best interests of the child test is relevant at both the micro and macro level. At the micro level, it is about the best interests of a child in a specific situation. At the macro level, it is about the best interests of the child in the system, i.e. all children who may in one way or another belong to the possible target group for intercountry adoption because they cannot grow up in their family.¹²⁹A former NIA staff member describes it this way:

I thought every day - did these children get it right? They had to move across the globe to have a family. It was a strange business, this. But in each case, I think they got better, they got a family. It was the right thing to do in each case. That's what made it bearable. I thought that every day.

¹²⁸ SOU 2003:49 *Adoption - at what cost?* p. 20.

¹²⁹ Council for the Application of Criminal Law and youth protection (2016), *Reflection on Intercountry Adoption*. Opinion of October 14, 2016, p. 24.

Intercountry adoption may be the best solution at the micro level, for example because the country of origin in question does not have social and economic systems to support single mothers or a developed child protection system with other forms of placement than institutions. At the macro level, intercountry adoption can hinder positive development in the country. Research has shown that intercountry adoption has a negative impact on the development of child and youth protection systems in countries of origin. Intercountry adoption inadvertently results in lower quality national solutions than would be the case in the absence of intercountry adoption.¹³⁰The intercountry adoption business of rich countries adopting from poor countries can thus undermine the development of child protection and social welfare systems in countries of origin. Intercountry adoption brokering can also contribute to the perpetuation of social stigmas surrounding children born out of wedlock and single mothers.

Furthermore, adoption fees and donations can create an incentive in countries of origin to place more children for adoption than is necessary from a child rights perspective. In some countries, the demand for children by receiving countries has led to an increase in the number of orphanages. In China, for example, the number of orphanages involved in the intercountry adoption program increased from around 30 in the early 1990s to around 300 in the mid-2010s.¹³¹In Uganda, the number of orphanages increased from 35 in the mid-1990s to over 200 in 2009, despite a steady decline in the number of orphans in Uganda. The income of orphanages in the form of foreign donations provided an incentive to recruit more children to orphanages.¹³²In Ethiopia, the number of intercountry adoptions increased fivefold between 2003 and 2009. Over roughly the same period, the number of foreign adoption agencies in the country increased from around 20 to 70.¹³³According to Save the Children, experience from Rwanda, Sri Lanka, Indonesia and Haiti shows that the expansion of orphanages can undermine existing child support functions and that it can

¹³⁰Council for the Administration of Criminal Justice and Protection of Juveniles (2016), *Summary advisory report 'Reflection on Intercountry Adoption' of the Council for the Administration of Criminal Justice and Protection of Juveniles*, p. 2.

¹³¹ Interview with FFIA representative 2023-09-21.

⁽¹³²⁾ K. E. Cheney (2022), *Closing New Loopholes: Protecting Children in Uganda's International Adoption Practices* and Unicef (2014), *Study on Legal Guardianship and Adoption practices in Uganda*. Study report.

⁽¹³³⁾ P. Selman (2012), *The Global Decline of Intercountry Adoption: What Lies Ahead?* *Social Policy and Society*, 11: 03, pp. 384 f. and E. J. Graff. *They steal babies, don't they?* The Pacific Sun. Published on May 3, 2017.

encourage families to place their children in such facilities. In some cases, this can lead to children being made available for adoption despite having family members in the country.¹³⁴ Save the Children found in 2009 that some poor families were forced to give their children to orphanages in exchange for money.¹³⁵

Former employees of a Swedish adoption organization have stated that their focus has always been on the best interests of the individual child, that adoption is for the individual. A macro perspective would mean sacrificing the children of today for the children of tomorrow. They did not believe that the countries of origin would change their systems just because they stopped adopting children from there. Instead, they thought that their work in the children's countries of origin would eventually improve the situation of mothers and children in the countries of origin, for example by increasing national adoptions¹³⁶

MFoF has problematized how adoption activities affect the rights of the child in the countries of origin

In the letter of appropriation for 2015, MFoF was commissioned to investigate which knowledge needs and knowledge gaps the agency considered to be of greatest strategic importance for Sweden in international adoptions. In its report on the assignment, MFoF writes that there are a number of urgent research areas to gain increased knowledge about the best interests of the child in international adoption activities. One area concerns the impact of international adoption on children's rights in the countries of origin. Among other things, it raises questions about how international adoption activities affect a country's child protection system for the care of orphans, under what conditions there is a risk that the activities will be used as a cover for child trafficking, and how international adoption activities affect the view of children of single parents and children from minority populations, as well as what approaches promote positive social development in countries of origin¹³⁷.

¹³⁴ Save the Children (2012), *Intercountry Adoption*. Policy Brief June 2012, p. 2.

¹³⁵ Save the Children (2009), p. 5.

¹³⁶ Interview with two former employees of AC 2024-04-10.

¹³⁷ MFoF (2015), *Report on assignment on knowledge needs and knowledge gaps*.

8.7 Intercountry adoption brokering is a high-risk business

8.7.1 Research shows that the adoption agency system creates incentives for irregularities

Criminologist Elvira Loibl¹³⁸ has examined the illegal dimension of intercountry adoption. She argues that the activity is criminogenic in nature (i.e. based on conditions that increase the risk of crime being committed) and that the inherent weaknesses of the intercountry adoption system are difficult to resolve. The adoption system is based on a demographic and economic imbalance between sending and receiving countries. While rich countries in the West struggle with low birth rates and declining numbers of children available for domestic adoption, birth rates in poor countries in the global South are increasing, she says. These asymmetries and the large sums of money paid by adopters create incentives for orphanage managers, government officials and others to illegally obtain children for intercountry adoption. A system that is based on inequality between sending and receiving countries and where large sums of money further support an already high incidence of corruption is difficult, if not impossible, to reform. According to Loibl, the rules laid down in the 1993 Hague Convention cannot eliminate the underlying factors that contribute to irregularities in adoptions¹³⁹.

8.7.2 Researchers and international bodies have highlighted the risk of irregularities

Already in the early 2000s, researchers and experts from various disciplines expressed concern about serious systematic irregularities in the international adoption business.¹⁴⁰ Since 2010, several international bodies such as the International Social Service (ISS), HCCH and the UN Committee on the Rights of the Child, as well as UN human rights observers, have also noted that there are major risks

¹³⁸Elvira Carolin Loibl is an Assistant Professor at the Faculty of Law, Department of Criminal Law and Criminology, Maastricht University.

⁽¹³⁹⁾ E-Loibl (2019), *The Transnational Illegal Adoption Market. A Criminological Study of the German and Dutch Intercountry Adoption Systems*, pp. 410 and 431 f.

¹⁴⁰Among others, Tobias Hübinette, Claudia Fonseca, E. J. Graff, Trish Maskew, Benyam Mezmur, Gita Ramaswamy, David M. Smolin, Desiree Smolin and Jane Jeong Trenka.

The UN human rights observers have noted that irregularities in adoptions can constitute serious human rights violations and crimes, such as abduction, fraud and trafficking. Illegal adoptions may also, in specific circumstances, violate the prohibition of enforced disappearances and may constitute crimes such as genocide or crimes against humanity,¹⁴² which are among the most serious crimes against humanity.¹⁴³

Risk factors in international adoptions were also the theme of the HCCH Special Commission in The Hague in the summer of 2022.¹⁴⁴ These are risks that conditions in legislation, the 1993 Hague Convention and the Children's Convention are not met in several of the countries that cooperate in international adoption. Moreover, intercountry adoption is particularly prevalent in countries with inadequate social child protection systems and corruption within the state administration, which further increases the risk of irregularities.¹⁴⁵

HCCH has published guidance on preventing and managing irregularities

In 2023, the HCCH published a comprehensive document to support States Parties in identifying, preventing and addressing irregularities.¹⁴⁶ The guidance aims to help identify irregular practices in intercountry adoptions, factors that may contribute to and/or facilitate the development of irregular practices, and measures that may help prevent irregularities.

¹⁴¹See, for example, ISS (2010), *The grey zones of Intercountry adoption* and ISS (2016), *Responding to illegal adoptions: A professional handbook*, HCCH (2023), UN General Assembly (2016), *Report of the Special Rapporteur on the sale of children child prostitution and child pornography*, A/HRC/34/55 and UN Human Rights Treaty Bodies (2022), *Joint statement on illegal intercountry adoptions* and Committee on Enforced Disappearances (2022) *Joint statement on illegal intercountry adoption*. CED/C/9.5.

¹⁴²UN Human Rights Treaty Bodies (2022), *Joint statement on illegal intercountry adoptions*. and Committee on Enforced Disappearances (2022), *Joint statement on illegal intercountry adoption*. CED/C/9, p. 4.

⁽¹⁴³⁾A. Klip (2024), *Individual criminal responsibility for illegal intercountry adoptions following the crime of enforced disappearance*. In E. Loibl and D. M. Smolin (eds), *Facing the Past. Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, p. 315.

¹⁴⁴HCCH (2022), *The Fifth Meeting of the Special Commission on the practical operation of the Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption ("1993 Adoption Convention")*. Special Commission of July 2022.

¹⁴⁵ISS (2016), *Responding to illegal adoptions: A professional handbook*, p. 10.

¹⁴⁶HCCH (2023).

the same time. The Guide also contains a checklist to assist Central Authorities in their decisions. The checklist aims to provide Central Authorities with a list of questions they should ask and actions they can take at each stage of an intercountry adoption procedure in order to help prevent or reduce the risk of illegal activities as much as possible⁽¹⁴⁷⁾.

In April 2023, Sweden and the MFoF hosted the annual Nordic meeting with representatives from the countries' central authorities. The meeting discussed how the HCCH guidance is implemented in the different countries, as well as the handling of information on irregularities. The issue of handling irregularities has also been discussed at ICAN meetings in the Netherlands and Switzerland in 2023.¹⁴⁸

The question is how much risk can be accepted and what resources are needed to minimize the risks

The Norwegian Central Authority Bufdir¹⁴⁹ has stated that there is always a risk in intercountry adoptions; it is not possible to control processes that take place in another country. The question is not whether there is a risk of illegality in international adoptions, but how much risk should be accepted in view of the consequences for children who are illegally removed from their families or where no attempt has been made to find solutions for the child to grow up in its original family or country.¹⁵⁰ According to Bufdir, there is a risk that adoption organizations, for financial reasons and time pressure, do not review documents with a sufficiently critical eye.¹⁵¹ The MFoF has also noted that it is not possible to fully guarantee that adoptions always take place in a legally secure and ethical manner.¹⁵²

¹⁴⁷ HCCH (2023), p. 17.

¹⁴⁸ MFoF (2024), *Final Report of the National Contact Point for Irregularities in international adoptions*, p. 11.

¹⁴⁹ Directorate for Children, Youth and Family Affairs.

¹⁵⁰ Bufdir (2024), *Assessment of temporary suspension of intercountry adoption. Recommendation to the Ministry of Children and Family Affairs*, p. 16.

¹⁵¹ Bufdir (2024), *Assessment of temporary suspension of intercountry adoption. Recommendation to the Ministry of Children and Family Affairs*, p. 23.

¹⁵² Sweden radio. *Authority cannot guarantee legally secure adoptions*. Published on February 21, 2021.

MFoF states that they have higher requirements for risk assessments today

MFoF states that they now have stricter requirements for organizations to be able to show and prove that there are no problems or irregularities. MFoF requires risk analyses, communicates more with the organizations and wants to know how the organizations found out about various things. In the MFoF's 2023 supervision report for the AC, the MFoF notes that in 2019, the AC produced a risk matrix that is used to compile potential risks in the partner countries. The risk matrix includes economic aspects, such as the risk of undue pressure during the adoption process abroad. Additional aspects addressed in the risk matrix include the political situation, the legal process in the country, the risk of corruption among different actors and the legal security of children in different parts of the adoption process. The AC has stated that they review and update the risk matrix in connection with authorization applications for the countries, or when necessary. The AC has also stated that their trips to the partner countries are important in order to be able to pay attention to and follow up issues relating to the adoption process in the countries. MFoF considers that the AC has clear routines and works in a structured manner to draw attention to and assess risks in the partner countries ¹⁵³.

When MFoF assesses the risks of adoption mediation from a specific country, it may reject an application for authorization or revoke an authorization. In 2023, for example, the authority rejected AC's application for authorization to conduct adoption mediation in Madagascar because the country's legislation did not meet important international requirements. According to MFoF, the rejection highlights the importance of countries of origin improving their domestic work and thereby creating better conditions for future adoptions to be carried out in an even more ethical and legally secure manner.¹⁵⁴ After Norway in December 2023 and Denmark in January 2024 revoked authorization for the Philippines, MFoF also revoked AC's authorization for the country. MFoF considered that the circumstances that had emerged regarding the occurrence of child trafficking and falsified documents meant that it was not appropriate to continue adoption cooperation with the Philippines. In its assessment, the MFoF took into account

¹⁵³ MFoF (2024), *Tillsynsrapport 2023 Adoptionscentrum*, dnr 2023-232, p. 15 f.

¹⁵⁴ MFoF (2024), *Annual Report 2023*, p. 58.

also that there is widespread corruption in the country and shortcomings in the judicial system¹⁵⁵

However, MFoF has granted AC continued authorization for South Africa despite the fact that both Norway and Denmark have terminated their cooperation with the country. Bufdir justified its decision in June 2024 with the presence of high corruption in the country, including within the Department of Social Development, where the South African central authority is located. Bufdir also noted that compliance with the principle of subsidiarity is particularly challenging in relation to biological parents who are not South African citizens. The decision of the Danish Ministry of Social Affairs in October 2024 states, inter alia, that the South African adoption system contains a number of systemic challenges and that the country's authority structure and legislation in the area of adoption support are not compatible with the principles of the 1993 Hague Convention.¹⁵⁶ According to MFoF, risks in a partner country, such as corruption, do not necessarily mean that the application for authorization is rejected. MFoF must assess the degree of risk posed by corruption in the adoption process. There may be factors that indicate that adoption intermediation from the country is nevertheless appropriate, such as a well-regulated adoption procedure, that the authorities take measures against corruption and that corruption does not occur in adoption activities:

Authorization and supervision require significant resources

The MFoF has stated that the authority's task of supervising intercountry adoption activities is large and resource-intensive, but that this has not been fully reflected in the appropriations allocated to the authority.

¹⁵⁵MFoF: *Decision to revoke the authorization for intercountry adoption mediation abroad*, dnr AD 2024-126, 2024-06-04.

¹⁵⁶Ministry of Social Affairs and Housing (2024), *Revocation of authorization to provide adoption assistance concerning children resident in South Africa*. 2024-10-24.

¹⁵⁷MFoF. Response to questions from the Adoption Commission. Received by the Adoption Commission 2025-02-13.

¹⁵⁸Meeting with MFoF on 2023-05-31.

8.7.3 Risks in today's Swedish adoption business

The test under Article 17(c) of the 1993 Hague Convention is deficient

Article 17(c) of the 1993 Hague Convention provides that a decision in the State of origin to surrender a child to the care of prospective adoptive parents may only be taken if the Central Authorities of both States have consented to the adoption procedure proceeding. The Article expresses the joint responsibility to ensure that the adoption is in the best interests of the child. Both the country of origin and the receiving country must give the green light before the child leaves the country.¹⁵⁹ According to the HCCH Recommendations, the States Parties have a responsibility in that examination to scrutinize carefully all the adoption documents, in particular as regards, inter alia, the identity of the child, the adoptability of the child and the considerations made regarding the principle of subsidiarity.¹⁶⁰ If the receiving country discovers ambiguities in the documentation, for example two different dates of birth for the child, the country of origin should investigate the reasons for this.¹⁶¹ As explained in section 8.2.4, it is the social welfare committee that should examine whether consent should be given for the adoption procedure to continue. However, it is unclear what responsibility the social services investigator has to check the adoption documents. The understanding is that it is the adoption organizations that should review the adoption documents and that the social services should only examine the applicant's eligibility and suitability to adopt the specific child for whom the applicant is proposed as adoptive parent, read more in section 5.4.5.

The State Treasury's evaluation of the organization of intercountry adoption activities revealed that several municipalities state that the consent procedure does not require any extensive work.

The State Treasury estimates that the consent procedure takes about four hours for the social worker¹⁶².

¹⁵⁹ Meeting with Hans van Loon in The Hague 2023-10-02.

¹⁶⁰ HCCH (2023) p. 162 f. and MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process*, p. 9.

¹⁶¹ Meeting with HCCH in The Hague 2023-10-02.

¹⁶² State Treasury (2021), p. 40.

There is a lack of documentation on the child's background and how the child became available for adoption in the adoption files

In 2023, the MFoF has reviewed adoption files from different countries at AC and BFA. The file review shows that the investigation and the information that the organizations receive before an adoption is carried out varies between countries. The variations concern both the type of documents and their content. This may include information on the child's background, medical documentation, how the child became available for adoption and how the best interests of the child were assessed. In some countries, information about the biological parents is confidential, which limits the information that the adoption organisation can access before an adoption takes place. In some countries, it may also be the case that authorities or other actors in the child's country of origin only provide information about the child's background to the prospective adoptive parents when they are in the child's country of origin. In these cases, the adoptive parents are asked to send the documents to the adoption organization so that the documents can be kept in the adoptee's file. MFoF notes that in those countries where the adoption documents are detailed and reflect the considerations and assessments made during the process, it is easier to gain a better understanding of how the adoption process works in the country.

MFoF also notes that it varies to what extent the adoption organization receives information about the efforts made in the country of origin to enable the child to remain in the country. The organization usually receives information about the reasons why the child has become available for adoption. However, in many cases the organization receives limited information about the efforts made to find national solutions for the child. For countries where more limited information is provided, it may be more difficult to understand how the principle of subsidiarity is applied in the country.

According to MFoF, it is therefore important for the organization to keep abreast of how countries apply the subsidiarity principle by other means¹⁶³.

The Norwegian central authority Bufdir has also observed shortcomings in the documentation from the child's country of origin in connection with its examination of continued consent for adoption. This applies in particular to

¹⁶³MFoF (2024), *Inspection report 2023 Adoption Center*, no. 2023-232 p. 7 f. and *Inspection report 2023 Children First*, no. 2023-231, p. 7 f.

the legal documents needed to ensure the identity of the child and that the child is available for intercountry adoption. For example, there is no consent to adoption from the parents or other legal guardians, referring instead to the fact that consent is contained in other documentation. Furthermore, there is no documentation on the concrete attempts made by the authorities in the country of origin to find a family in the child's country of origin (subsidiarity principle). These deficiencies apply to all countries of origin and all three Norwegian adoption organizations¹⁶⁴

Our 2024 file review continues to show major shortcomings

Our file review of AC's adoptions from 2024 shows that important documents are still missing from adoption files in Sweden, despite the fact that the HCCH's guidance from 2023 states that states should ensure that the original document or a certified copy of all documents, such as birth certificate, consent to adoption and the decision on the child's adoptability are sent to the receiving country.¹⁶⁵ In the files where there is a named parent, there is a special consent document in just over 40 percent of the files. A further 20 percent indicate that a parent wants the child to be placed for adoption - but without any signed consent or other document in the file to confirm this.

Whether the child is in the care of social services or not, the consent of the child's guardian is required. In some cases, this may be the child's parent even if the child is in care. If custody has been transferred to someone other than the parents, there should be a documented consent from the child's new guardian. In about one third of all AC 2024 files, there is documented consent from either the child's parent or other guardian. In addition, for example, several of the adoption files state that a special guardian has given consent, but without there being any specific signed consent document in the file attesting to this. There were no documented consents from children, although one child was almost eight years old at the time of adoption.

¹⁶⁴Bufdir (2024), *Bufdir's recommendation on temporary suspension of intercountry adoption - response to follow-up track goals*, p. 9.

¹⁶⁵HCCH (2023), p. 82 f.

In more than a third of the files, it is not at all clear whether and how the country of origin has tried to find a domestic solution for the child.

No Swedish actor ensures the authenticity of adoption documents

According to the Norwegian Central Authority Bufdir, fast-track processes may lead to less strict control of the adoption documents than required. In connection with Bufdir's review of the foreign authorization for the Philippines, Bufdir came into contact with the Norwegian National ID Centre.¹⁶⁶The National ID Centre is an independent expert body that assists the Norwegian police, the immigration authority and other public actors in verifying whether documents from other countries are genuine or false. Following this authorization case, Bufdir has expressed to the Norwegian Government that it is necessary for the Norwegian ID Centre to assist Bufdir in assessing documents in adoption cases if adoptions from abroad are to continue.

According to the MFoF, the issue of deficiencies in documentation is also highly relevant to Sweden, as Sweden and Norway have the same partner countries and there is a requirement for expeditious examination in the event of continued consent.¹⁶⁸The MFoF states that, due to the nature of the legislation, they have no insight into ongoing adoption cases carried out via adoption organizations. The MFoF sometimes requests access to adoption files within the framework of its supervision, but then mainly closed cases. As a rule, however, MFoF does not check the authenticity of the documents in these cases. In the cases handled by MFoF (individual adoptions and approvals), the authority does not make any particular authenticity assessment of the documents either, partly for practical reasons as MFoF does not have physical access to the documents. However, the documents are evaluated within the framework of the free evaluation of evidence in connection with the MFoF's decision in the case.

¹⁶⁶ Meeting with Bufdir on May 13, 2024.

¹⁶⁷Bufdir (2024), *Bufdir's recommendation on temporary suspension of intercountry adoption - response to follow-up objectives*, p. 23 and *Assessment of temporary suspension of intercountry adoption. Recommendation to Ministry of Children and Family Affairs*, p. 49.

¹⁶⁸MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process*, p. 9.

¹⁶⁹Email to the Adoption Commission from the MFoF on October 9, 2024.

are genuine, nor does it follow from the MFoF's general advice or handbook that they should be.¹⁷⁰

The AC states that for each re-authorization of a country, it must ensure that intercountry adoptions from that country are processed in a legally secure manner, including that the documents from the country are legally correct and authentic. In connection with the application for authorization, MFoF obtains information from relevant authorities and organizations in each individual country and thus ensures that the AC's information is correct and that international adoptions from that country are mediated in a legally secure manner. From the response, we understand that AC does not check the authenticity of the transactions either. However, AC states that if there is a suspicion that a document is forged, they immediately make a discrepancy report to the MFoF and to AC's federal board. AC states that they would also contact both EurAdopt and the Nordic Adoption Council to inform them of the incident¹⁷¹.

According to information, the Finnish Immigration Service rarely assesses the authenticity of adoption documents at present. Adoption documents are among the documents for which the Migration Agency has limited reference material¹⁷².

Adoption fees and donations can lead to child trafficking

In Sweden, since 1917, there has been a prohibition of remuneration in the case of adoption. However, the prohibition on remuneration has not been considered to cover the costs associated with an international adoption. In 2023, the AC's average adoption fee was SEK 229,000 per adoption (of which SEK 152,000 related to costs in Sweden and SEK 77,000 in the country of origin).¹⁷³ The BFA's average adoption fee was SEK 231,000 per adoption (of which SEK 162 in Sweden and 69 in the country of origin).

In the case of an intercountry adoption, the adoptive parents pay not only the costs of the adoption organizations for the intermediation work, but also the costs of the country of origin for the administration of the adoption, the costs of the specific child's care and

¹⁷⁰The Agency for Family Law and Parental Support's general advice (HSLF-FS 2022:25) on the handling of intercountry adoption cases by the social services board and MFoF (2022), *International adoption - Handbook for the social services*, p. 96 ff.

¹⁷¹ AC. *Reply to questions 1-5*. Received by the Adoption Commission on 2025-02-04.

¹⁷² E-mail to the Adoption Commission from the Swedish Migration Agency 2024-10-02.

¹⁷³ MFoF (2024), *Tillsynsrapport 2024. Adoptionscentrum*, dnr 2024-555, p. 12.

¹⁷⁴ MFoF (2024), *Supervision report 2024, Children First*, dnr 2024-556, p. 12.

some of the costs of caring for other children. Allowing orphanages and organizations to be reimbursed for costs not directly attributable to the child concerned may undermine the application of the principle of subsidiarity and lead authorities and institutions in the country of origin to rely on international adoptions to finance the operation of the social child protection system in that country. Against this background, the 2003 Intercountry Adoption Review concluded that, as the needs of the countries of origin could be partly met by the funds generated by intercountry adoption activities, children become a commodity generating income for the country of origin. This may result in more children being adopted internationally than is actually necessary. According to the report, adoption activities were thus "dangerously close to something that could be considered as child trafficking". According to the report, the trend needed to be towards a gradual reduction in the part of the cost relating to other than actual adoption costs (calculated on average)¹⁷⁵

The new 2005 rules require adoption organizations to make a clear distinction between adoption agency costs and assistance costs. However, adoptive parents can still donate money to the orphanage from which they have adopted.

For example, it is common to donate money at Christmas, birthdays and funerals. In a larger perspective, this can generate a lot of revenue for orphanages, which can create an incentive (or dependency) to leave more children for international adoption.

Adoption agencies' reliance on fees creates wrong incentives in adoption activities

In its 2014 annual report, MIA questioned whether the system of non-profit adoption organizations, whose finances depend on the number of adoptions, could guarantee the quality of their activities. MIA noted that the organizational basis for Swedish international adoption mediation, with non-profit member organizations, was laid several decades ago and that there was reason for a review¹⁷⁶.

In a position paper in 2018, which was also presented at a parliamentary seminar in 2019, the BFA noted that a number of ethical dilemmas arise when adoption organizations are dependent on the

¹⁷⁵ SOU 2003:49 p. 20 ff. and p. 144 ff.

¹⁷⁶ MIA. *Annual Report 2014*, p. 5 f.

adoption fees they receive. The BFA wondered how to ensure that an organization that is financially dependent on the income it receives for each child placed does not feel obliged to place children "at any price". The BFA stated that many applicants feel that they are paying for a service that the adoption agency should deliver. The BFA does not believe that adoption mediation should be seen as buying a service where specific requirements can be set around the "end product" and "delivery time". However, according to the BFA, this is a reality that adoption agencies sometimes face. The BFA expressed the need for a review of how intermediation is funded and concluded the paper with the following questions:

- Is it possible to ensure that the best interests of the child are put first in an activity that depends on the number of children it serves?
- Can adoption competence and expertise be ensured within an organization that for many years has found itself in a reality where fewer and fewer adoptions are being carried out?
- Can it be ensured that adoptions are carried out in a judicious manner when it is the people who want to adopt who directly pay those who will carry out the process?
- How to ensure that the best interests of the child are always at the forefront when market forces are in charge?¹⁷⁷

It was not until 2020 that the Government commissioned the State Treasury to review the organization of international adoption activities. In its evaluation, the State Office found that the agencies' dependence on fees creates the wrong incentives in adoption activities. In interviews with caseworkers at both MFoF and the municipalities, a concern was expressed that the agencies' dependence on fees from applicants could mean that they prioritize the needs of adults over the needs of children. The interviews with the agencies revealed that they are very concerned about their reputation and cannot afford any doubts as this could lead to suspicion of their activities and ultimately to them losing their authorization. They also stated that it is a problem that they are dependent on carrying out a certain number of adoptions to make ends meet. Friends of the Children

¹⁷⁷BFA. *Changing the financing of adoption activities in Sweden*. <https://www.bfa.se/media/1316/changing-the-funding-of-adoption-activities-in-sweden.pdf>. Retrieved 2025-03-27.

stated that adoption should be seen as a children's rights issue and that the state therefore needs to take greater responsibility for organizing and financing the activities.¹⁷⁸The State Treasury report also shows that two of the three¹⁷⁹adoption organizations' applications for authorization state that they aim to increase the number of applicants and to achieve at least a break-even financial result, even though the intention of increasing the number of applicants is to meet the needs of their partners and to find the right family for the children available for placement.¹⁸⁰However, the State Treasury did not make any proposal to increase state funding of adoption agencies, see section 8.9.3.

In our interviews, several people mentioned that it is a problem that private organizations mediate international adoptions and that Sweden would never accept this for national adoptions. Former employees at MFoF have expressed that they believe that the state should be responsible for international adoptions, and especially nowadays when so few children are placed for adoption.

Close cooperation of adoption organizations with countries of origin can be a risk

The State Treasury's evaluation found that MFoF staff would like the agencies to be more impartial and critical in their reviews of countries of origin and the risks that may exist there. They also believe that the agencies do not pay attention to all the risks identified by MFoF and other bodies. These include risks of corruption, non-compliance with adoption laws and convention principles, and whether staff in countries of origin have the skills they need. Some MFoF staff members consider that this is because agencies have an interest in facilitating as many adoptions as possible, and because agencies have in many cases had a close and trusting relationship with countries of origin for a long time. Adoption agencies, on the other hand, do not consider that close cooperation necessarily entails any risks. They confirm that they have established and close relations with the partner countries but emphasize that they only cooperate with

¹⁷⁸ State Treasury (2021), p. 47 f.

¹⁷⁹At the time of the State Treasury's evaluation, there were three authorized adoption organizations in Sweden. In May 2021, Barnens Vänner decided to wind up its operations.

¹⁸⁰State Treasury (2021), p. 48.

countries that have ratified the 1993 Hague Convention or countries whose legislation is aligned with the principles of the 1993 Hague Convention. The intermediaries also state that they must have confidence in the jurisprudence of other countries and the controls carried out by the countries themselves, and that they would not cooperate with countries in which they do not have confidence. In addition, it is emphasized that both the intermediaries and the MFoF must have confidence in the process for the cooperation to work and that the countries of origin are also controlled by their own supervisory authorities, and that the control of legal certainty is thus high.

There are gaps in the regulatory framework for individual adoptions

MFoF has emphasized in various contexts that there are particular difficulties in maintaining legal certainty and the child rights perspective in individual adoptions. According to MFoF, the requirements for granting an individual adoption are not the same as those that apply to the authorization of adoption organizations (requirements for expertise and suitability, prohibition of profit interests and requirements for the country's legislation and application). The regulation of individual adoptions provides limited guidance on the assessment to be carried out by the authority. The applicant's own origin in the country may be sufficient for special reasons to be considered. The regulation does not provide tools to ensure a legally secure adoption process. After an individual adoption has been authorized by the MFoF, the authority has only limited insight into the actual adoption process in the case of adoptions from other Convention countries and no insight at all in the case of adoptions from non-Convention countries¹⁸²

It is possible to circumvent the regulatory framework aimed at ensuring the best interests of the child in private adoption

As stated in section 8.2.1, anyone wishing to adopt a child resident in another country must first apply to the social welfare committee for permission to receive the child. In the case of an individual adoption, the MFoF must also give its permission. There is no direct link between these

¹⁸¹ State Treasury (2021), p. 49.

¹⁸²MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process. Final report for government commission*, p. 11.

rules and the provisions of Chapter 4 of the Parental Code do not exist. Today, therefore, there is nothing to prevent a person wishing to adopt a certain predetermined child from applying directly to the district court without first having obtained the consent of the social welfare board to receive the child, the MFOF's permission for private adoption and consent to the adoption procedure being allowed to continue. If the applicant applies directly to the Swedish court, it may therefore be that the child leaves his or her home country without any assessment having been made of whether the applicants are suitable as adoptive parents or whether an adoption is otherwise in the child's best interests. If an application for adoption is submitted directly to the district court in this way, the social welfare board is not involved until the district court requests an adoption investigation under Chapter 4, Section 14 of the Parental Code. In such a situation, the court may conclude that the adoption is not in the best interests of the child and the social services are then obliged to ensure that the child receives the protection and support it needs (Chapter 5, section 1, point 8 SoL).¹⁸⁴In many cases, however, the child has already been in the care of the applicant for some time and the adoption may then be deemed to be in the best interests of the child even though the prospective adoptive parents have circumvented the adoption legislation. The only sanction available is that the applicants can be fined (Section 15 of the LIA).

The family court clerks we interviewed described several cases in which the adoptive parents have circumvented the regulations in this way. In these cases, the adoptive parents have adopted a child in their previous country of origin. In some cases, a long time may have passed between the adoption in the home country and the application for adoption at the Swedish court. The family court secretaries describe that there have sometimes been situations where they would not have given consent because the adoptive parents do not meet the requirements, but that they have to think about what is in the best interests of the child here and now. There is an adoption order in the country of origin, but it is not valid here, so the child has no other guardians.

¹⁸³ SOU 2009:61 p. 213 f.

¹⁸⁴Chapter 18. Section 5 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

8.8 There are different views on whether international adoption agencies should be reformed or closed

8.8.1 The debate on international adoption mediation is polarized

The debate on intercountry adoption services is in many ways highly polarized, with both proponents and opponents using the best interests of the child as a strong argument.

Both internationally and in Sweden, there are different views on how to tackle irregularities in the intercountry adoption business. From various measures to reform the system to the total abolition of intermediation or intercountry adoption in general¹⁸⁵

8.8.2 Adoptees' organizations and networks call for the end of intermediation

The Organization for Adult Adoptees and Foster Children (AFO) argues that the current brokerage activities should be discontinued and that cross-border adoption should only take place if the child has relatives in Sweden or if the child's parents have died in war, natural disasters and the like. Adoption should take place through an authority that professionally handles the entire adoption process, including archiving of files. AFO does not believe that MFOF should be that authority. There must be a reliable regulatory framework in the country of origin and there must be no bribery or exchange of money for children⁽¹⁸⁶⁾.

The Association of Adopted Ethiopians and Eritreans (AEF) emphasizes that adoption must always be in the best interests of the child and that it must be guaranteed that the adoption is carried out in accordance with the applicable laws and conventions. No one should make money from the placement of children. According to AEF, the existing organizations and authorities have failed to ensure legal certainty and the child rights perspective and AEF believes

¹⁸⁵See, for example, D. M. Smolin (2024), *Introduction*. From E. Loibl D. M. Smolin (editors). *Facing the Past Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, p. 42, D. M. Smolin (2022), *The Legal Mandate for Ending the Modern Era of Intercountry Adoption*. Samford University, and E. Loibl (2019) pp. 410 and 431 f.

¹⁸⁶Summary of position in letter from AFO. *Comments from AFO on documentation from the reference group meeting*. Received by the Adoption Commission on 2024-11-22 and e-mail on 2024-12-03.

Therefore, they should not be given responsibility for international adoption mediation or individual adoptions. In view of this, AEF considers that all forms of organized adoption mediation should be stopped¹⁸⁷.

The Swedish Korean Adoptees Network (SKAN) believes that intercountry adoption should only be allowed if there is an established relationship between the child and the prospective adopter before the adoption. Placement of unknown children for adoption should not be allowed. They believe that a state authority should be responsible for ensuring that the adoption is in the best interests of the child, such as the National Board of Health and Welfare or the county councils. SKAN does not believe that the MFoF should be responsible for international adoptions because the authority has failed in its responsibility to ensure legal certainty and the child rights perspective in international adoption activities. Furthermore, they state that the adoption subsidy for adoptive parents should be removed¹⁸⁸.

The organization Transnationally Adopted People's National Organization (TAR) believes that international adoption agency activities should be phased out. TAR does not believe that the MFoF should take over responsibility for international adoption mediation, as the authority has failed in its responsibility as both a supervisory and knowledge authority for international adoption activities. TAR believes that MFoF has too close a relationship with adoptive parents and adoption organizations that have a strong vested interest in the adoption of children to Sweden.¹⁸⁹

8.8.3 The adoption organizations believe that the mediation activities should be maintained

The adoption organizations AC and BFA believe that orphanages/institutions are not a home for a child. If adoption is done with the best interests of the child in mind, BFA believes that international adoption is a good alternative for the child in need of a family. According to AC, international adoptions through authorized adoption organizations are good both from a child perspective and as an opportunity for family formation. Both organizations believe that today's international adoptions are well regulated and legally secure through both laws and rules in Sweden

¹⁸⁷Summary of position in letter from AEF. *Supplements to Reference group meeting 18 Nov 2024*. Submitted to the Adoption Commission 2024-11-30.

¹⁸⁸ Meeting with SKAN 2024-11-27.

¹⁸⁹Summary of position in TAR letter. *TAR position paper from the reference group meeting*. Received by the Adoption Commission on 2024-11-25.

and their cooperation contacts abroad. At the same time, they welcome a review to see if there is a need to further strengthen legal certainty or new proposals on how international adoptions in Sweden should be financed and organized.

8.8.4 The Netherlands and Switzerland have decided to permanently end their intermediation activities

Over the years, several receiving countries and countries of origin have decided to temporarily stop international adoptions, so-called moratoria, due to the discovery of widespread abuses in the business. Temporary moratoria are also an issue that is repeatedly discussed at meetings and in reports of the HCCH.

The report concluded that the current system did not prevent illegal practices, did not guarantee proper procedures and did not provide the necessary support for victims of illegal adoptions.

The expert committee recommended a complete reform of the system and that adoption agencies should no longer actively search for children but only respond to requests from countries of origin. To enable such a paradigm shift, the Committee recommended a moratorium for two years, which was initially welcomed by the Minister responsible. However, after an intense debate in the media, the Minister announced, after only one week, that adoption activities would continue ¹⁹¹.

Decisions to end intercountry adoption activities have mainly been taken by countries of origin

Decisions to completely discontinue the practice of placing children for intercountry adoption have, until now, only been taken by countries of origin. For example, Guatemala stopped intercountry adoptions in 2008, Ethiopia ended the practice in 2017 and China and Russia in 2024.

¹⁹⁰ Panel of experts on intercountry adoption (2021), *Final Report, August 14, 2021*.

⁽¹⁹¹⁾ S Withaeckx (2024), *The Baby and the bathwater: resisting adoption reform*. In E. Loibl and D. M. Smolin (eds), *Facing the Past. Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, p. 253 f.

To our knowledge, the Netherlands and Switzerland are the only receiving countries that have decided to permanently end intercountry adoption mediation. In December 2024, Quebec decided on a moratorium on intercountry adoptions due to concerns about human trafficking¹⁹².

After eight years of political discussion, the Netherlands has decided to permanently end foreign adoptions

In 2016, the Dutch government commissioned a consultancy firm to carry out a review of the international adoption system. The consultancy asked the Dutch Child Protection Council (Raad voor Strafrechtstoepassing en Jeugdbescherming, RSJ) to consider four scenarios: maintaining the current system, introducing more government guidance and regulation, reducing the number of adoption agencies, or having the government take responsibility for adoption services. The Child Protection Council chose to disregard the formulated questions and instead focused on how the Netherlands can provide the best protection for children who cannot grow up with their families. The Council noted that although there are very strong arguments for intercountry adoption at the micro level, these are countered by strong arguments against at the macro level. The international adoption market with rich countries adopting from poor countries undermines the development of child protection and social welfare systems in countries of origin. The Council found that despite the benefits of international adoption for the individual child, international adoption is not the best solution to protect the target group of children at large. The Council called on the Dutch government to change its focus and protect these children by supporting the development of child protection systems in their countries of origin. Furthermore, the Council recommended that the government immediately terminate cooperation with China (as it was not possible to monitor the Central Authority and the accredited bodies), the USA (as they violated the principle of subsidiarity and free consent) and the countries of origin that were EU Member States (principle of subsidiarity)⁽¹⁹³⁾

¹⁹²CBC. *Quebec halts most international adoptions amid human trafficking concerns. Province says it made the move to protect children from potential harm.* Published 24-12-02.

¹⁹³Council for the Administration of Criminal Justice and Protection of Juveniles (2016), *Summary advisory report "Reflection on Intercountry Adoption" of the Council for the Administration of Criminal Justice and Protection of Juveniles*, p. 3 f.

A couple of weeks after the RSJ issued its recommendations, the Dutch government announced that it would not ban international adoptions, stating that it should remain available for children who cannot be cared for in their home countries¹⁹⁴.

As explained in section 8.4.5, the Netherlands temporarily stopped all intercountry adoptions in 2021 following the publication of the Joustra report. A year later, intercountry adoption activities resumed but with fewer partner countries. However, after 8 years of political discussion, the Dutch government decided in 2024 to permanently end intercountry adoptions. The phase-out will be fully completed by 2030.

Switzerland has decided to cease brokering activities by 2026

In January 2025, the Swiss government mandated the Ministry of Justice and Police to prepare a proposal to ban intercountry adoptions by the end of 2026. The proposal should allow for an exception for kinship adoptions. This decision came after an independent group of experts concluded that even well-designed adoption laws cannot prevent irregularities in the intercountry adoption business and that a ban is the best way to adequately protect all concerned, especially children¹⁹⁵. In its decision, the government also took into account the fact that the number of international adoptions has fallen sharply in recent years, from several hundred to around 30 per year¹⁹⁶.

¹⁹⁴ E. Loibl (2019), p. 432.

¹⁹⁵ Expert Group on Intercountry Adoption (2024), *Final Report. For the attention of the Federal Office of Justice*. Zurich.

¹⁹⁶ The Federal Council. Press release *Federal Council to stop international adoptions*. 2025-01-29.

8.9 Previous proposals to strengthen legal certainty in international adoptions

8.9.1 The 2008 adoption inquiry proposed stricter rules for private adoptions

One of the tasks of the 2008 adoption inquiry was to investigate the need for measures to ensure the best interests of the child in private adoptions. In its final report in 2009, the inquiry proposed that the regulatory framework for private adoption should be tightened. The possibilities for obtaining a permit for private adoption would be limited to children of relatives or where, based on the personal relationship between the applicant and the child, there is special reason to adopt without the mediation of an authorized adoption organization. As reasons for the proposal, the committee stated that it is generally better that an adoption is mediated by an authorized adoption organization than that it takes place as an individual adoption, among other things because the investigation is often worse in individual adoption. A permit for an individual adoption would only be granted if consent had been given for the applicant to receive the child for adoption and it had been verified that the adoption was in the best interests of the child. The inquiry proposed that the review should be moved from the MIA to the social welfare board. The proposal was justified on the grounds that the knowledge of the reliability of the mediation method available at the MIA was not needed if the individual adoptions could only concern a child known in advance¹⁹⁷

The report also noted that there was nothing to prevent a person wishing to adopt a certain predetermined child from applying directly to the district court without first obtaining the consent of the social welfare committee to receive the child and, where appropriate, permission for private adoption. In practice, this did not occur in the case of adoptions mediated by authorized adoption organizations, but did occur in the case of private adoptions. In order to prevent this, the committee proposed that a provision be introduced whereby a Swedish court could only consider an application for adoption if the adoption had been mediated by an authorized adoption organization or if the applicant or applicants had been given permission by the social welfare committee to adopt without mediation (private adoption). Both consent from the social welfare board and permission for private adoption from MFoF

¹⁹⁷SOU 2009:61 p. 208 f.

could, according to the report, be obtained afterwards, when the child has already been brought to Sweden¹⁹⁸.

Both proposals were rejected in the context of the 2018 reform of the adoption rules. As regards the proposal to limit the possibility of private adoption, the Government considered that it would limit the possibility of adopting children from countries where the authorized associations did not operate. Private adoption was considered a valuable complement to enable more children to have a new family. The report also considered that it was questionable whether the public law regulation of international adoptions should be linked to the substantive review under Chapter 4 of the Parental Code in the way proposed. Such a proposal could have negative effects. The court would be obliged to reject an application for adoption if, for example, there was no permission for private adoption. The fact that an adoption application in such a situation could not be examined in a Swedish court was considered by the Government to be problematic from both a children's rights perspective and the applicant's right to judicial review under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The Government argued that in an individual case, an adoption may be considered to be in the best interests of the child, taking into account all the circumstances, even though the regulations have not been complied with. Not to allow the application to be examined on the merits might then appear unreasonable. The Government considered that it was doubtful whether the necessary authorization could be obtained in cases where the child had already arrived in Sweden. In any event, such a system would not completely "close the door" to those who had not complied with the rules. If it is not possible to obtain a permit retrospectively, the application would be rejected, which could have drastic consequences for the child, especially if the child had already arrived in Sweden when the application was made. Under the Inquiry's proposal, the only remaining option would be for the social services to take steps to take the child into care, which, in the Government's view, would limit the possibility of determining what was best for the child on the basis of an assessment of all conceivable alternatives. The Government considered that the issue of circumvention of the regulatory framework applicable to intercountry adoption should be countered in other ways, primarily through information. The Government emphasized that if applicants circumvented

¹⁹⁸SOU 2009:61 p. 213 f.

passed the regulations, it may affect the court's assessment of whether the adoption is appropriate.¹⁹⁹

8.9.2 The State Treasury has evaluated the current organization

The State Treasury has been tasked by the Government to review the organization of international adoption activities. In its report, which it submitted to the Government in 2021, the agency assessed that the current organization of adoption activities provides the best conditions for ensuring the child rights perspective and legal certainty in international adoption activities.²⁰⁰ The State Treasury considers that non-profit associations are better suited than the state to conduct mediation activities, among other things because they have greater experience and expertise in the field.²⁰¹ The State Treasury did not make any proposals to increase state funding for adoption mediation activities on the grounds that it is not a state task to maintain an adoption activity if the applicants' interest in it is steadily declining. On the other hand, the State Treasury made a number of proposals to further ensure a sustainable and legally secure adoption process within the framework of the current division of responsibilities²⁰².

8.9.3 MFoF has made proposals to strengthen legal certainty and ensure the best interests of the child in the adoption process

In a report to the government in March 2024, MFoF has identified a number of particularly urgent areas where the regulatory framework can be strengthened and clarified in order to provide the authority with clearer tools and increased authority to strengthen legal certainty and the rights of the child in authorization and supervision activities.

The MFoF proposes, among other things, that the authority - as the central authority - take over responsibility for examining and deciding whether the adoption procedure may continue. The Authority would

¹⁹⁹Prop. 2017/18:12 p. 110 ff.

²⁰⁰State Treasury (2021), p. 107 ff.

²⁰¹State Treasury (2021), p. 129.

²⁰²State Treasury (2021), p. 95 ff.

²⁰³MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process*.

With this change, for example, it would be possible to stop adoptions that are not deemed to meet the requirements set out in legislation and conventions, including those relating to children's identity, adoptability and application of the principle of subsidiarity. MFoF believes that such an arrangement would also have effects on the authority's ability to supervise the adoption organizations' mediation activities. Through this increased responsibility, the authority would be able to more easily draw attention to systematic deficiencies in, for example, children's documentation and procedures in the countries of origin and, based on this, take relevant supervisory measures. Furthermore, MFoF proposes clearer legal requirements on how this assessment should be made. MFoF also proposes that continued consent must be obtained from the competent authority before a decision on adoption is made abroad and if such consent has not been obtained, the adoption shall not be automatically valid in Sweden²⁰⁴.

Strengthening legal certainty in private adoption

According to the HCCH, States should prohibit private and independent adoptions in their legislation.²⁰⁵ The HCCH defines a private and independent adoption as an adoption where the prospective adopters are approved as suitable to adopt a child by their Central Authority and then travel on their own to another country to find a child to adopt without the assistance of a Central Authority or other authority in the State of origin.²⁰⁶ According to MFoF, this process is largely enabled by the current Swedish system of private adoptions.²⁰⁷ The UN Special Rapporteurs have also called on States to prohibit private and independent adoptions and to ensure that intercountry adoptions are only carried out through accredited bodies.

²⁰⁴MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process*, p. 9 f.

²⁰⁵ HCCH (2023), p. 40.

²⁰⁶ HCCH (2023), p. 24.

²⁰⁷MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process*, p. 11.

²⁰⁸UN Human Rights Treaty Bodies (2022), *Joint statement on illegal intercountry adoptions*, and Committee on Enforced Disappearances (2022), *Joint statement on illegal intercountry adoption*. CED/C/9.

there is a need to carry out adoptions across national borders without the involvement of an authorized adoption organization. However, MFoF believes that the current regulation of private adoptions lacks safeguards that ensure a legally secure adoption process and has therefore submitted a number of proposals aimed at strengthening the children's rights perspective and legal certainty in private adoption. In order for an individual adoption to be carried out, MFoF proposes that the following requirements be met:

- that adoption without the intermediation of an authorized adoption agency can only be considered when the person wishing to adopt has a special connection with the child to be adopted,
- it is clear that the child does not have a secure environment with a biological family or other caregiver in the country of origin; and
- that the competent authorities in the country of origin have assessed that the child is in need of adoption.

When assessing whether a procedure is acceptable, the MFoF proposes that the following requirements be met:

- that the country has adoption legislation that takes into account the basic principles of intercountry adoption as expressed in the Convention on the Rights of the Child and the 1993 Hague Convention,
- that the country has a functioning administration for international adoption activities; and
- it is appropriate in the circumstances to proceed with an international adoption from the country.

In order for a review of the acceptability of a procedure to achieve its purpose, the MFoF considers that such a review must take place before an adoption decision is made abroad. Furthermore, in order to increase legal certainty and strengthen state control over the adoption procedure, the MFoF proposes that an individual adoption decision should cease to apply when the period of consent expires. If an adoption has not been completed within the specified time, a person who still wishes to adopt must make a new application for an intercountry adoption. A decision authorizing an individual adoption shall be revoked if the conditions for

the conditions for it no longer exist. There must be a valid decision on consent to an individual adoption when an adoption decision is taken abroad and that if there is no such decision when an adoption decision is taken abroad, the adoption shall not be automatically valid in Sweden²⁰⁹.

8.10 Considerations and proposals

8.10.1 Preliminary considerations

As noted in section 8.3, the international adoption business is changing and declining rapidly. As intermediation is mainly financed by fees from applicants, the survival of adoption agencies depends on the number of children they place for adoption.

After several years of negative results and a continued decrease in the number of adoption applicants, BFA has decided to discontinue its activities. For financial reasons, AC will also have to take a decision in the near future to discontinue its mediation activities.

The current situation is therefore that Sweden must take an active decision on whether to maintain adoption mediation activities by reforming the system or whether to discontinue the activity of mediating children for adoption. If the activity is to be maintained, the state must take greater financial responsibility for the activity. My assessment is that this can be done either by the state financing AC's mediation activities or by the state taking over responsibility for mediation.

My assessments are based on the best interests of the child based on the current situation

As explained in section 8.6, Article 21 of the Convention on the Rights of the Child means that no other interests may be given greater weight than the best interests of the child in an adoption. My assessments and proposals are based on the child's right to a family, not the adults' opportunity to form a family. I therefore do not take into account any possible conflicting interests of other actors in my assessments and proposals, such as adoption organizations'

²⁰⁹MFoF (2024), *Further strengthening legal certainty and ensuring the best interests of the child in the adoption process*, p. 13 f.

interest in maintaining an agency or the interest of adults in adopting a child. I would like to emphasize that my assessments are based on the children who may be adopted in the future and are not about the children and adults who have been adopted in the past. My assessments and proposals are made on the basis of the current development of the activities and on the basis of the knowledge and experience of both irregularities and children's needs that exist today.

A proposal that MFoF be incorporated into the National Board of Health and Welfare is being prepared within the Government Offices

The inquiry into a review of the tasks and organization of smaller authorities proposed in February 2025 that MFoF be incorporated into the National Board of Health and Welfare. However, the report does not make any proposal for a change in the localization of the tasks to be incorporated into the National Board of Health and Welfare. According to the report, it is possible that the activities in question will continue to be conducted in Skellefteå until further notice.²¹⁰The proposals are currently being prepared within the Government Offices. In dialogue with the Ministry of Social Affairs, we have received the recommendation that we should base our analyses and proposals on the existing structure of the authorities, i.e. we analyze and assess the authorities on the basis of the tasks and role they have today.

8.10.2 The business of placing children for adoption in Sweden is being phased out

The investigator's assessment: The business of placing children for adoption is problematic from a child rights perspective as it is based on a demand for children. The demand for children from the receiving countries can hinder long-term development to improve children's living conditions in their home countries and run counter to the principle of subsidiarity. The demand for children by recipient countries can also create incentives for irregularities.

Adoption irregularities are not only related to historical adoptions but can also occur in today's system and also in adoptions mediated through authorized adoption organizations and adoptions subject to cooperation under the 1993 Hague Convention.

²¹⁰SOU 2025:13 *A more efficient organization of smaller authorities - analysis and proposals*, p. 354 ff.

Convention. Swedish authorities do not have the possibility or even the right to fully control the processes carried out in other countries. Sweden cannot therefore guarantee that there are no irregularities in the countries with which Swedish operators cooperate. They can involve serious human rights violations and criminal acts. The consequences of adoption irregularities can be disastrous for the child and for the child's parents.

The overall assessment is that international adoption mediation is no longer a sustainable solution to protect the interests of children.

The rapporteur's proposal: It shall not be permitted to arrange for children from abroad to be adopted in Sweden. The Act on International Adoption Mediation is to be repealed and sections 4, 14 and 15 are to be moved, where applicable, to Chapter 4 of the Parental Code. As a consequence of the proposal, the financial support to parents for costs in connection with the adoption of a child (adoption allowance) shall also be abolished.

The mediation activities must be completed by the end of December 2028 at the latest. The Government should task the MFoF with drawing up a plan for how the mediation activities are to be phased out in a legally secure manner and with the best interests of the child as the primary benchmark.

It is not compatible with today's approach to intercountry adoption that non-profit organizations carry out adoption mediation activities

As noted in section 8.7.3, there is an inherent conflict of interest in the activities of adoption agencies. Adoption agencies must facilitate adoptions in an expert and judicious manner, without profit motive and with the best interests of the child as the primary consideration. At the same time, their activities are entirely dependent on the existence of applicants who pay fees and whose wish to adopt a child is fulfilled. The dependency of adoption organizations on the fees paid by applicants entails a real risk that financial considerations will lead to adults' needs for children being prioritized over children's needs for adoption.

Adoption mediation should not be handled by private legal entities

As explained in section 3.3.4, the NIA and several other commentators rejected the proposal in 1979 to place responsibility for adoption mediation with private adoption agencies. They argued that adoption mediation was a sensitive task and that society must be responsible for matching children and parents in order to ensure the best interests of the child and legal certainty. One respondent also expressed the view that the proposed model would mean making a distinction between the role of society in the mediation of children born in Sweden and abroad. However, the Government rapporteur stated that he did not consider that it could be a government task to actively promote the bringing of children from other countries here in large numbers for adoption.

I can see that there has been a change of perspective in the view of international adoption. From the private family building project of the adoption applicants to a care alternative for children where no other interests than the child's should be decisive. However, this shift in perspective is not reflected in the current regulation of how intermediation activities are organized. I believe that an activity aimed at ensuring children's right to alternative care and a permanent family cannot be dependent on the existence of non-profit organizations that have an interest in conducting an intermediary activity. Moreover, the control of the adoptive parents, the follow-up and the support and assistance required after an international adoption comparable to what applies to children placed in social care. This requires considerable resources on the part of the adoptive parents, but also that the social services provide these families with support similar to that provided to foster parents. I therefore believe that it should no longer be permitted for private legal entities to place children for adoption.

State-run intermediation is also not an option

If private actors are no longer able to place children for adoption, the question arises whether a public actor could take over this task. One possible solution would be for an authority to take over responsibility for cooperating with a number of countries on the placement of children for intercountry adoption. Such an organization would mean that anyone wishing to adopt a child from another country could turn to a public authority.

instead of an authorized adoption agency and apply to adopt a child from another country. The responsible authority is responsible for support and guidance in the adoption process, document management before and after the adoption and contacts with partners in the children's home countries. As described in section 8.4.6, Australia and Denmark have a solution where the State is responsible for the mediation activities.

The public actors who could take over the mediation responsibility are the municipal social committees, a state administrative authority or the Ministry of Social Affairs. My assessment is that the most obvious option is for the authority that is the central authority under the 1993 Hague Convention to take over the mediation responsibility for international adoptions. Today, MFoF is the central authority and is responsible for authorization and supervision of intermediation activities. MFoF is also responsible for examining permits for individual adoptions. MFoF is thus the authority with the greatest knowledge in the area and it would therefore not involve as much change and cost as placing the responsibility on another authority. MFoF states that the authority has established good cooperation with central authorities in countries of origin, both through the authority's authorization and supervision assignments but also through individual adoptions from the countries that are parties to the 1993 Hague Convention. MFoF also has extensive experience of contact with other foreign authorities and has good knowledge of the countries with which Sweden currently cooperates. MFoF considers that it has experience and knowledge of international adoption mediation. On the other hand, MFoF believes that there would be a lot of administrative and practical work and contact with the families. This means that MFoF would need to expand and supplement staffing with relevant resources. MFoF would also need to acquire in-depth knowledge of how adoption mediation works in practice ²¹¹.

²¹¹MFoF. *Reply to questions from the Adoption Commission*. Received by the Adoption Commission on 2025-02-13.

Adoption agencies should be mainly financed by the public sector

In its 2021 report, the State Treasury did not make any proposals to increase state funding for adoption agency activities on the grounds that it is not a state task to maintain adoption activities if applicants' interest in them is steadily declining. The State Treasury's reasoning means that the continued placement of children for adoption is made dependent on whether there are still applicants who want to adopt. I do not agree with the State Treasury's reasoning. On the contrary, I believe that the placement of children for adoption should be based solely on the child's need for alternative care and a permanent family. Financing the activities based on fees from adoptive parents is therefore not compatible with today's view of international adoption. If the adoption agency is to be maintained, I therefore believe that it should be financed to a greater extent by government appropriations. As described in section 8.4.3, the adoption agency in Iceland is 75 percent financed by the state.

A government agency requires large resources to help a small number of children

As explained in section 8.7, intercountry adoption services are a high-risk activity. High risk activities require strong governance and control of the activities. The MFoF states that if the State is to assume even greater responsibility for adoption intermediation through the MFoF carrying out adoption intermediation, it will require a significant increase in resources to ensure even greater qualitative responsibility at all stages than at present.²¹²The HCCH's new guidance on preventing irregularities places much greater demands on States to control all stages of the process, for example to verify that appropriate consents are in place and that measures are taken to ensure subsidiarity.

A legally secure adoption agency with the best interests of the child as the primary benchmark requires a much more thorough process than how it works today. If Sweden is to continue to mediate the adoption of children from abroad, completely different control functions and resources are required. The increased requirements to ensure legal certainty in

²¹²MFoF. *Reply to questions from the Adoption Commission*. Received by the Adoption Commission on 2025-02-13.

The adoption process, combined with a drop in the number of adoptions, means that a lot of resources have to be devoted to an activity that helps a small number of children.

One option is government intermediation based on the needs of countries of origin

Intercountry adoption mediation refers to activities aimed at establishing contact between the person or persons wishing to adopt and the authorities, organizations, institutions or individuals in the country where the child is domiciled (section 2 of the LIA). I consider that the starting point for the mediation activities, i.e. adult applicants applying to adopt a child, is problematic from a children's rights perspective because it entails a risk of creating a demand for children. If the interests of the child are to be the guiding principle, it should be the child's home country that requests a family in Sweden and not Sweden that requests children for adoption. As explained in section 8.8.3, the expert committee investigating intercountry adoptions to Flanders in Belgium recommended a complete reform of the system and that adoption agencies should no longer actively search for children but only respond to requests from countries of origin. The Committee justified its proposal on the basis that a proper implementation of the principle of subsidiarity under the 1993 Hague Convention states that the placement of children for intercountry adoption should be based on the needs of the countries of origin and not on the demand for children by the receiving countries. The same conclusion has been reached by the Dutch Child Protection Council.

An alternative organization of the international adoption mediation activities would be for a country to contact an authority in Sweden (for example MFOF, the National Board of Health and Welfare or a Swedish social welfare board) with a request to see if there is a suitable family in Sweden for a specific child. Such an organization expresses a form of international solidarity where countries help each other to protect children who are at risk of not being able to grow up in a permanent family in their home country. However, such an arrangement would require international cooperation and a completely new organization. Making proposals for such an organization is beyond the remit of the Adoption Commission.

I would point out that under the Brussels II Regulation²¹³ and the 1996 Hague Convention²¹⁴ it is possible for a foreign authority to place a child in Sweden. A placement under the 1996 Hague Convention must always be preceded by approval by a social welfare board in Sweden.²¹⁵ A request from a foreign authority for approval must be accompanied by a report containing certain information about the child, the reasons for the placement or care and the financing. Approval shall only be given if it is in the best interests of the child, in particular taking into account the child's connection to Sweden. The child's ties to Sweden, such as parents or relatives, or whether the child has a national or cultural background in Sweden, shall be taken into account. The child's ability to speak the language used in the home where the child is to be placed must also be taken into account.²¹⁶ In 2024, six applications were received for cases concerning the placement of children in Sweden under Brussels II. It is unclear how many of these resulted in an actual placement. Most of these cases concerned children from Germany. The MFA's experience is that placements under the 1996 Hague Convention are rare. In recent years, the MFA has dealt with five to ten applications from Morocco, Norway and England. The incoming placement cases from Morocco have concerned kafalah.²¹⁷ Even in these cases it is unclear how many have led to an actual placement.²¹⁸

Intercountry adoption is no longer a sustainable solution to protect children's interests

Adoption provides an opportunity for a child to grow up in a permanent family rather than in an institution or temporary family environment. Research shows that adoption can have positive effects on a child's development during childhood. For an individual child, even a measure as intrusive as intercountry adoption may be the best care solution if the adoption is exclusively

²¹³Council Regulation (EU) 2019/1111 of 25 June 2019 concerning jurisdiction, recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, and on international child abduction.

²¹⁴The Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, signed at The Hague on October 19, 1996.

²¹⁵Section 3 of the 1996 Hague Convention Act (2012:318).

²¹⁶Prop. 2011/12:85, *Strengthening the protection of children in international situations*, pp. 46 and 65.

²¹⁷Kafalah is a permanent form of foster care under Islamic law.

²¹⁸Emails to the Adoption Commission from the Consular and Civil Affairs Unit on January 28 and March 17, 2025.

is carried out in the best interests of the child and with respect for the rights of the child and the parents.

However, as described in section 8.6, the intercountry adoption business cannot be viewed solely from a micro perspective. At a systemic level, the business of placing children for adoption is problematic because it creates a demand for children. The combination of demand for children from receiving countries and strong economic interests can create an incentive in countries of origin to place more children for intercountry adoption than is necessary from a child rights perspective. It can also create a risk of child trafficking and other irregularities. These underlying factors mean that there are significant risks of irregularities and that it is not possible to fully guarantee that adoptions are always legal and ethical. Despite all the efforts made to tighten rules, strengthen supervision, make financial aspects more transparent and increase cooperation between countries, irregularities are not only related to historical adoptions. Irregularities can also occur in today's system and also in adoptions mediated by authorized adoption organizations and adoptions covered by cooperation under the 1993 Hague Convention. The consequences of irregularities in adoptions can be catastrophic for the child and for the child's birth and adoptive parents. They can include serious human rights violations and criminal acts. Illegal adoptions may also, in specific circumstances, violate the prohibition of enforced disappearances and may constitute crimes such as genocide or crimes against humanity, which are among the most serious crimes known to mankind²¹⁹.

In my opinion, Swedish authorities do not have the opportunity or even the right to fully control the processes carried out in other countries. Sweden cannot therefore guarantee that there are no irregularities in the countries with which we cooperate. Taking into account the risks and consequences of irregularities in international adoptions, I believe that international adoption mediation is no longer a sustainable solution to protect the interests of children.

²¹⁹See, for example, Committee on Enforced Disappearances, *Concluding observations on the report submitted by Switzerland under Art. 29 (1) of the Convention*. CED/C/CHE/CO/1, 21 May 2021, para. 40.

A very small group of children are affected by the proposal

The AC and the BFA have argued that the discontinuation of intercountry adoption services will mean that children currently living in orphanages will not have the opportunity to be cared for by a permanent family in Sweden. However, intercountry adoption is no longer the primary option for meeting the care needs of any category of children anywhere in the world.²²⁰ As an example, approximately 80,000 children in Colombia are taken into care by social authorities every year, of which 1,000 children are adopted internationally.⁽²²¹⁾ In 2024, three children were adopted from Colombia to Sweden and a total of 54 children were adopted to Sweden from nine countries.²²² It is thus a relatively very small group of children who are affected by the discontinuation of the intercountry adoption service.

In addition, our file review of the AC's adoptions in 2024 shows that one third of the files showed that the children adopted to Sweden through the AC had lived in foster homes/family homes before being adopted to Sweden. The documentation showed that 23 children had lived in orphanages before being adopted to Sweden.

Dismantle adoption agency activities in a legally secure way with the best interests of the child as the main benchmark

I believe that there are compelling reasons for Sweden to discontinue international adoption mediation activities and that it should no longer be permitted to mediate children for adoption to Sweden. It will therefore no longer be possible to apply for international adoption mediation. I propose that the Act on international adoption mediation be repealed and that

Sections 4 and 14, *mutatis mutandis*, and the second sentence of Section 15 be moved to Chapter 4 of the Parental Code and the first sentence of Section 15 be moved to the new Social Services Act.²²³ In this context, it is important to recall that there is no obligation for Sweden to cooperate with other countries on adoption, either under the 1993 Hague Convention or the Children's Convention.

⁽²²⁰⁾ D. M. Smolin (2021), *The case for moratoria in intercountry adoption*. Southern California Interdisciplinary Law Journal. Vol. 30:501, p. 517 f.

²²¹ AC. Podcast *Adoption G stuff*. Episode 2. Published in January 2023.

²²² Colombia, Czech Republic, Hungary, India, Madagascar, South Africa, South Korea, Taiwan, Thailand.

²²³ Last wording of Bill 2024/25:89.

As a result of the proposal, the financial support to parents for costs in connection with the adoption of children (adoption allowance) will also be abolished (Chapter 21 of the Social Insurance Code).

The government should task the MFoF to prepare a decommissioning plan

The winding down of Swedish adoption mediation activities needs to be done in a legally secure manner and with the best interests of the child as the primary benchmark. There must be a clear and predictable plan for how ongoing cases will be closed and what tasks will be taken over by the MFoF when the mediation activities have ended. As reported in section 8.4.5, the Netherlands has decided on a six-year phase-out period to phase out international adoptions.

The Swiss government has announced a phase-out within two years.

According to MFoF, the time for closure depends on where you draw the line on which applicants should be able to complete their adoption process; all prospective parents who are members, those who have paid the application fee, those who have an application in the country or where a child proposal has been received and accepted to be processed. Based on the child's perspective and experience from previous country closures, it usually takes one to three years to complete the processes in those adoptions where children have been matched with adoptive parents²²⁴

I understand that a fairly long wind-down period is required for the AC to complete the adoptions it has started in a legally and ethically sound manner. However, in light of the risks I have identified, I believe it is important that the winding up does not take too long. I therefore propose that the winding up should be completed by the end of December 2028. At that time, the AC should have completed the adoptions that have begun and handed over the documentation of the brokerage activities to the MFoF. The Government should instruct the MFoF to draw up a winding up plan that describes in a transparent and clear way how the winding up of the brokerage activities will take place.

²²⁴MFoF. *Reply to questions from the Adoption Commission*. Received by the Adoption Commission on 2025-02-13.

8.10.3 Cross-border adoption should be allowed but stronger state control is needed

The rapporteur's assessment: In a globalized world, there will always be a need for intercountry adoption in individual cases. Intercountry adoption may be in the best interests of an individual child, taking into account, inter alia, the child's right to grow up primarily with his or her family, which may be relatives living in a different country from the child. However, even if the applicant has a close relationship with the child to be adopted, there may be other reasons for adoption than the child's lack of a safe environment in his or her home country. The state must therefore take greater responsibility for ensuring that the adoption of a child from another country is in the child's best interests and that the process is legally secure.

The investigator's proposal: New provisions are to be introduced in Chapter 4 of the Parental Code to the effect that permission from the MFoF is to be required in order to adopt a child originally resident in another country. Since there will no longer be mediated adoptions, the concepts of mediated and individual adoptions are no longer needed. An adoption of a child resident in another country will be referred to as an intercountry adoption.

Permission for intercountry adoption may only be granted if the child is related to the applicant or the applicant's adopted child, or if there are special reasons for adoption in view of the personal relationship between the applicant and the child. MFoF shall examine that the method of mediation is reliable and that the adoption, taking into account all circumstances, can be assumed to be in the best interests of the child. Swedish authorities abroad shall assist the MFoF with investigations in cases concerning permission for international adoption. The investigation shall be conducted promptly and completed within three months at the latest. If there are special reasons, MFoF may decide to extend the investigation for a certain period. A decision on permission for intercountry adoption shall be limited in time and may be revoked if the conditions for it no longer exist.

The question of authorization for adoption must be examined before the child has left the country of origin.

Permission from the MFoF should be required to adopt a child from another country

In a globalized world, there will always be a need for intercountry adoptions in individual cases. An intercountry adoption may be in the best interests of an individual child, taking into account, inter alia, the child's right to grow up primarily with his or her family, which may be relatives (or someone in the extended network) living in a different country from the child. One consequence of the proposal to discontinue international adoption mediation is that it will only be possible to carry out a cross-border adoption without the involvement of an adoption organization, i.e. what is currently known as an individual adoption. As described in section 8.7.3, there are risks in the current process for individual adoption. Even when the applicant has a close connection to the child to be adopted, there may be other reasons for adoption than that the child lacks a safe environment in which to grow up in his or her home country. I therefore believe that the state must take greater responsibility for ensuring that intercountry adoption is in the best interests of the child and that the process is legally secure.

I propose that permission from the MFoF should continue to be required in order to adopt a child domiciled in another country. In section 8.10.4, I also propose that the responsibility for examining whether the adoption procedure may continue under Article 17(c) of the 1993 Hague Convention be transferred from the social welfare boards to the Central Authority. The new provisions are intended to ensure compliance with the HCCH and UN call for intercountry adoptions to be carried out only through accredited bodies in both the receiving country and the country of origin. As there will no longer be mediated adoptions, the concepts of mediated and individual adoptions are no longer needed. An adoption of a child resident in another country should be referred to as an intercountry adoption.

I consider that the new provisions on permission for international adoption can be included in Chapter 4 of the Parental Code, LAIS or in a separate act. I consider that the provisions should not be included in the LAIS since that Act only contains rules on the international jurisdiction of the Swedish courts and rules on the validity and legal effects of foreign adoption decisions in Sweden. As stated in section 7.1.1, the Swedish stakeholders, including the courts, have set lower requirements for the criteria to be met for an adoption to be in the best interests of the child in intercountry adoption. Intercountry adoption has

been seen as something different from national adoption. I therefore consider it important to place the new provisions on permission for international adoption in Chapter 4 of the Parental Code, where the basic substantive provisions on adoption are found. This means that there should be no doubt that the same prerequisites for adoption apply to all children adopted by someone domiciled in Sweden - regardless of whether the child has its original domicile in Sweden or in another country. One argument against placing the provisions in the Parental Code is that they concern provisions on permission for adoption that can be likened to an administrative law procedure where the decision must be appealed to the general administrative court. This fact argues in favor of placing the provisions in a separate law. However, it should be noted that there are decisions under the Parental Code that are appealed to the general administrative court (see Chapter 2, section 9, third paragraph of the Parental Code). I consider that the advantages of placing the provisions in the Parental Code outweigh the disadvantages and therefore propose that the new provisions on adoption permits be included in Chapter 4 of the Parental Code.

Permission for intercountry adoption can be granted if the child is related to the applicant or there is a close personal relationship

To obtain permission from MFoF for an individual adoption today, it is required that the adoption concerns a relative's child or that there are otherwise special reasons for adopting without the mediation of an authorized association. Other special reasons may be that the applicants have lived and worked in the country of origin, have their origins there or have some other special relationship with the country. As a consequence of my assessment that, from a children's rights perspective, it is no longer justified to place children for adoption with unknown adoptive parents in Sweden, the possibility of adopting a previously unknown child individually should also not be permitted. It should therefore not be possible to grant permission for the adoption of a child resident in another country solely on the grounds of the applicant's origin or special relationship with that country.

I propose that the possibility of adopting a child resident in another country be limited to cases where the child is related to the applicant or related to the applicant's adopted child, i.e. a biological (full or half) sibling of a child previously adopted by the applicant. The possibility to adopt a child who is a biological full or half sibling of the applicant's adopted child is justified on the basis of

the child's right to maintain family relationships. Siblings are usually part of a child's family life under Article 8 of the ECHR.²²⁵ The Convention on the Rights of the Child does not explicitly address the issue of siblings, but it does state that an adoption must not result in the separation of a child from his or her siblings unless it is in the child's best interests to be separated. Separating siblings may thus be contrary to the child's right to maintain family relationships.²²⁶ The Committee on the Rights of the Child has expressed that the principle of family unity should be taken into account in a placement, for example that siblings should not be separated.²²⁷

It should also be possible to grant permission for intercountry adoption where, in view of the personal relationship between the applicant and the child, there are special reasons for adoption. The relationship between the applicant and the child should not have arisen for the purpose of adoption.

I consider that the requirement that there must be a personal relationship between the child and the applicant even before the adoption reduces the risk that the child's right to his or her identity and knowledge of his or her origin under Articles 7 and 8 of the Convention on the Rights of the Child will be violated. The fact that the applicant knows the child before the adoption also strengthens the child's opportunities to maintain contact with his or her parents, siblings and relatives in the home country and to retain his or her language and culture under Articles 20 and 30 of the Convention on the Rights of the Child. A requirement for a personal relationship also reduces the risk of child trafficking.

MFoF must check that the method of mediation is reliable and that the adoption is in the best interests of the child

As described in section 8.2.3, the preparatory works assume that there is no actual mediation in the adoption of a known child. However, in order to strengthen legal certainty and take better account of the children's rights perspective, the MFoF nevertheless carries out some examination of whether the procedure is acceptable when adopting a relative's child. In order to strengthen the control of international adoptions, I propose that new provisions be introduced in Chapter 4 of the Parental Code, which means that the MFoF shall examine both the reliability of the method of mediation and that the adoption

²²⁵Olsson v Sweden (no. 1) no. 57324/08 of May 13, 2014 and Moustaquim v Belgium no. 12313/86 of February 18, 1991.

²²⁶J. Tobin (2019), p. 777.

²²⁷Ombudsman for Children. Swedish translation of the Committee on the Rights of the Child's General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin (CRC/C/GC/6) p. 40.

is in the best interests of the child. The assessment corresponds in part to the assessment that is currently made when deciding on foreign authorization under section 6 a, paragraphs 1 and 2 of the LIA. The MFoF may only grant authorization for adoption on condition that:

1. the country has an adoption law or other reliable regulation of intercountry adoption, which takes into account the basic principles of intercountry adoption as expressed in the Convention on the Rights of the Child and in the 1993 Hague Convention,
2. the country has a functioning administration for international adoption activities,
3. it is appropriate in the circumstances to proceed with an international adoption from the country, and
4. the applicant has consent under Chapter 24, section 1 of the Social Services Act (2025:000)²²⁸ and the adoption can be assumed to be in the best interests of the child, taking into account all the circumstances.

When assessing whether the adoption is in the best interests of the child, in addition to the general provisions of Chapter 4, Sections 1-10 of the Parental Code (including the child's right to be informed, express his or her views and give consent), particular consideration shall be given to

- the child lacks a safe environment to grow up in with his or her biological family or with another caregiver in the child's home country; and
- the competent authorities in the child's country of origin have assessed that the child is in need of adoption and that there are the necessary consents to the adoption.

The MFoF needs to justify the decision carefully. This should include the aspects that the decision-maker considered relevant in assessing the best interests of the child. It is important that the adopted person can see afterwards what efforts have been made to obtain his or her views and that these views were important when the application for adoption was considered. If the decision is not in line with the views of the child, the reason for this should be clearly stated⁽²²⁹⁾.

²²⁸ Latest version Bill 2024/25:89.

²²⁹ See Bill 2017/18:186 *Incorporation of the UN Convention on the Rights of the Child*, p. 96.

Swedish authorities abroad shall assist the MFoF with investigations concerning permission for international adoption

As is currently the case when considering foreign authorization, I propose that the MFoF, when considering whether the method of mediation is reliable and that the adoption is in the best interests of the child, should consult with the Swedish embassy or consulate in the child's home country. If necessary, the authority must also contact children's rights organizations that are active in the country to get a more general picture of the situation of children in the country. At present, there is no specific obligation for Swedish authorities abroad to assist the MFoF in connection with expatriation. This means that the assistance MFoF receives varies from county to county. I therefore consider that Swedish authorities abroad, in the same way as they assist Swedish social welfare boards with investigations in cases concerning the establishment of paternity, should be obliged to assist MFoF with investigations in cases concerning permission for international adoption. This may, for example, involve providing up-to-date information on legislation and how the administration of an international adoption works in the country. It may also involve assisting in the investigation of the relationship between the applicant and the child, for example by helping to take samples for DNA testing. The Swedish authority abroad can also assist in providing a general picture of the situation of children in the country, which may be of significance for the assessment of whether the adoption is in the best interests of the child. A provision on the obligation for Swedish authorities abroad to assist the MFoF shall be included in the regulation (2014:115) with instructions for the Swedish mission abroad.

Decision on adoption permit must be taken within three months

The average processing time at MFoF for cases concerning permission for private adoption has been 70 days over the past two years. The length of the processing time varies and is affected, among other things, by the investigative measures MFoF needs to take in connection with the application. I therefore propose that a decision on permission to adopt a child from abroad should be made within three months of the application being received. If there are special reasons, MFoF may decide to extend the investigation for a certain period. Special reasons for extending the investigation period may, for example, be that it is difficult to obtain

contact with foreign authorities or that applicants need to complete their application.

The assessment must be done before the child leaves the country of origin

In order for an assessment of whether an adoption is in the best interests of the child to achieve its purpose, the MFoF's assessment must, as today, be made before the child has left the country of origin. In other words, there must be a valid decision from MFoF before the child leaves the country. If there is no such decision, the adoption shall not be automatically valid in Sweden. According to section 5, second paragraph of LAIS, MFoF may, if there are exceptional reasons, approve that the decision shall apply in Sweden even if the conditions are not met. I have considered also making the automatic recognition of adoptions from other countries subject to a requirement that continued consent has been given. This is important in adoptions from countries that are not parties to the 1993 Hague Convention. However, there is a risk that non-acceding countries do not have procedures for waiting for continuing consent and that an adoption decision may be taken before continuing consent has been given. I therefore see problems with such an arrangement.

If the MFoF does not approve the foreign adoption decision to be valid in Sweden, the adoptive parents can, under the current rules, apply for adoption of the child in Swedish court. In such a situation, the court may decide that the adoption is not in the best interests of the child. In many cases, however, the child has already been in the care of the applicants for some time and the adoption may then be deemed to be in the best interests of the child despite the fact that the prospective adoptive parents have circumvented the adoption legislation. In section 8.10.5, I make proposals aimed at preventing the rules that are intended to ensure the best interests of the child in adoption from being disregarded in this way.

An adoption authorization decision shall be limited in time and shall be revocable

A decision to authorize adoption shall be valid as long as the applicant has consent under Chapter 24, section 1 of the Social Services Act (2025:000).²³⁰If the social services board's consent expires before the

²³⁰Last wording of Bill 2024/25:89.

has received a permit, has taken the child into their care and the person still wants to adopt, they must make a new application for intercountry adoption.

The person or persons wishing to adopt are obliged to inform MFoF of any changes, in Sweden or abroad, that may affect the permission to adopt the child. This could be, for example, changes in the applicant's or the child's life situation. It may also be that there is no longer an acceptable procedure for adoptions from the country in question or suspicions of irregularities. An adoption authorization decision must be revoked if the conditions for it no longer exist.

Decisions on authorizations and revocation of authorizations must be subject to appeal

MFoF's decisions on permission for international adoption and revocation of a permission for international adoption may be appealed to the general administrative court. Leave to appeal to the Administrative Court of Appeal is required.

8.10.4 The examination of whether the adoption procedure may continue is moved from the social committees to the MFoF

The rapporteur's proposal: The responsibility for examining whether the adoption procedure may continue under Article 17(c) of the 1993 Hague Convention shall be transferred from the social welfare boards to the MFoF.

The focus of the review should be to ensure that all documentation is available and that it is accurate. MFoF should establish cooperation with an actor who can make a technical assessment of whether the adoption documents in the case are authentic.

The MFoF shall promptly, and at the latest within two weeks of the notification by the person(s) wishing to adopt, consider whether consent should be given. The time may be extended if there are special reasons.

MFoF is in a better position to assess whether the adoption procedure may continue

As explained in section 8.2.4, the municipalities are responsible for examining and deciding whether the adoption procedure may continue. This responsibility includes both assessing the suitability and competence of the applicant to adopt the proposed child and reviewing all adoption documents, in particular with regard to the identity of the child, consent, adoptability of the child and the considerations given to the principle of subsidiarity. However, as explained in section 8.7.3, the social services do not usually carry out a detailed check of the adoption dossier. The view is that it is the adoption organizations that should review the adoption documents.

MFoF has proposed that, as the central authority, it should assume responsibility for examining and deciding whether the adoption procedure may continue, as this would provide an opportunity to stop adoptions that are not deemed to meet the requirements set out in legislation and conventions, including the identity of the child, adoptability and application of the principle of subsidiarity. I share the MFoF's assessment that, as the central authority and with the knowledge it has of adoption activities, it is better placed to assess whether the adoption procedure may continue. I therefore propose that the review under Chapter 6, Section 14 of the Social Welfare Act ²³¹be transferred from the social committees to the MFoF.

My proposal in section 8.10.3 means that adoption of a child resident in another country will only be permitted in cases where there is a close personal relationship between the applicants and the child even before the adoption. The assessment of the applicant's suitability and eligibility to adopt the specific child will be made in connection with the MFoF's authorization for adoption. The focus of the review of continued consent will therefore primarily be to ensure that all documentation about the child is available and that it is correct. In doing so, MFoF shall carefully review all adoption documents, especially with regard to the child's identity, consent, the child's adoptability and what considerations have been made regarding the principle of subsidiarity. If there are ambiguities in the child's documentation, further consent should not be given without further investigation.

²³¹Chapter 24. Section 5 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

MFoF shall promptly and at the latest within two weeks of the notification being received by the person or persons wishing to adopt consider whether consent should be given. As documents may need to be translated and supplemented, I propose that the time may be extended if there are special reasons.

The MFoF's decision not to give consent for the adoption procedure to continue may be appealed to the general administrative court. Leave to appeal to the Administrative Court of Appeal is required.

MFoF should establish a partnership with an agency that can verify the authenticity of adoption documents

As noted, social welfare boards do not currently check the authenticity of documents in adoption cases. According to the HCCH recommendations, States should put in place procedures that allow authorities to quickly and efficiently review and verify the validity, accuracy and completeness of the documents presented during the adoption process. States should ensure that the original or a certified copy of all documents, such as the birth certificate, the consent to adoption and the decision on the child's adoptability are sent to the receiving country²³².

I believe that the MFoF, in a similar way to the Norwegian Central Authority, should cooperate with an appropriate actor who can assist in verifying the authenticity of the adoption documents. For example, the Document Analysis Section of the National Forensic Center (NFC) performs qualified document examinations. The NFC can also conduct investigations on behalf of non-police agencies.²³³ Article 10(1) of the Palermo Protocol requires States' law enforcement, immigration and other relevant authorities to cooperate with each other, as appropriate, through the exchange of information to prevent trafficking in human beings, see Volume 2, Chapter 1.

²³² HCCH (2023), p. 82 f.

²³³ Email to the Adoption Commission from the Information Technology Unit of the National Forensic Centre (NFC) on 21 October 2024.

Obligation to notify the Social Welfare Board

In order for the social welfare board to be able to assume its responsibility for the child's situation before a decision has been taken on adoption (Chapter 6 § 1 SoL)²³⁴ and after the decision on adoption (Chapter 5 § 1 point 9 SoL),²³⁵ the board must be informed that the prospective adoptive parents will receive a child in their home. The MFoF must therefore inform the social welfare board that has given consent under Chapter 6, Section 12 of the SoL²³⁶ that the authority has given consent for the adoption procedure to continue. The obligation to notify means that confidentiality is breached in accordance with Chapter 10, Section 28 of the Public Access to Information and Secrecy Act (2009:400). The social welfare board must then contact the prospective adoptive parents to plan how and when a follow-up contact will be made after the child has been received in the applicant's home.

8.10.5 If the applicant does not have permission from the MFoF, the court must reject the application for adoption

The committee's proposal: An application for adoption concerning a child under the age of 18 who has been brought or is intended to be brought to Sweden for adoption may only be considered by the court if the MFoF has given permission for the adoption.

The rules to ensure the best interests of the child in adoption must be respected

As stated in section 8.7.3, there is nothing to prevent a person wishing to adopt a child from applying directly to the district court without first having obtained the consent of the social welfare board to receive the child and permission for an individual adoption and consent to the adoption process continuing. If the applicant applies directly to the Swedish court, it may therefore be that the child leaves his or her home country without any assessment having been made of whether the applicants are suitable as adoptive parents or whether an adoption is otherwise in the child's best interests. Nor do the applicants need to attend parental training. In such a case

²³⁴ Chapter 22, Section 8 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

²³⁵ Chapter 18, Section 10 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

²³⁶ Chapter 24, section 1 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

situation, the court may conclude that the adoption is not in the best interests of the child and the social services will then be obliged to ensure that the child receives the protection and support it needs (Chapter 5, Section 1, paragraph 8 SoL).²³⁷In many cases, however, the child has already been in the care of the applicants for some time and the adoption may then be deemed to be in the best interests of the child despite the fact that the prospective adoptive parents have circumvented the adoption legislation. The only sanction available is that the applicant may be fined (section 15 LIA).

I consider it very problematic that the regulations aimed at ensuring the best interests of the child in international adoption can be circumvented in this way. In my opinion, the fact that applicants can be fined retrospectively is not sufficient to prevent circumvention of the regulations. In order to strengthen legal certainty in international adoptions, I therefore propose, as did the 2008 Adoption Inquiry, that in the event that the application for adoption concerns a child under the age of 18 who has been brought or is intended to be brought to Sweden for adoption, a Swedish court should only be allowed to consider an application for adoption if the applicants have received the MFoF's permission to adopt. According to the committee's proposal, such permission presupposes that it has been verified that the intended adoption is in the best interests of the child (see section 8.10.3). If the applicant has not attached a decision authorizing the adoption, the court must reject the applicant's application for adoption. A provision that the court may only examine an application for adoption if the MFoF has granted permission for the adoption should be included in the Parental Code.

If it should happen that a child has already been adopted in his/her home country before coming to Sweden, the consequence may be that the adopter can neither have the adoption approved by the MFoF nor obtain a new adoption decision in a Swedish court. According to the main rule in Section 5 LAIS, a foreign adoption decision shall not be approved if the adoption has not been carried out in accordance with the provisions of Chapter 4, Sections 26-31 of the Parental Code. However, according to section 5, second paragraph of LAIS, the MFoF may approve a foreign adoption decision even though the conditions are not met, if there are exceptional reasons. This may, for example, be the case in situations where there is a reasonable explanation for non-compliance with the regulations for international adoptions and it would, in the best interests of the child, be offensive if the adoption did not become valid in Sweden. The MFoF's decision not to approve a foreign adoption decision can be appealed to the administrative court.

²³⁷Chapter 18. Section 5 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

Is a requirement for permission from MFoF for a court to consider an application for intercountry adoption compatible with the Instrument of Government and the ECHR?

Article 6 of the ECHR concerns the right to a fair trial. It provides that in the determination of his or her civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law (Article 6(1)). Adoption is a type of civil rights issue and is therefore considered to fall within the scope of Article 6. A requirement for permission from the MFoF for intercountry adoption could be considered to be in breach of Article 6 of the Convention both in terms of the right to a judicial review and the requirement for a hearing within a reasonable time. According to Chapter 2, section 11 of the Instrument of Government, a trial must be conducted fairly and within a reasonable time. According to Chapter 2, Section 19 of the Instrument of Government, no law or other regulation may be issued in contravention of Sweden's obligations under the European Convention.

A requirement of permission to bring an adoption action constitutes a condition of access to justice which could infringe the individual's rights under the ECHR. However, the right to judicial review may be restricted in various ways provided that the restriction serves a legitimate purpose and is proportionate to that purpose. However, the limitations must not be so far-reaching as to undermine the essence of the rights guaranteed by the article.²³⁸

The purpose of requiring permission for intercountry adoption as a condition for the court's consideration of the merits of the case is to ensure that there is sufficient investigation to ensure that the child's best interests are served by the adoption. The requirement for permission that I propose in section 8.10.3 aims to ensure that there are special reasons to adopt, that the procedure is acceptable and that the adoption is in the best interests of the child.

The permission must be given before the child leaves its country of residence. In order for MFoF to examine an application for permission to adopt a child from another country, the applicant must have the consent of the social welfare board in accordance with Chapter 6, Section 12 SoL.²³⁹ Consent may only be given if the applicant is suitable for adoption. When assessing the applicant's suitability

²³⁸ See *Ashingdane v. United Kingdom* No 8225/78 of May 28, 1985.

²³⁹ Chapter 24, section 1 of the Social Services Act (2025:000), latest wording Bill 2024/25:89.

In order to be eligible, certain factors specified in the law must be taken into account, such as the applicant's knowledge and understanding of adoptive children and their needs, the nature of the planned adoption and the applicant's personal characteristics and social network. The applicant must also have participated in a parental training course designated by the municipality prior to adoption. Taken together, these requirements protect the adoption of children from another country by Swedish applicants only where it can be established, as far as possible, that the adoption is in the best interests of the child. The proposed regulation concerns requirements for consent and permission for adoption from the competent authorities before a court can examine a request for adoption. The requirements are set to ensure that the adoption of a child is in the best interests of the child and should therefore be fulfilled for the adoption to be considered. This is a legitimate aim of the proposed scheme and is therefore, in my view, compatible with the provisions of the ECHR.²⁴⁰

It follows from the case law of the European Court of Human Rights that if an action before a court can only be brought after a preparatory administrative procedure, the time for the procedure must also be included in the time to be assessed under Article 6(1).²⁴¹ According to the proposal in section 8.10.3, the MFoF's investigation of an application for intercountry adoption must be completed within three months at the latest. My assessment is that the proposal is therefore also compatible with the European Convention in this respect.

Is a requirement for permission from MFoF for a court to examine an application for international adoption compatible with a child rights perspective?

When the Government in Bill 2017/18:121 took a position on the proposal from the 2008 Adoption Inquiry concerning a requirement for consent or permission to obtain judicial review of an adoption application, it was stated that such a requirement could be problematic from a child rights perspective. No further explanation of what was meant by this was given. The Government pointed out that in an individual case it might be possible

²⁴⁰Compare the requirement under Chapter 6, Section 17c of the Parental Code to participate in an information meeting for a claim for custody, residence and access to be admissible.

²⁴¹See for example *König v. Germany* no. 6232/73 of June 28, 1978, *Erkner and Hofauer v. Austria* of October 24, 1986 and March 24, 1987, *Schouten and Meldrum v. the Netherlands* no. 19005/91; 19006/91 of December 9, 1994 and Hans Danelius et al (2023), *Human Rights in European Practice. A Commentary on the European Convention on Human Rights*, p. 385.

an adoption is considered to be in the best interests of the child in all the circumstances, even though the rules have not been followed. Not allowing the application to be examined on its merits may then appear unreasonable.

Taking a child rights perspective means recognizing and respecting the full human dignity of a child, respecting the child's integrity and ensuring that a child is not discriminated against on the basis of origin, gender, relationship, disability or other similar grounds. In simple terms, a child rights perspective can be described as taking the principles set out in the Convention on the Rights of the Child as a starting point in every context in which a child's rights are relevant, and ensuring that a child's rights are met. This is precisely what is ensured by a requirement that there must be consent from the social welfare committee to receive a child for adoption and by the requirement for permission from the MFoF to authorize the adoption of a known child and that the child has been made available for adoption in a way that is in the best interests of the child. These requirements aim to provide the court with a thorough basis for assessing the child rights perspective, which is particularly important when it comes to moving a child across national borders with all that this entails in terms of meeting all the child's interests, not just the right to a family.

The proposals partly address the problem of missing statistics

As explained in section 8.3.1, the MFoF has no overall statistics on the number of individual adoptions carried out each year, as some applicants apply directly to the district court for adoption without the MFoF having examined whether the procedure is acceptable. The Government Office has previously pointed out that the district courts do not keep any statistics on adoption cases based on the type of adoption, i.e. how many individual and mediated adoptions they handle.²⁴² My assignment has included considering whether there is a need for the courts to develop their statistics on different types of adoptions and whether the courts should have a reporting obligation on adoptions to MFoF.

My proposal that the activity of placing children for adoption should be phased out means that there is no longer any need for separate statistics on individual and placed adoptions. The

²⁴²MFoF, *Annual Report 2019* and State Treasury (2021), pp. 78, 97 and 117 f.

there will be only one type of case: international adoption. My proposal that permission from the MFoF should be required for a court to examine an application for intercountry adoption also means that all adoption cases will go via the MFoF. The authority will thus receive information about all cases concerning intercountry adoption to Sweden. However, MFoF will not automatically receive information about which of these cases lead to a decision on adoption in a Swedish court. Thus, the MFoF will not receive complete statistics on the number of international adoptions to Sweden in the future either.

I have considered proposing an addition to section 2 of the Ordinance (1949:661) on the obligation of courts to provide information in cases and matters under the Parental Code, etc., which would require courts to provide information on adoption decisions to the MFoF. However, in view of the low number of international adoptions, I do not consider this to be justified.

8.10.6 If the government does not want to end intermediation, the system must be reformed

The investigator's assessment: If the government does not want to end intermediation activities through authorized associations, the activities must be reformed from the ground up. At present, there are financial interests in intermediation that pose a significant risk in the intercountry adoption process. The best interests of the child must take precedence over all other interests.

The state must finance intermediary activities

The dependency of adoption agencies on adoption fees for their activities must be eliminated as it poses a real risk of prioritizing the needs of adults over those of children.

As explained in sections 8.3.2 and 8.7.3, the average adoption cost of the AC for 2025 will amount to approximately SEK 280,000. Adoptive parents pay the administrative cost of the placement itself (costs associated with the Swedish adoption organization) and the actual costs incurred by

are linked to the adoption abroad (costs to authorities, courts, interpreters, translation costs, etc.).²⁴³Sweden distinguishes the financing and organization of international adoptions from national adoptions, which are handled by the social services and financed with public funds. I believe that the same approach to the financing of adoptions should apply regardless of whether the child to be adopted was born in Sweden or abroad. This means that the adoption organizations' mediation activities should be financed by the state to a much greater extent than at present - or even fully. In addition, I share the 2003 Adoption Committee's conclusion that the part of the adoption fee relating to costs in the child's country of origin should only be calculated on the actual costs incurred by the individual child's adoption. The fact that adoption fees - as at present - also finance the welfare development of the countries of origin in other respects entails a high risk of creating a dependence on income from international adoption activities and an incentive to place more children for international adoption than is necessary from a child rights perspective.

There is a need for much stronger control by Swedish actors that the adoption is in the best interests of the child

A prerequisite for continued mediation activities through non-profit associations is that the proposals submitted by MFoF in May 2024, which aim to strengthen the supervision of the adoption organizations' mediation work, are implemented.²⁴⁴Based on the shortcomings I have noted regarding the adoption organizations' responsibility for ensuring that there is adequate documentation in each adoption case, it must also be ensured that the adoption organizations fully comply with the requirements that follow from the HCCH's guidance for preventing and managing irregularities.²⁴⁵This requires completely different controls, processes and resources than today. It has been stated from several quarters that if the recommendations in the HCCH's guidance are to be fully followed, international adoption activities cannot be conducted. However, my assessment is that if the requirements set out cannot be met, international adoption of unknown children should not be allowed.

²⁴³BFA. Changing the financing of adoption services in Sweden. <https://www.bfa.se/media/1316/changing-the-funding-of-adoption-services-in-sweden.pdf>. Retrieved 2025-03-27.

²⁴⁴MFoF (2024), *More tools in supervision*.

²⁴⁵HCCH, (2023).

9 Adoption-specific support

9.1 The mission

According to the terms of reference, the Adoption Commission is to investigate the need for adoption-specific support, propose what help and support measures should be offered and how these should be organized. The Adoption Commission is also to submit proposals on what measures the government, state authorities and adoption intermediaries in Sweden should take when information about irregularities in the international adoption process comes to light. The Commission shall also propose the necessary amendments to the regulations and other measures.

The starting point of the investigator's work must be the rights of the child in accordance with the Convention on the Rights of the Child and the 1993 Hague Convention¹.

9.2 Introduction

Article 9 of the 1993 Hague Convention requires Central Authorities to promote adoption counseling and post-adoption assistance and support. According to the Hague Conference on Private International Law (HCCH), States must make every effort to fulfill this obligation, which includes meeting the needs of both adopted persons and their families.²In addition, both international and Swedish law contain provisions relating to the right of adopted persons to their origin and identity.

The term adoption-specific support, or Post Adoption Services (PAS), often refers to support provided to adopted persons and their parents before, during and after an adoption. This chapter

¹Dir. 2021:95 *Sweden's international adoption activities - lessons learned and the way forward*, p. 10 and 12.

²HCCH (2008), *The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention. Guide No.1*, p. 125.

is concerned with post-adoption support for adopted persons in particular, but to some extent also for adoptive parents. Adoption-specific support therefore refers here mainly to interventions for adopted persons to meet needs that can be attributed in various ways to circumstances linked to the adoption. However, the support needs of adopted persons may differ and need not be specific to adopted persons.

9.3 Overall assessment of support needs

The investigator's assessment: The support currently available to internationally adopted persons is not sufficient to meet their needs. Internationally adopted persons need to be offered better support in tracing their origins and better psychosocial support. Some financial support is also needed for internationally adopted persons who wish to trace their origins. Knowledge and skills about adoptees and adoption-related issues also need to be increased in society, especially among professionals who meet adoptees who may be in need of support. This includes social services, child and adolescent psychiatry and adult psychiatry, as well as other health care, preschool and school.

9.3.1 It has long been known that adopted people may need special support

Several research studies have shown that adopted people may need special support

A number of previous studies and reports have shown that special support is needed for people who have been adopted and that they do not have access to adequate support and treatment. As early as the 1980s, research showed the need for special support for persons adopted abroad. In the mid-1990s, a report by the Swedish National Board of Institutional Care (SiS) revealed that young people adopted from another country were over-represented among those

youth homes. They were often admitted because of mental health problems.³In the late 1990s, researcher Anders Hjern drew attention to the group of adoptees in a public health study of children of foreign origin in Stockholm.⁴This was the beginning of further research. A 2002 study showed that people adopted from another country had higher suicide rates and a significantly increased risk of mental illness and substance abuse⁵.

In 2001, the Government assessed that social services and child and adolescent psychiatry (BUP) did not have sufficient knowledge of the particular problems that adopted persons could experience, especially during adolescence. The Government also pointed out that only the larger municipalities were able to build up knowledge and experience of the support needs of adopted persons and provide special counseling for children. Therefore, the Government commissioned a study to propose measures to better meet the needs of adoptive families⁶.

were over-represented in clinical groups in terms of mental health problems, relationship problems, school problems and antisocial behavior. The older the child was at the time of adoption, the greater the risk of psychological and social adjustment problems. Adolescence and early adulthood were periods of increased difficulties due to identity issues.⁷However, the government did not propose any support in the subsequent bill. We do not know the reason for this. The investigator of the 2003 adoption inquiry states that one reason may be that the inquiry's proposals were not sufficiently concrete and that they did not propose funding either⁸

Two decades later, in 2021, the government again highlighted the need for increased skills to address the higher rates of mental ill-health among adopted people compared to the general population. The government

³Swedish National Board of Institutional Care (1996), *Adoptive children, youth and care recipients. Documentation from a conference in Linköping on April 15, 1996, organized by Folåsa behandlingshem*. General SiS report 1996:4.

⁴A. Hjern (1998), *Migration to segregation - a public health report on children of foreign origin in Stockholm*, Center for Child and Youth Health. Community Medicine, Stockholm County Council.

⁵A. Hjern, F. Lindblad and B. Vinnerljung (2002), Suicide, psychiatric illness, and social maladjustment in intercountry adoptees in Sweden: a cohort study. *The Lancet*. Vol. 360, no 9331, August 10, 2002, pp. 443-448. *Läkartidningen*. Vol. 100, No. 9, 2003, pp. 707-709.

⁶Dir. 2001:93 *International adoptions etc.*

⁷SOU 2003:49 *Adoption at what price? Volume 2 Compilation of adoption research*, p. 11 ff.

⁸Interview with the Special Investigator for the 2003 Adoption Inquiry 2024-02-20.

therefore commissioned the National Board of Health and Welfare to map how health and social services meet the adoption-specific needs of adopted persons. In its 2022 report, the National Board of Health and Welfare notes that the vast majority of people who have been adopted internationally have a positive social, cognitive and emotional adjustment, while research shows that as a group they are at higher risk than others of serious mental and social illness and suicide. According to the National Board of Health and Welfare, the reasons for this are linked to growing-up conditions before adoption and the adoptive parents' readiness and access to adequate support for the adopted person.⁹The National Board of Health and Welfare's interviews with organizations for adoptees, adoption organizations and representatives of the profession also showed that adopted persons have an increased vulnerability due to break-ups, separations and other events that can cause various types of trauma. This in turn can lead to attachment issues that affect the adopted person throughout their life. If the child's needs are not met, this can lead to, for example, mental health problems, substance abuse, addiction and self-harm in adulthood⁽¹⁰⁾.

In 2021, the Swedish Agency for Family Law and Parental Support (MFoF) commissioned researchers Anders Hjern and Bo Vinnerljung to conduct a register-based study on the health and social conditions of internationally adopted persons in adulthood. The aim was to follow up on studies conducted 20 years earlier, which showed that internationally adopted persons had significantly increased risks of psychiatric care and suicide during adolescence and young adulthood. The study compared internationally adopted people with the group of refugees and native Swedes with a Swedish background. The results of the study show that internationally adopted people's increased need for psychiatric care continues into adulthood. Compared to refugees and native Swedes, international adoptees were more likely to have received psychiatric care after the age of 18. Internationally adopted people were overrepresented in depression, substance abuse, psychotic disorders and suicidal acts as well as other self-harm. The study also found that international adoptees have more difficulty than others in establishing and maintaining relationships.

⁹National Board of Health and Welfare (2022), *How health and social services meet adoption-specific needs of adoptees*, p. 7 ff.

¹⁰National Board of Health and Welfare (2022), p. 56 ff.

and are more likely to live alone in adulthood, increasing the risk of depression and suicide. According to the researchers, the study shows the need for government support for both adoptive families and adopted persons¹¹.

People who have been adopted have experienced more risk factors for mental health problems than others

Our mental health is influenced by a variety of factors such as hereditary vulnerability, conditions during childhood, economic and social circumstances, habits and behaviors, ability to cope with stress, etc.¹² Factors that influence mental health are sometimes referred to as protective factors and risk factors. The more risk factors a person is exposed to, the greater the risk of mental health problems¹³.

Research on Adverse Childhood Experiences (ACEs) shows that adverse childhood events increase the risk of physical and mental health problems later in life.¹⁴ ACEs increase the risk of illness and premature death from a range of common diseases, such as severe mental illness, cancer, cardiovascular disease and diabetes. The more adverse childhood experiences, the greater the risk of adverse outcomes. The fact that adverse childhood experiences early in life can have such serious consequences is linked to the severe, so-called toxic stress that affects the child's central nervous system and other organs during development into adulthood. Adverse childhood experiences have a profound negative impact on people's lives and health well into adulthood and can also affect the next generation⁽¹⁵⁾.

Many people who have been adopted internationally have experienced several difficult events early in their lives, such as separation from their parents, changes of caregivers, and mental and physical abuse. Many also report experiencing racism, discrimination and

⁽¹¹⁾A. Hjern and B. Vinnerljung (2022), *Health and Social Living Conditions of Internationally Adopted Adults*, p. 42 ff.

¹² <https://www.folkhalsomyndigheten.se/livsvillkor-levnadsvanor/psykisk-halsa-och-suicide-prevention/what-affects-our-mental-health/>. Retrieved 2024-12-20.

¹³ <https://www.folkhalsomyndigheten.se/livsvillkor-levnadsvanor/psykisk-halsa-och-suicide-prevention/what-affects-our-mental-health/>. Retrieved 2024-12-20.

¹⁴Centers for Disease Control and Prevention (2021), *Adverse Childhood Experiences Prevention Strategy*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

¹⁵S-O. Andersson et al. (2021), *Adverse Childhood Experiences are associated with choice of partner, both partners' relationship and psychosocial health as reported one year after birth of a common child. A cross-sectional study*.

exclusion that starts in school and continues into adulthood. The fact that adopted persons have often been exposed to several of these risk factors increases their vulnerability, which can manifest itself at different stages of the adopted person's life, for example in the context of changes or life crises. Becoming a teenager, establishing a relationship, becoming a parent or losing a close relative are some examples of what can put extra strain on an adopted person. Access to professional support in such life situations reduces the risk of future ill health.

9.3.2 Some adoption-specific support is already offered today

Today, some adoption-specific support is offered by social services, health services and MFoF. The Adoption Centre (AC) and organizations for adoptees also offer support to adopted persons.

According to chapter 5, section 1, point 9 of the SoL¹⁶, social services have a specific responsibility to provide support and assistance to adopted children and their families after adoption. They must meet the needs of adoptive families for support and advice. However, the specific responsibility of social services to support adoptees does not extend to adult adoptees. In addition, both social services and health services have an overarching responsibility to provide the support and care that individuals need.

Thus, for example, primary health care, student health care, youth clinics and BUP have an overall responsibility to provide the support and care that adoptees and their families need, based on their respective missions. The social services do not have any specific responsibility in terms of support for tracing, but according to the MFoF's general advice, they should offer advice and support when an adopted person requests information about their adoption. Social services should also provide information on where to go to find out more about their origins.¹⁷MFoF has published a guide to tracing origins for the country's municipalities to strengthen the competence and ability of social services to support internationally adopted persons in origin search.

¹⁶Chapter 18, section 10 of the Social Services Act (2025:000), latest version of Bill 2024/25:89. *A preventive Social Services Act - for increased rights, obligations and opportunities.*

¹⁷MFoF (2022), *General advice (HSLF-FS 2022:25) from the Swedish Agency for Family Law and Parental Support on the handling of intercountry adoption cases by the social welfare board.*

Since 2020, MFoF has had two government mandates aimed at adult adoptees. One is a temporary assignment to provide adoption-specific professional counseling support to adopted persons over the age of 15, from 2022 also to adoptive parents.

After procurement, the counseling support has been offered via Apoteksgårdens Kognitiva Center AB. The counseling support is free of charge and consists of individual psychotherapeutic support sessions and group sessions conducted by licensed psychotherapists and licensed psychologists. The support is intended to be a complement to regular health care and thus does not involve any treatment but counseling sessions⁽¹⁸⁾.

The second mission of the MFoF is to provide individual support for tracing. The agency has had temporary government mandates since 2020, but in 2023 long-term funding was finalized and the costs of origin search assistance are now included in the agency's regular budget. This support is free of charge and limited to persons over 18 years of age. The support is primarily intended to provide guidance in the search process, i.e. self-help⁽¹⁹⁾.

Authorized adoption agencies also offer support to adult adoptees. AC has been working with PAS for 30 years, without government support. AC offers counselling for adoptees on feelings and thoughts about being adopted, but not therapeutic counselling. According to AC, they receive about five calls per day. Regarding tracing, AC organizes workshops on tracing roots, as well as some individual support for the delivery of adoption documents and support for a return journey. AC also organizes group return trips for adoptees and adoptive families who want to trace their biological origins or get to know their country of origin.²⁰The adoption organization Barnen Framför Allt (BFA) has also helped adoptees in some cases to establish contact with relevant authorities, orphanages and organizations in the country of origin in connection with return travel.²¹

¹⁸MFoF (2024), *Final report Adoption-specific professional counseling support for adoptees and adoptive parents*. Government commission S2021/08111 (partial). December 2024, pp. 3, 6, 12; Meeting with Apoteksgården on June 14, 2024.

¹⁹MFoF (2022), *Pilot project with individual support for internationally adopted persons in search of origin*. Final report January 2022; Government assignment S2019/05315/RS (partial); MFoF (2024), *Final report. Support for internationally adopted persons in the search for origin*. Government assignment S2021/08111 (partial) January 2024.

²⁰Meeting with AC 2023-10-23; MFoF (2022), *Pilot project with individual support for international adoptees in the search for origin*; p. 26.

²¹<https://www.bfa.se/adopterad/>. Retrieved 2024-10-21.

The Family Federation for International Adoption (FFIA) has a foundation from which adoptees (primarily those adopted through FFIA) can apply for a return travel grant²².

Several organizations and networks for adoptees have also gathered information on how adoptees can search for their origins on their websites, and several organizations assist individuals with advice and support in searching for origins. These include the Swedish Korean Adoptees' Network (SKAN), the Organization for Adult Adoptees and Foster Children (AFO) and Chileadoption.se.

9.3.3 Current support is insufficient

My assessment is that the support currently offered to internationally adopted persons is not sufficient. Social services and health care do not have sufficient expertise in adoption-related issues to be able to respond adequately to internationally adopted persons and provide the necessary support. In addition, the adoption-specific support currently offered by the MFoF is not sufficient. There are mixed views on the counseling support that the authority currently offers through Apoteksgården. There are some problems with trust in the support and the support needs to be more accessible.

The support provided by the MFoF in tracing origins has not always been sufficiently concrete and helpful. In addition, far from all intercountry adoptees are aware of the support available.

Existing support in social services and health care does not meet the needs that exist

The National Board of Health and Welfare's overall assessment based on its survey in 2022 was that the support and interventions offered to adopted persons and adoptive parents in social services and health care do not meet the needs that exist. The National Board of Health and Welfare's survey shows that the support is fragmented and that there is no overall picture of how the adoption-specific needs can be met. There is also a widespread lack of follow-up and support after an adoption, so the needs are often not recognized until school or later in

²²<http://www.ffia.se/om-ffias-stiftelse/stipendier-och-bidrag.aspx>. Retrieved 2025-04-06.

adolescence and may then have developed into various difficulties. The survey shows that it is difficult for municipalities and regions to maintain adoption-specific skills and that it is becoming more difficult with fewer and fewer adoptions. This leads to a lack of experience, which in turn leads to a lack of knowledge and skills in both social services and health care. The National Board of Health and Welfare's report shows that social services see a need for skills development in the field of adoption, while the health service considers that knowledge of attachment problems or diagnoses (depression, ADHD, etc.) is often sufficient to treat adopted people with mental illness. BUP and pediatric rehabilitation do not have specific support for adopted persons, but are based on the person's diagnosis. The adoption-specific needs identified by BUP are attachment problems and vulnerability.²³ It is worth pointing out that Swedish healthcare is generally disease- and diagnosis-driven. This can make it more difficult for health care to focus on things that are not an illness or diagnosis - such as adoption. According to the National Board of Health and Welfare, it was perceived within the social services as unclear what help, care and support the social services should provide. The shared principalship between the social services and the BUP is another problem that means that individuals are passed between different activities and that it often takes a long time before they receive help and support⁽²⁴⁾.

In May 2024, psychiatrist and researcher Mattias Strand and psychiatry resident Natte Hillerberg presented an interview study on the experiences and wishes for care and support of transnationally adopted persons. The study shows that there is a need for increased knowledge among therapists and other health professionals, including how adoption trauma, racism and other post-adoption factors affect the health of adopted persons. Several participants highlighted the need for complementary psychotherapeutic approaches in addition to CBT. Another problem highlighted by participants in the study was the ignorance and disinterest of health professionals to talk about adoption, as well as a "color blindness" and reluctance to talk about racism²⁵.

In our interviews, adoptees as well as psychologists, psychotherapists and researchers have also stated that there is too little knowledge

²³ National Board of Health and Welfare (2022), p. 10.

²⁴ National Board of Health and Welfare (2022), p. 60 ff.

⁽²⁵⁾ M. Strand and N. Hillerberg (2024), Transnational adoptees in healthcare: barriers, resources, and needs. *Front. Public Health*. Vol. 12, August 22, 2024.

about adoption-related issues among health care professionals who meet individuals with adoption experience, such as maternal and child health care, child health services, youth clinics, primary and specialized care, and municipal health care. Among other things, it emerges that mental health professionals need better knowledge of trauma, racism and understanding of how to deal with adopted people.

Different perceptions of MFoF's existing call support

MFoF's evaluation of the support shows that those who have taken part in the support are satisfied. The results of Apoteksgården's online survey of all those who have taken part in the support show a high level of satisfaction with the support.²⁶ Some of those we have interviewed have also emphasized that they think the counselling support has worked well and that they have received the support they requested.

However, others are more critical of the support. In a letter to the Adoption Commission, associations for adoptees have stated that many adoptees are dissatisfied with the support.²⁷ This is also evident in a survey conducted by Chileadoption.se among its members in 2023.²⁸ One problem has been that Apoteksgården has had a lack of confidence among some internationally adopted people, which has largely been because the owner and founder of Apoteksgården has a connection to adoption that is perceived as biased.²⁹ In our interviews, several people have also expressed dissatisfaction with the counseling support, for example, it has been about lack of competence and accessibility. A recurring objection has also been that counseling is not always enough, and that some people need to be offered therapy and treatment.

²⁶MFoF (2024), *Final report Adoption-specific professional counseling support for adoptees and adoptive parents*, pp. 3, 8 and 13.

²⁷ Letter received by the Adoption Commission on 2024-02-25.

²⁸Chileadoption.se. Report from survey to members of Chileadoption.se. Received by Adoption Commission 2024-01-15.

²⁹Interview with Apoteksgården 2024-06-14; M. Strand and N. Hillerberg (2024).

Adoptees want more support in tracing origins than what is currently offered

MFoF representatives describe that they have been able to assist adoptees in tracing and reuniting with birth families. MFoF also perceives that adopted persons are satisfied with the fact that it is a government agency that helps.³⁰In its final reports, MFoF also highlights the need for development and improvement of this support.³¹In our interviews and in the documentation we have received, it has emerged that more support is needed in tracing origins than MFoF can offer today. Some internationally adopted persons are critical of MFoF's support in tracing origins and many are not aware that the agency offers such support.

Our interviews have revealed different perceptions of the AC's support in tracing origins. Some adoptees feel that they have received good help from AC. Others are critical, for example of the fact that AC requires membership to provide support in tracing and charges for a limited effort. Several have also experienced resistance from AC when they have wanted to search for their roots.

Some adoptees have also found it difficult to locate their adoption documents and navigate different archives. They ask for easier access to their adoption documents and guidance on where to find them.

More 'neutral' forums for adoptees are needed to meet, share experiences and support each other

Many internationally adopted people ask for informal support, in the form of forums where adoptees can act as a support for each other. Just meeting and reflecting on each other's experiences is described as valuable. Some people emphasize the importance of the social aspects and being able to gather around an activity. Others ask for more structured discussion meetings with different themes related to adoption. Adoptees' associations and adoption organizations have organized meetings for adoptees and adoptive families, so some forums for exchanging experiences already exist today. MFoF provides in

³⁰ Meeting with MFoF 2022-02-10; Meeting with MFoF 2023-05-31.

³¹MFoF (2022), *Pilot project with individual support for internationally adopted persons in search of origin. Final report January 2022*; MFoF (2024), *Final report Stöd till internationellt adopterade ursprungssökning* Regeringsuppdrag S2021/08111 (delvis). January 2024.

Today, government grants to adoptee associations to promote this type of activity. However, more is needed. In our interviews and focus groups, several adoptees have expressed that it is an advantage if such forums are organized by as neutral a party as possible.

Currently, there is no financial support for DNA testing and repatriation

Many intercountry adoptees spend a lot of money on getting help with adoption-related interventions. This is shown by our interviews and focus groups as well as the interview study on the experiences and wishes of transnationally adopted persons for care and support published by Mattias Strand and Natte Hillerberg in 2024.³²The counseling and support in searching for origins that MFoF provides today is free of charge. Some people choose to go to a psychotherapist in private practice, partly because of a lack of competence in the regular care or to be able to choose a psychotherapist who is adopted or racialized. Tracing, DNA testing and repatriation also cost a lot of money. We have met many internationally adopted persons who, for financial reasons, cannot properly trace their origins or get the psychosocial help they need. There is currently no financial support for DNA testing or return to the country of origin. The MFoF³³ as well as the BFA³⁴ and the AC have highlighted the need for adoptees to receive financial support for a return to the country of origin, which in many cases is necessary to find their origin.

9.3.4 Summary of how support needs to be improved

- Intercountry adoptees need to be better informed about the support available and there should be a simple and clear pathway to support, so that it reaches everyone who needs it.

³² M. Strand and N. Hillerberg (2024).

³³ MFoF (2022), *Pilot project with individual support to internationally adopted persons in origin search*, p. 27; MFoF (2024), *Final report. Support for internationally adopted persons in origin search* Government assignment S2021/08111 (partial). January 2024, p. 17.

³⁴ BFA (2018), *Providing relevant support to adoptees and their families*. <https://www.bfa.se/medlem/adoptionernas-framtid/bfa-stallningstagande-2018/>. Retrieved 2025-04-08.

- Counseling support needs to be more accessible through the possibility of physical counseling in more places in the country and there needs to be a greater opportunity to choose between different providers. The adoption-specific competence of the person providing counseling support needs to be ensured.
- Support in the origin search needs to be more concrete and helpful. Support providers need to draw on other actors to provide better and more practical support.
- More neutral forums are needed for adoptees to meet and share experiences.
- Adopted persons need easier access to their adoption documents and guidance on where documents can be found.
- There is a need for a national DNA database and a publicly funded financial contribution for DNA testing.
- There is a need for a publicly funded financial contribution for the return of adopted persons to their country of origin.
- There is a need to improve the skills of professionals who encounter adoptees in their work, and to acquire new knowledge.

9.4 A resource center for adoptees and adoption issues

The investigator's proposal: The government should establish a national resource center for adopted persons and adoption issues, which collects and coordinates the adoption-specific support offered by the state. The resource center should be a clear way in for adopted persons who need support, but also for professionals who meet adopted persons in their work. Some support should also be available to adoptive parents and other family members of the adoptee. The resource centre should be open to both national and international adoptees.

A resource center for adopted persons and adoption issues should offer direct support to adopted persons as well as awareness-raising support to relatives, the public and non

at least to those professionals who encounter adoptees in their work. Direct support for adopted persons should include developed counseling, support in tracing origins and support in case of suspected irregularities, but also an informative and guiding web portal and the possibility of general advice by phone, for example in matters of archives, DNA and legal issues. A resource center should also offer meeting places and forums for the exchange of experiences for adopted persons. Support for professionals who work with adoptees should be provided through the dissemination of knowledge on the web portal, telephone counseling and specific training activities.

The center should be nationally governed and coordinated, while certain parts such as counseling should be spread out and available in different parts of the country. The resource center should make use of existing expertise and experience in the various parts of the business and not least the expertise of adopted people. They can, for example, contribute by holding exchanges of experience and arranging meeting places, or by providing support in tracing origins. An advisory body will also be attached to the Resource Center, which should include both researchers and internationally adopted persons.

9.4.1 There has long been a demand for a "center" where adoption-specific expertise is gathered

The 2003 adoption inquiry already proposed a national research and knowledge center. The inquiry's proposal meant that adopted people's growing-up and living conditions would be improved through a better knowledge base for professionals working with adoption-related issues.³⁵As we have previously described, the proposal was not implemented. The National Board of Health and Welfare also assessed in its 2022 survey that a structure is needed to collect, structure and communicate the knowledge that exists about adopted persons and adoption in order to strengthen knowledge management in social services and health care.³⁶Parts of the support that the resource center will offer according to my proposal are what MFoF offers today. It will continue to be offered by the resource center.

³⁵ SOU 2003:49.

³⁶The National Board of Health and Welfare's written response, received by the Adoption Commission on February 14, 2025; National Board of Health and Welfare (2022).

However, it is important that the new resource center benefits from and learns from the previous work of the MFoF.

In the interviews and focus groups we conducted, there was a consensus that adoption-specific support should be gathered in one place, in a national competence or resource center. There has been a consensus that an important task for such a center would be to compile and disseminate knowledge in the field of adoption to professionals who meet adoptees in their work and, if necessary, initiate new research and development in the field. There has also been a consensus that a pure knowledge or competence center is not enough, but that there is a need for direct support primarily to persons who have been adopted internationally. The direct support that is requested is discussion support, meeting places and forums for exchanging experiences, support in tracing origins and DNA searches, and legal advice. The interview study published by Mattias Strand and Natte Hillerberg in 2024 also revealed that many of their participants call for a single knowledge center where different aspects and needs related to transnational adoption are under one roof, including support and treatment, tracing and general legal advice, for example on issues of name change, dual citizenship and inheritance disputes³⁷

Bringing all support under one "roof" can increase the chances of who need support can find and get support. It is important that it is easy to find, that there is a perceived "low threshold" for making contact, that support is offered in different forms, in different places and without excessively long waiting times. At present, there is a great risk that those who are most in need of support will not receive any support. There are also significantly more women than men who seek support, and many men are reluctant to seek support even if they need it. Many also testify that adoptees and adoptive parents often wait too long to seek support. Many have had bad experiences of not receiving good support in mainstream care. For others, it has taken a long time to find suitable support. Adopted people have a statistically higher risk of suicide than the rest of the population. This makes it all the more important that adopted people have access to good support in time, and that the support is easily accessible. MFoF's experience is that for the vast majority, remote support works. With good digital accessibility, access becomes equal for everyone throughout the country and also for

⁽³⁷⁾M. Strand and N. Hillerberg (2024).

Swedish adoptees currently living abroad.³⁸An informative and guiding web portal is an important part of gathering and disseminating knowledge and "lowering the thresholds" for receiving information and support. It provides an entry point for internationally adopted persons to learn more about adoption-related issues, the support offered by the State and other tips and contacts. The web portal also provides an entry point and knowledge for the general public, relatives and persons who meet internationally adopted persons in their profession. It is important that such a web portal is known to the public, professionals and the target group itself.

Our proposal meets the majority of what several organizations for adoptees have expressed to the Adoption Commission in a joint statement. They are calling for a national knowledge center that stimulates research and disseminates knowledge through, among other things, training and counselling, coordinates tracing and DNA issues, and supports adoptees and their families after adoption. They suggest that a resource centre for intercountry adoptees should also bring together domestic adoptees, foster carers, children conceived through various methods of assisted reproduction using donated cells, and unaccompanied refugees. One option they suggest is for the resource center to collaborate and create synergies with opposing centers for those issues.³⁹It is possible to extend my proposal to more target groups.

9.4.2 Similar centers are being set up in other countries

In the Netherlands, an expert center for international adoptions was established in 2023; Expertisecentrum interlandelijke adoptie, abbreviated as INEA. INEA describes its mission as being the central place where all intercountry adoptees can turn to for support with questions about international adoption, with a particular focus on those experiencing problems around their adoption. Adoptive parents and other family members, as well as the

³⁸ Comments received from MFoF on draft text 2025-04-01.

³⁹ Adoptees' organizations' presentation in the Riksdag 2023-05-23; Letter to the Adoption Commission from Chileadoption.se, TAR, AEF, AKF, the SKAN network and AFO "Joint document to the Adoption Commission regarding the establishment of a knowledge centre for adoptees", received by the Adoption Commission 2024-09-16.

Parents can turn to INEA with certain questions.⁴⁰INEA collects and makes available research in the field of adoption and guides intercountry adoptees on where to go to search for their origins, do a DNA search, find their adoption file or get legal support. Since 2025, INEA offers direct support to families in the form of video home training, individual and group counseling.⁴¹INEA also works on building networks for adoptees and invites them to different types of events.⁴²

There are proposals to establish a competence center in Norway, in the report submitted by the Norwegian Public Health Agency in 2021. According to the proposal, the competence center will, among other things, be responsible for ensuring that all adoptive families are offered the opportunity to meet with a psychologist with knowledge of adoption during the first period after the adoption, as well as operating a telephone service staffed by health professionals with experience of adoptive families and adoption-related issues and challenges.

9.4.3 Competence centers are an established way to gather knowledge and offer support

Competence centers are today an established and relatively common form of pooling expertise in a given field. The main task is usually to gather and disseminate knowledge to professionals who meet the target group concerned in their work. However, there are competence centers that also provide direct support to the target group, such as the National Center for Women's Peace (NCK).

We have mapped eight national competence centers in Sweden to see what lessons can be learned from them.⁴⁴Some success factors that emerged from the study are that there should be a clear and delimited mission, stable funding, the right competencies, and a

⁴⁰ <https://inea.nl/over-inea/>. Retrieved 2025-01-16.

⁴¹ Email to the Adoption Commission from INEA on February 27, 2025.

⁴² Meeting with INEA in Houten 2023-10-03.

⁴³Norwegian Institute of Public Health (2021), *Bedre føre var OG etter snar. Selection and follow-up of adoptive families: Experiences and recommendations*, p. 12.

⁴⁴National Center of Excellence for Care of the Elderly (NKÅ), National Center of Excellence for Suicide Research and Prevention (NASP), National Center of Excellence for Relatives (NKA), National Center for Women's Peace (NCK), National Center against Honor-Related Violence and Oppression (NCH), Barnafriid (BARNAF), Swedish Dementia Center (SDC) and Västra Götaland Region's Center of Excellence on Domestic Violence (VKV).

that the centre is hosted by an existing host organization and that there is credibility with the target group and high accessibility.

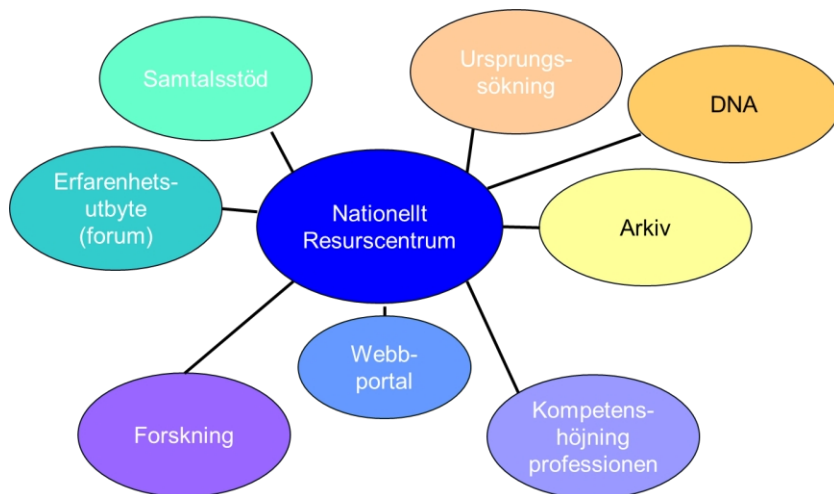
Compensatory centers are often run by a region, government agency or university as a host organization, but there are also those that are run in the form of a separate foundation. The number of staff is often between 10 and 30 full-time employees. All the competence centers included in our mapping highlight the importance of cross-functional teams with different backgrounds. To achieve credibility, it is important that the center is responsive and has a beneficiary perspective. One way to ensure the relevance of the competence center and get feedback is to use user participation or focus groups. Funding for a competence center is usually through grants via an agency's appropriation bill, but can also come from external funds for research and individual projects. However, applying for external funding requires extra resources and administration, which takes time away from the main mission. Stable funding with a multi-year approach is stated as important for a competence center to be established and function in the long term. In addition, the mission of a competence center needs to be clear both internally and externally. Internally, staff need to understand their role and mandate. Externally, other actors need to understand the mission and target group of the competence center. Centres of Excellence that offer direct support to individuals require more resources as well as more practical, emotional and legal expertise than those Centres of Excellence that target only the profession ⁽⁴⁵⁾.

9.4.4 Adoption-specific support should be gathered in a national resource center

Based on what has emerged in our investigation, in previous investigations and studies and comparisons with other countries and other policy areas, my assessment is that a national resource center for adopted persons and adoption issues should be established. It should gather and coordinate the adoption-specific support offered by the state. The figure below shows the elements that such a center should include.

⁴⁵Governo. *Mapping of national competence centers in Sweden*, 2024-01-30.

Figure 9.1 Summary of the support that a resource center should offer



A resource center provides the conditions for easily accessible and competent support

It is important to ensure that those in need of support are aware of this resource center and the support offered, and that the support is easily accessible. The resource center will be a clear entry point for adoptees who need support and for professionals who work with adoptees. Some support should also be available to adoptive parents, the adoptee's other family members and relatives.

Some important starting points have been that the support should be easily accessible, well organized and offered with high and broad competence. My assessment is therefore that the resource center should be nationally governed and coordinated, while certain parts, such as the counseling support, should be spread out and available in different parts of the country. The resource center should make use of existing expertise and experience in the various parts of the work and not least the expertise of adopted persons. They can contribute, for example, by holding exchanges of experience and organizing meeting places, acting as a "buddy on call", "cultural interpreter" or providing support in tracing origins. Another way of making use of the expertise and experience available is to set up an advisory body at the resource center, which includes researchers

and people who are adopted or have other relevant experience and skills are included. The skills and experience of adoptees can be harnessed and they are also given the opportunity to influence activities. An advisory body provides researchers with the opportunity to understand what knowledge needs exist and, on that basis, can assist in assessing what can be addressed by compiling existing research and in what areas new studies are needed.

A resource center should bring together both awareness-raising support and direct support to the target group

I believe that a resource center for adopted persons and adoption issues should offer direct support to internationally adopted persons as well as knowledge-enhancing support to relatives, the general public and not least to professionals who meet adopted persons in their work. The direct support for adopted persons should include developed support for discussions and support in searching for origins, but also an informative and guiding web portal and the possibility of general advice by telephone, for example in questions about archives, DNA and legal issues. A resource center should also provide meeting places and forums for adoptees to exchange experiences. Support for professionals who meet adoptees in their work should be provided through the dissemination of knowledge on the web portal, telephone counseling and specific training activities.

The starting point has been to submit proposals that are based on and strengthen existing activities and structures within government as far as possible. The proposal is partly a further development of the support measures that MFoF provides today, where both knowledge-enhancing support and direct support are offered. An alternative to gathering support for internationally adopted persons in a resource centre with both knowledge-enhancing support for professionals and direct support for the target group is to rely more on the ordinary structures that exist in municipalities and regions. In this case, direct support to adoptees would be provided within social services and existing health care. The adoption-specific competence of various professionals would be increased by using existing structures for knowledge management in the state, where the National Board of Health and Welfare manages both social services and health care. This structure could be complemented by a pure competence center with the task of offering knowledge and

raising awareness among relevant professionals, promoting research in the field, providing forums and exchanges of experience, and otherwise disseminating information and knowledge on adoption issues.

However, I do not believe that these options would be sufficient to meet the needs that exist, either in the short or long term. In the short term, there is a risk that many adoptees will not receive the support they need at all. In the long term, while knowledge and skills can be built up in different places, this is challenging as internationally adopted persons are a relatively small group. Unlike an agency that has internationally adopted persons as its main target group, it is difficult for staff in both social and health services to gain sufficient experience and expertise to provide adequate support and assistance. Relying on ordinary activities would neither produce sufficiently good results nor be cost-effective. I believe that both general and targeted upgrading of skills within mainstream services is important, but that it is not sufficient to meet the needs of adopted persons and to fulfill the requirements of the 1993 Hague Convention.

One objection to the state offering direct support to individuals is that it could be problematic to give a "fast track" to this particular group. However, Sweden has a special responsibility for intercountry adoptees. According to the HCCH, States must do everything in its power to fulfill this obligation and meet the needs of both adopted persons and their families.⁴⁶This is not being met today.

One risk of gathering support for adopted persons in a resource center may be that the regular health care and social services will shirk their responsibility by instead referring adopted persons seeking care and support to a resource center. However, the support should be complementary and should not replace the responsibilities of municipalities and regions. Some adoptees who turn to the resource center may be referred to mainstream care - where there should eventually be more professionals who have undergone training at the resource center and increased their adoption-specific skills. Other people who have initially turned to primary care may be referred to the resource center, if the health care professionals consider the problems to be adoption-related.

⁴⁶HCCH (2008), p. 125.

Social services have a responsibility to provide support and assistance to adopted children and their families after adoption, but no specific responsibility for adult adoptees. This is where the resource center fills a gap. Social services also have no specific responsibility for support in tracing origins, but should, according to the MFoF's general advice, offer advice and support when an adopted person requests information about his or her adoption and information about where he or she can go to find out more about his or her origins.⁴⁷ It is reasonable that social services can then direct people to the resource center.

One advantage of a government-funded national resource center is that it ensures resources for adoption-specific support and that more equal support can be offered to internationally adopted persons.

9.5 The Resource Center will offer a highly skilled and accessible counseling service based on freedom of choice

The investigator's assessment: The counseling support currently provided by MFoF does not sufficiently meet the requirements for adoption-specific competence, accessibility and freedom of choice. Although many of those who have used the counseling support are satisfied, there are also those who are dissatisfied and those who, for various reasons, do not want to use the counseling support. This means that there is a risk that individuals in need of support will choose not to take advantage of the support offered.

The investigator's proposal: The national resource center should establish an adoption-specific counseling support for international and domestic adoptees based on freedom of choice. The support should be long-term and offer broad and high adoption-specific expertise with high availability. The support should include individual counseling and counseling groups for adopted persons and adoptive parents. Unlike today, it should also be possible to offer support to adoptees under the age of 15 after individual assessment. The support should be free of charge.

⁴⁷MFoF (2022), *General advice (HSLF-FS 2022:25) from the Swedish Agency for Family Law and Parental Support on the handling of intercountry adoption cases by the social welfare board.*

9.5.1 There is a great need for adoption-specific counseling

There is a great need for adoption-specific counseling support among adopted persons. This is shown by the interviews and focus groups that we conducted, but also by the evaluations that MFoF has made of the existing counseling support.⁴⁸ Many adopted people share similar experiences and difficulties, such as a sense of loneliness, fear of being left behind and difficulties in close relationships. Many have also experienced racism and racialization in various forms. Other themes also recur in our interviews and focus groups. These include, for example, feelings of gratitude, exclusion and alienation, discrimination and sexual harassment.

Media reporting on irregularities in international adoptions to Sweden has also raised issues of identity, origin and belonging that many adoptees have not previously confronted and need to address. Another growing need is support in connection with journeys of origin.

While adoptees share similar experiences and difficulties, each one has unique experiences, partly due to events both before and after adoption. The need for counseling support is therefore highly individual. Moreover, adoption is a life process and the need for support can therefore vary at different stages of life, both in terms of the extent of the need for support and the type of support needed. Our interviews and focus groups suggest that support can be particularly important at certain life stages or particular life events, such as during adolescence, when pregnant or becoming a new parent, when relationships begin or end, when a parent dies, or when a person becomes seriously ill or is at the end of their life. Reuniting with your birth family can also be a complex process that can bring up different thoughts and feelings.

Reactions can come long after a reunion. Adoptive parents can also be in need of support, as our focus groups show. This can be about being supported in their parenting and being a good support to their child. Adoptive parents may also need support if irregularities come to light.

⁴⁸MFoF (2024), *Final report Adoption-specific professional counseling support for adoptees and adoptive parents*, p. 8 ff.

9.5.2 Today's call support through MFoF

Counseling for adoptees over 15 and adoptive parents

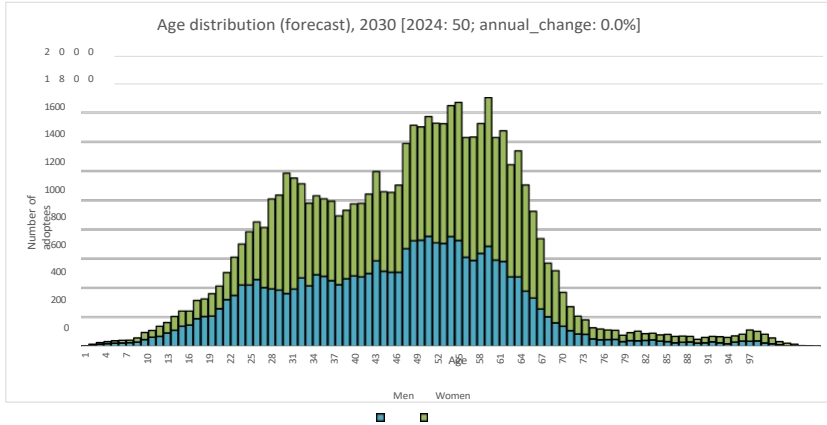
Since 2020, MFoF has offered professional counseling to adoptees aged 15 and over. From 2022, support will also be offered to adoptive parents. The support is aimed at both internationally and nationally adopted persons. MFoF has contracted Apoteksgårdens Kognitiva Center AB through procurement to offer the support. The counseling support consists of individual psychotherapeutic support sessions and group sessions conducted by licensed psychotherapists and licensed psychologists. The support is a complement to regular health care and includes counseling, not treatment. This means that people with needs that are deemed to be more extensive than what the counseling support can offer are referred to regular health care. The group sessions consist of six meetings based on different themes. The individual conversations have mostly been offered digitally, but it has also been possible to book physical meetings in a few locations. There has been no limit to the number of individual conversations other than that the individual is offered a maximum of one conversation per week. Available resources and the individual's needs have governed the scope of the counseling support. It is not possible to receive individual counseling and participate in group counseling at the same time. Counseling is free of charge⁽⁴⁹⁾.

From the start of the counselling service on September 1, 2020 until October 31, 2024, a total of 792 adoptees and 136 adoptive parents have received counselling. More women than men have used the counseling service. It is not clear from the statistics how many children have received counseling. A total of 18 individuals in the 15-22 age group have received support. Of the total of 173 individuals who sought support in 2024, 20 were referred to other care. The average number of counseling sessions is 6.8 per individual. The average number of contacts for adopted women is 6.7 and for adopted men 7.1.⁵⁰ According to representatives of Apoteksgården, the fact that there is no maximum number of calls has led to the creation of a queue for

⁴⁹MFoF. *Final report Adoption-specific professional counseling support for adoptees and adoptive parents*. Government commission S2021/08111 (partial). December 2024.

⁵⁰MFoF. *Final report Adoption-specific professional counseling support for adoptees and adoptive parents*. Government commission S2021/08111 (partial). December 2024; Meeting with Apoteksgården on June 14, 2024.

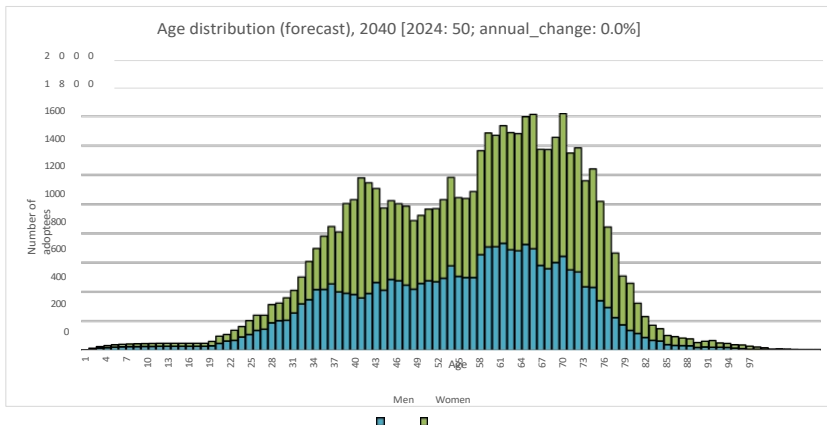
Figure 10.3 Projected age distribution of international adoptees (women and men) in 2030



Source: Governo (2025).

As shown in Figure 10.3 above, the age group 25-35 as well as the age group 45-65 have increased in number in 2030. This partly concerns the age groups that have benefited to a large extent from MFoF support in 2024, and one could thus assess that the demand for support would remain high in these groups.

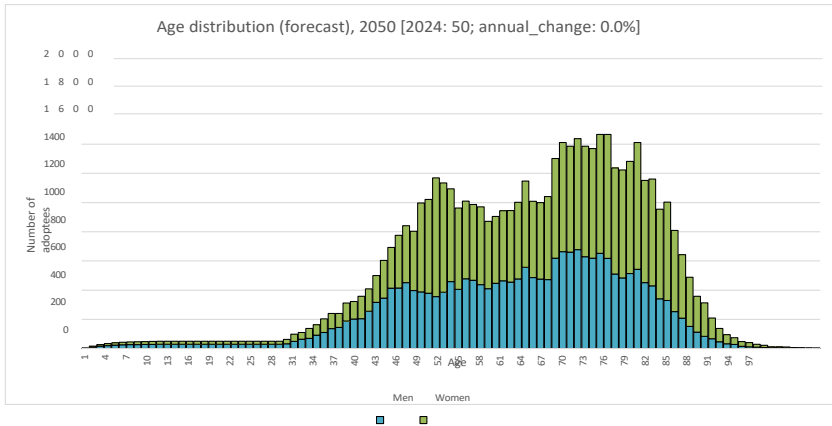
Figure 10.4 Projected age distribution of international adoptees (women and men) in 2040



Source: Governo (2025).

Figure 10.4 shows the age distribution in 2040 and shows that the 35-45 and 55-75 age groups are now the largest. The younger group corresponds well with those who currently request support from MFoF, but the older age group is also large and may request different forms of support.

Figure 10.5 Projected age distribution of international adoptees (women and men) in 2050



Source: Governo (2025).

From Figure 10.5 above, we can see that the largest age groups are now the 40-50 age group and the 65-75 age group.

Executive summary

The forecast model shows a future age distribution of the group of internationally adopted persons based on the current demographic structure. It shows that the average age of international adoptees will increase by 2050 and that the total number of international adoptees in Sweden will decrease from the current 58,000 individuals to around 50,000 individuals by 2050.

The 20-30 age group is large in 2030 and then declines. For the 47-54 age group, we first see a slight increase until 2030 (from around 11,000 to just over 12,000 individuals), then a decrease until about 8,000 individuals in 2050. For the 55-62 age group, there will be a significant increase from the current 3,000 to over 12,000 individuals

For the age group over 63 years, there will also be a marked increase from around 3 500 individuals today to around 25 000 individuals in 2050.

The overall picture is that there will be a roughly equal group of intercountry adoptees until around 2050, who are of an age where they may require adoption-specific support. After 2050, the group will decrease in number and thus also the need for support. The projections show that adoption-specific support will need to be offered for several decades to come even if the number of adoptions continues to decrease or remains at the current level. At the same time, it becomes clear that the need for support will eventually diminish. By 2080, if the influx of adoptions does not increase, there will be only a small group of adoptees who may need support.

However, we still know very little about how the demand for support will develop in different age groups. The need for support may vary with age, for example, the needs of a 30-year-old may be different from those of a 65-year-old. As support needs are lifelong, they may also vary at different stages of life, and support may therefore need to be adapted to the age distribution at different times. What is relevant today may not be as relevant in 20 or 30 years.

10.13.3 Costs of adoption-specific support

This section reviews the costs of the adoption-specific support proposal. The cost estimates include costs for the national resource centre for adopted persons and adoption issues, costs for government grants to organisations for support in tracing origins, costs for grants for return travel and costs for research in the field of adoption. In the cost estimate for the resource centre, we indirectly account for the intended savings resulting from the proposal to discontinue the mediation activities for international adoptions. Finally, we present the total costs of the proposals and how they could be financed.

Costs of the National Resource Center for Adopted Persons and Adoption Issues

The foetus

As stated in section 9.14, the proposal is that the National Resource Center for Adopted Persons and Adoption Issues will be established on 1 September 2026 as a separate unit at the MFoF, located in Stockholm. In order to provide a high level of geographical accessibility, the resource center shall have premises in central Stockholm. The Resource Center shall comprise twelve FTEs. This includes a manager, a person who coordinates the counseling support, a person who will work with legal support and general legal competence. Five staff members will build up and provide origin search support and support in case of suspected irregularities. Two of the posts will be fixed-term project posts, which may consist of several part-time posts or shorter project posts. Two staff members will work on knowledge support to the profession and on research-related issues. In addition, two FTEs are included to support communication, finance and IT-related issues related to the Resource Center. The support resources can possibly be partly utilized based on existing staff within MFoF, but we estimate costs for 2 FTEs.

According to the proposal, the special assignment of interview support, for which the MFoF currently receives special grant funds, is to be included as a task in line with the instructions for the resource center and financed by an administrative appropriation. The administrative appropriation will also cover costs for premises, the production of reports and evaluations for the resource center, as well as costs relating to the resource center's assignment of origin search, support in cases of suspected irregularities and knowledge support and research.

Calculation of the cost of the test center

The costs of the proposal include the staff of the Resource Center, the premises of the unit in Stockholm and the costs related to the activities of the Resource Center as described above.

The Resource Center will comprise twelve FTEs. In our calculations, we have assumed a standard cost for staff at the Resource

the center at SEK 1 million per annual employee. We therefore estimate the resource center's staff costs at SEK 12 million per year.

Other costs related to the Resource Center's activities are: tracing; support in cases of suspected irregularities; reports and evaluations; training, conferences and networks. We estimate the costs at 1 million per item per year, i.e. a total of SEK 3 million.

Costs for premises are based on ESV's guideline rents for group 1 (Stockholm inside the customs), which for 2026 are SEK 4,800 per square meter per year.¹⁴We assume a premises area of 250 square meters to provide space for meeting rooms and other types of gathering areas that can be used for exchanges of experience and other gatherings in addition to workplaces. This means a cost of premises of SEK 1.2 million per year.

Other costs for the resource center are IT support, travel and other costs, which we estimate to amount to SEK 2.7 million per year.

A summary of the estimated costs of the Resource Center for the period 2026-2028 is presented in Table 10.1 below. The costs for 2026 are based on the assumption that the Resource Center is established and starts its operations on 1 September 2026.

Table 10.1 Costs for the National Resource Center for Adopted Persons and Adoption Issues per year for the period 2026-2028

Cost item	Year 2026	Year 2027	Year 2028
Human Resource Center	4 000 000	12 000 000	12 000 000
Operational costs			
	1 500 000	3 000 000	3 000 000
Local	400 000	1 200 000	1 200 000
Other costs	1 700 000	2 700 000	2 700 000
In total	7 600 000	18 900 000	18 900 000

We consider the costs of the Resource Center to be stable over time, assuming that the activities will continue at the scale we propose. Over a 10-year period, a PLO uplift for salaries and an increase in the cost of premises can be assumed.

¹⁴ESV statistics on benchmark rents, 2015-2026. 2015-2026 - Benchmark rents . Retrieved 2025-03-31.

rent. The benchmark statistics show that the pattern for group 1 is an increase of about 60% in 10 years¹⁵.

Calculation of the cost of call assistance

The assessment is that there is a great need for counseling support and that the proposal for a counseling support with broader and deeper expertise, higher availability offered through more providers in different parts of the country will lead to an increased demand for support.

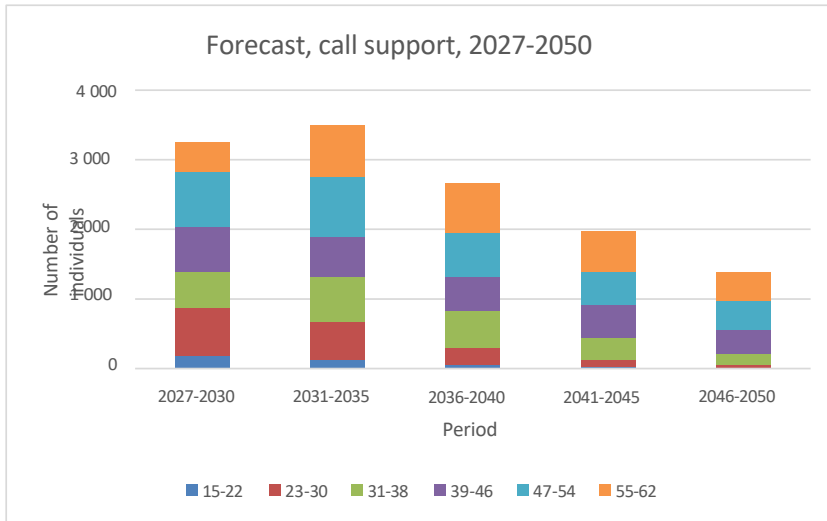
In terms of costs for external call support, we estimate that the cost amounts to SEK 10 million per year when the call support is in place, is well known and is used to its full extent. For 2026, we estimate the cost of the counselling support to be SEK 4 million, which is the difference between SEK 10 million and MFoF's budget for the existing counselling support, which expires in 2026. We believe that it is better to start with a certain budget per year and adapt the supply of counselling support on that basis. However, if demand increases, the budget can be increased. Our assessment is that the demand for counseling support will increase compared to today, which results in an increased cost and thus requires a higher budget.

The cost or budget for call support could also be calculated based on an assumed demand for support and an assumed unit cost per call. However, this would require us to have knowledge of or make assumptions about the number of calls and unit cost. We have chosen not to make such a calculation. Nevertheless, in order to give a picture of how demand for counseling support may look over time, we have commissioned such a calculation based on the demand for MFoF's counseling support multiplied by four, i.e. we expect a fourfold demand for support. We base this on the assumption that the same number of people who have taken part in MFoF's counselling support may have received psychosocial support from, for example, adoption organizations, adoptees' associations and psychotherapists in private practice, and that some of them will turn to the proposed counselling support in the future. We also base this on the assumption that demand will be able to double due to increased awareness of the support and increased quality and satisfaction. We have also compared our assumption of future demand for support with how much

¹⁵ESV statistics on benchmark rents, 2015-2026. 2015-2026 - Benchmark rents . Retrieved 2025-03-31.

proportion of all adopted individuals who receive similar counseling in Denmark each year. It turns out that our estimate of demand is very close to the outcome in Denmark. Figure 10.6 shows a forecast of the number of future applicants for counseling for different time periods.

Figure 10.6 Projection of the number of future applicants for counseling in different age groups 2027-2050 (conversion factor 4)



Source: Governo 2025.

The figures in the forecast show the number of individuals. If one wishes to calculate the number of calls instead, all values must be multiplied by the average number of calls per individual. This model can be used to calculate the scope of an interview support and is adapted based on the maximum number of support sessions per individual.

Net cost of the operation and financial intermediation

The costs of the proposal to establish a national resource center should be compared with the MFoF's current activities and the effects on the MFoF's activities and costs of the proposal to dismantle the international adoption agency and the proposal to strengthen legal certainty in international adoption.

The MFoF's allocation for international adoption activities amounts to SEK 13.2 million for 2025. The authority has also received SEK 9.8 million in special grant funds for 2025 for the assignment of call support, origin search and national contact point for irregularities. For 2026, the Government estimates that SEK 8.8 million will be allocated for the assignment, assuming that the Riksdag allocates funds for the relevant appropriation.¹⁶For 2025, the MFoF thus has a total of SEK 23 million for international adoption activities.¹⁷Assuming that the annual appropriation is the same for the period 2026-2028 and that the grant funds for 2026 also apply to 2027 and 2028, the MFoF's annual budget for 2026-2028 amounts to SEK 22 million. For 2026, there will be some overlap with existing missions, which will need to be addressed in the allocation of funds to the Agency. We are therefore focusing on 2027-2028 in terms of funding.

The MFoF's existing budget for 2027-2028 can be compared with the estimated costs of the proposals for 2027 and 2028 of SEK 28.9 million. The MFoF's international adoption activities currently comprise just over ten full-time employees in the international adoption activities and one manager. Of these, five work with authorization and supervision of intermediation activities and issues relating to individual adoptions. Four work with tracing origins, legal support and with the contact point for irregularities, and just under one FTE works with knowledge support for the social welfare committees.⁽¹⁸⁾The proposal to discontinue the intermediation activities means that the tasks relating to authorization and supervision of intermediation activities through adoption organizations will disappear from the MFoF. However, we believe that the proposal to strengthen legal certainty in international adoption will require slightly more resources than at present. We consider that the need for support for social services in international adoption matters is the same. Overall, we estimate that four FTEs will be saved through our proposals in these areas. The five FTEs currently working on tracing origins, legal support and with the contact point for irregularities will be included in the activities relating to a national resource center. This means funding for nine out of twelve FTEs (SEK 9 million). We are aware that

¹⁶Ministry of Health and Social Affairs 2025-01-23 *Assignment to the Authority for Family Law and Parenting support to provide support to international adoptees and adoptive parents*. S2025/00113.

¹⁷ Telephone conversation with MFoF 2025-03-31.

¹⁸MFoF 2025-02-28 Estimated costs for an intercountry adoption resource center.

during a transitional period, there will be a need for staff at MFoF to ensure a controlled phasing out of the intermediation activities, but have not calculated the costs for this. As regards the call support, our budget is SEK 10 million compared to MFoF's budget of SEK 6 million. Based on the fact that the grant for 2026 amounts to SEK 8.8 million, there are additional

SEK 2.8 million that can be used to finance the external counseling support. In addition to this, there are funds from MFoF's appropriation that, based on the new assignment of a national resource center, should be transferred to finance the resource center. Based on a simplified calculation, we estimate that this amounts to approximately SEK 2.2 million (SEK 13.2 million minus SEK 10 million for staff and 1 million for premises etc in Skellefteå). In total, this provides funding from existing funds from MFoF of SEK 20 million.

The difference with our budget for the resource center for 2027 and 2028 is thus SEK 8.9 million, which requires additional funding. The renewed assignment given by the Government in January 2025 to the MFoF, which includes the parts to be included in the resource center's activities - call support, origin search and contact point for irregularities - is financed through Expenditure Area 9, appropriation 4:7 Contributions to the development of social work, etc, appropriation item 11 Social work development - part to the Agency for Family Law and Parental Support.¹⁹As this assignment is proposed to be made permanent and included in the MFoF's and the resource center's instructive assignment, it is proposed that funds from appropriation 4:7 be transferred to the MFoF's administrative appropriation and increased by an additional SEK 9 million to fully finance the resource center.

Proposal to cover the cost of surface gate funds under the 4:/ appropriation

The mandate for a resource center and adoption-specific counseling support aims to fulfill Sweden's obligations under Article 9(c) of the 1993 Hague Convention to promote adoption counseling and post-adoption assistance and support. According to the HCCH, States must make every effort to fulfill this obligation, which includes meeting the needs of both adopted

¹⁹Ministry of Health and Social Affairs 2025-01-23 *Assignment to the Authority for Family Law and Parental Support to provide support for international adoptees and adoptive parents*. S2025/00113.

persons and their families. It has long been known that internationally adopted persons have a special need for support, but despite this, it was only in 2021 that support began to be offered. I therefore believe that there are very strong reasons for the Riksdag and the Government to provide the additional funds required to finance the resource center and counseling support as I propose.

If the remaining costs of 8.95 million cannot be financed through an increased allocation, this would require a significant reduction in the level of ambition of the resource center and the counseling support. I believe that this would be highly inappropriate, but nevertheless offer the following suggestions for action to deliver a fully funded proposal:

1. Reduce the costs of support for communication, economy and IT-related issues by fully utilizing existing resources within MFoF. This results in a reduced cost of SEK 2 million.
2. Reduce the item other costs by SEK 1 million.
3. Reduce operational costs related to origin search, support in case of suspected irregularities, reports and evaluations, training, conferences and networks from 3 to 2 million.
4. Reduce the number of FTEs in the Resource Center working on origin search from 5 to 4 FTEs.
5. Reduce the budget for call support by SEK 4 million to the current budget of SEK 6 million.

With these measures, there is a funding proposal for a National Resource Center for Adopted Persons and Adoption Issues that represents a significant reduction in ambition but is fully funded. The measures would cut one third of the proposed budget for the resource center. The level of support would be the same in terms of resources as the counseling support currently offered through the MFoF, i.e. a zero option. Such a drastic cut would send a very negative signal to the internationally adopted and once again show that the state is not willing to fully assume its responsibility and offer long-term support with high quality and accessibility.

Cost of government grants to organizations for support in origin search

The foetus

As stated in section 9.13, the proposal is that the Government should adopt an ordinance on government grants for a pilot project involving organizations that assist adopted persons in their search for origins. The proposal is important in order to make use of the expertise that exists within civil society. The organizations that receive government grants can provide more concrete and practically oriented support than the more general support that the resource centre can provide. In addition, the proposal involves the target group, which contributes to increased legitimacy for the activities. It also enables adoption organizations that have mediated adoptions to contribute their knowledge and experience.

The establishment of the activities should take place in stages and begin with a pilot project to test the activities on a smaller scale, so that they can then be followed up and evaluated. MFoF will be the responsible authority for decisions on grants and payments, and will be tasked by the government with coordinating and evaluating the pilot project. MFoF is also proposed to be given the right to issue regulations on the requirements that may be imposed on civil society organizations in order to receive the government grant.

In order for stable, high-quality activities to be established and evaluated over time, long-term funding is needed. The proposal is therefore that it should be possible to make decisions on government grants for three years, but that the grant should be awarded annually and subject to the availability of funds. This presupposes that the Riksdag decides on a so-called commissioning authority, which sometimes occurs for grants that are fully or partially distributed to civil society organizations with the aim of to create stability and sustainability.²⁰

²⁰SOU 2023:40 *Fötbäddat möjlighetsghetet för barn att riktäva ssa tättghetet enligt barnkonven- tsonen*, p. 512.

Calculation of the cost of the measure

It is proposed that the government grant for an experimental activity with organizations that assist adopted persons in tracing their origins amount to SEK 5 million per year. The regulation is proposed to enter into force on September 1, 2026 and to be applied for the first time for state grants for the year 2027. This means that funds for state grants will not begin to be paid until 2027.

Our calculations have been based on a flat-rate amount of SEK 1 million per annual employee. This means that, from the second year onwards, the government grant should be able to finance five full-time employees or ten half-time employees or the equivalent. A starting point has been that there should be a balance between how much of the support in tracing should be provided by the resource center and how much of the activities should be outsourced to civil society. According to my proposal, the number of FTEs at the resource center who work to build up and offer support in tracing and support in the event of suspected irregularities will be the same, i.e. five FTEs. A government grant of SEK 5 million also makes it possible for more than one actor to receive a grant, which we consider to be important so that the skills and experience of different actors can be used. It also provides greater freedom of choice for an adopted person who wants to search for their origin. The cost during the first year will thus be SEK 3 million and SEK 5 million thereafter. After three years, the pilot project should be evaluated, but the intention should be to continue funding the project. Our forecasts for the future need for support in tracing origin up to 2050 show that there will be a need for support in tracing origin throughout this period, and therefore for the proposed government grant.

The establishment of the footwear

The proposal can be partly financed by the current government grant of 1.8 million to authorized adoption societies and national organizations for adoptees, which are funded via the MFoF's administrative appropriation. Today, 10 percent of these funds can be used by adoptees' associations, i.e. SEK 180,000. The remaining 1.62 million can currently be used by adoption agencies for the

mediation activities. Since, according to our proposal, mediation activities will cease, this SEK 1.62 million can instead be used to finance the new government grant to organizations that assist adopted persons in their search for origins. The new government grant should not be financed via the MFoF's administrative appropriation, but via the special appropriation 4:7 Grants for the development of social work etc. within expenditure area 9.

One possibility for financing the remaining costs of the proposed government grant is to use SEK 3.38 million from another appropriation item under appropriation 4:7. Under appropriation 4:7 Grants for the development of social work, etc. (ap.3), the National Board of Health and Welfare currently has almost SEK 52 million at its disposal for grants to organizations in the social field. These funds are distributed in accordance with the Ordinance (2011:1062) on government grants to certain organizations in the social field etc. The purpose of the government grant is to support the development of a civil society that helps people who are in or at risk of being in a vulnerable living situation to improve their living conditions, or to create the conditions for good health on equal terms for the entire population.

Cost of financial assistance for return travel

The foetus

Adopted persons should be able to receive a financial contribution to enable them to travel to their country of origin. It shall be possible to provide a return travel grant to persons over 18 years of age who have been adopted from abroad to Sweden before the age of 18 by someone resident in Sweden. The grant will be paid for actual costs for travel to and from the adopted person's country of origin, up to 25 percent of the price base amount, which corresponds to a maximum of SEK 14,700 in today's money. The grant will replace the current adoption grant that adoptive parents can receive after an adoption mediated by an authorized adoption organization. The allowance will be paid in arrears against an account of expenses and will be administered by the Swedish Social Insurance Agency.

Calculation of the cost of the measure

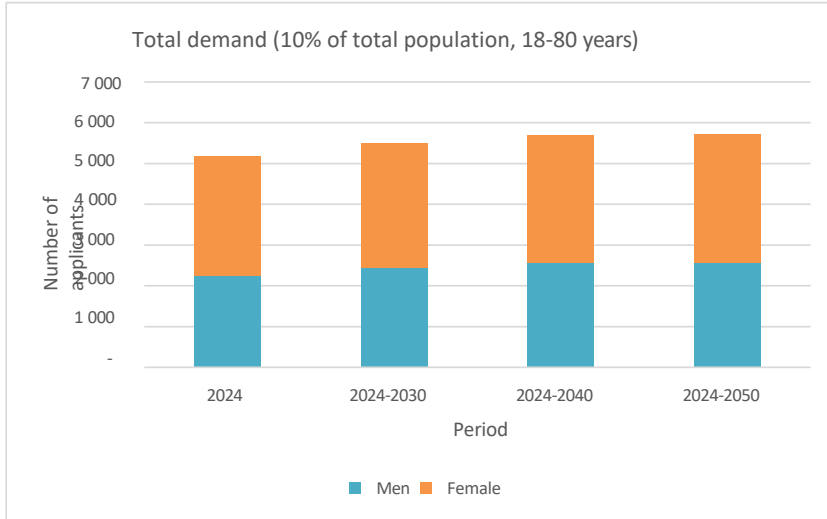
The calculation of the cost of a travel grant needs to be based on an estimate of the demand for the support based on the size and composition of the target group. Unlike the interview support and the assistance in tracing, there has so far been no support in the form of a travel grant. There is therefore no historical data on which to base estimates of the number of individuals who might seek support in the future. We therefore need to make assumptions about the proportion of the target group of internationally adopted persons who will want to use a travel grant. It is reasonable to assume that the demand for a return travel grant may be greater than for other grants.

One assumption is that return journeys may be requested by people aged between 18 and 80. Statistics Sweden's population statistics on the number of internationally adopted persons in Sweden in 2023 show that this group amounts to just over 50,000 individuals. If all these individuals were to apply for a travel grant with a maximum amount of SEK 14,700, the total cost of the grant would amount to SEK 735 million. However, the demand for a subsidy depends on many different factors, including the subsidy itself, how well known it is and how easy it is to apply for. Another factor is age, where the interest in traveling to one's country of origin may be greater for some age groups than for others. An individual may not be interested in a return journey at one point in life, but at a later point. However, we make the assumption that not all individuals will apply for a travel grant, at least not directly and at the same time.

Based on the number of internationally adopted persons in the age group 18-80 for 2024 and at the points in time 2030, 2040 and 2050, we make a demand forecast based on the assumption that 10% of the target group will apply for travel grants.²¹The demand forecast is shown in Figure 10.7.

²¹Governo (2025), *Internationella adoptivsoner: prognoser för framtida efterfrågan på stöktöd. Sublevel 2: Prognoser for the end of the support period, 2025-2040.*

Figure 10.7 Projection of total demand for travel grants, 10 percent of all 18-80 year olds, different periods



Source: Governo 2025.

Assuming that 10% of the target group of international adoptees aged 18-80 would request a subsidy, just over 5,000 of the target group aged 18-80 would apply for a travel grant when a travel grant is introduced. If the period is extended until 2030, an estimated 5 500 individuals would apply for a travel grant. By 2050, around 5 800 individuals would apply for the allowance if demand is at 10%. Based on this assumption, the cost of a subsidy would amount to a maximum of SEK 73.5 million if all 5,000 individuals aged 18-80 applied for the subsidy when it is introduced in 2026. A calculation calculation up to 2030 shows that the cost would amount to a maximum of SEK 80.8 million. Assuming that all these individuals do not apply for a travel allowance in the first year but are evenly distributed over the period 2026-2030, this means a cost of just over SEK 16 million per year for these five years. By 2050, the total cost would amount to a maximum of SEK 85.2 million.

A comparison with the cost to the State of the adoption of a child

The cost of a travel grant can be compared with the adoption grants paid since 1989 to individuals for expenses in connection with the adoption of children from abroad. The allowance related to adoptions arranged through an adoption organization. From 1989 until 1991, the maximum amount was SEK 20 000. The grant level was changed in 1991 and amounted to a maximum of SEK 24 000.

From 1997 a fixed amount of SEK 24 000 was introduced. From 2001, the allowance amounted to a fixed amount of SEK 40 000. The last increase was made in 2017 when the allowance was raised to the current level of SEK 75 000.

To compare these costs, we have calculated the total amount paid in adoption subsidies since their introduction in 1989. The calculation is based on the number of mediated adoptions from 1989 to 2024 and the amounts of subsidies that applied at different times. The calculation is shown in Table 10.2 below.

Table 10.2 Cost of adoption allowances 1989-2024

Amount at current value

Period and level of adoption allowance	Number of mediated adoptions	Cost of the adoption allowance
1989-1990: grant max 20 000 SEK	1 381	27 620 000
1991-1996: maximum grant of SEK 24,000	4 860	116 640 000
1997-2000: grant SEK 24 000	3 394	81 456 000
2001-2016: grant SEK 40,000	10 518	420 720 000
2017-2024: grant 75 000 SEK	1 029	77 175 000
In total	21 182	723 611 000

Source: Statistics Sweden and MFOF's statistics on the number of mediated adoptions and statistics from adoption organizations.

According to the calculation, almost SEK 725 million in today's money has been paid out in adoption allowances since the allowance was introduced in 1989 and up to and including 2024. However, the actual amount paid out may be lower for the period 1989-1997, when the amount was not fixed but amounted to a maximum amount. In light of the costs associated with foreign adoption during this period, however, we can assume that the maximum amount was still paid in most cases.

In other words, the total subsidy paid by the state since 1989 to those who have adopted a child from abroad is

very comparable to the total cost of a travel grant of up to 25 percent of the price base amount, or a maximum of SEK 14,700 in today's money for all internationally adopted persons aged 18-80, which would amount to SEK 735 million. However, as we have shown above, we do not believe that all internationally adopted persons will apply for this grant.

The establishment of the footwear

On the basis of the above comparison, I consider it both fair and reasonable that a travel grant for internationally adopted persons should be financed by the State. It provides a clear shift from a subsidy for international adoption to a subsidy for those persons adopted to Sweden at different times.

Based on our assumptions and calculations above, a travel grant where 10 percent of the target group aged 18-80 "directly" apply for the grant would amount to SEK 73.5 million. In order to finance this, Parliament and the Government would need to assess that the costs paid out over time in adoption grants justify the corresponding amount being set aside at one and the same time to finance a travel grant - this could be seen as "retroactive financing".

One option that allows full financing of the proposal is to spread the costs over time. At present, SEK 15 million has been set aside in expenditure area 12, appropriation 1:4 for the adoption grant. In view of the fact that a small number of adoptions are currently carried out and that the funds for the grant are therefore not used, these funds should instead finance the travel grant for internationally adopted persons. This solution would allow 1,000 international adoptees to receive a travel grant each year. This would almost cover the 16 million per year that we showed above is needed to finance 10% of all intercountry adoptees applying for the travel grant evenly over the period 2026-2030.

Cost of research on adoptees and adoption

The foetus

As stated in section 9.11, the proposal is that the resource center should identify the need for new knowledge in the field of adoption and, on the basis of such a needs analysis, promote the necessary research and knowledge development. There is widespread agreement that knowledge and expertise on adoption-related issues need to be increased in society, and this is particularly important for professionals who work with adoptees. In order to generate new knowledge that can be used by professionals working with intercountry adoptees, relevant and applicable research needs to be promoted.

The resource center should communicate the need for research to relevant research bodies and research funders. The proposal also means that the government and research funders should draw attention to the issue of adoption in future initiatives and allocate funds to stimulate research in the field of adoption, for example through calls for funding for research projects in the field of adoption. The resource center shall not allocate research funds, but on the other hand have some funds to be able to allocate funds for assignments to carry out knowledge compilations and evaluations in the field of adoption. The resource center will also compile and disseminate relevant research.

Calculation of the cost of the measure

That the government and research funders should allocate funds for stimulating research in the field of adoption, for example by calling for proposals for funding research projects in the field of adoption, involves a cost. The size of this cost is a matter of ambition. The proposal is that the Government should set aside an average of SEK 2 million per year for special funding to, for example, Forte and the Swedish Research Council to conduct research in the field of adoption.

It is suggested that the government could choose to make a larger investment with more funds allocated to adoption-related research over, for example, a five-year period. An alternative is to spread out the research and its costs over a longer period of time. There are

also a flexibility in terms of how much resources should be allocated for research and how much resources should be allocated for knowledge compilations and evaluations that the resource center can order itself. However, the proposal means that a total of approximately SEK 3 million per year should be allocated to research and development, i.e. SEK 2 million for research via research funders and SEK 1 million for development work via the resource center (see previous section).

SEK 1 million for development work and the costs of the two full-time equivalents at the resource center, which will work, among other things, to stimulate and manage research, are already included above (see section "Costs for the national resource center for adopted persons and adoption issues").

The establishment of the footwear

The proposal requires additional funding of SEK 2 million per year. It could be financed by the government using part of its research budget for this purpose, for example by allocating special funds for the field of adoption when one of the ongoing initiatives is concluded. A national research program in the field of adoption could be financed within expenditure area 9 via appropriation 6:2 Research Council for Health, Working Life and Welfare: Research (appropriation 1). It could also be financed within expenditure area 16 via appropriation 3:1 The Swedish Research Council: Research funding and research infrastructure (AP 5). A financial condition can be set in the Swedish Research Council's or Forte's appropriation directions that funds from the appropriation item are to be used for an initiative on research into adoption issues.

There may be scope for research funding bodies to prioritize research on adoption already within the framework of an existing initiative. The Swedish Research Council carries out a number of targeted initiatives and programmes aimed at meeting various societal challenges, both nationally and globally. An example of a broader ten-year initiative where adoption-related issues could possibly be included is the Swedish Research Council's programme on migration and integra-

²²Another example is the national research program on mental health, which the government has chosen to extend. Within the framework of its research grant, Forte will allocate around SEK 30 million per year during 2026-2028 for research on mental health. The government states, among other things, that there is a need for an increased focus on efforts in areas such as existential health, involuntary loneliness and suicide prevention.²³ Similarly, the government intends to extend the investment in research into prevention and public health. Within the framework of its research grant, Forte will allocate SEK 30 million per year from 2026 to 2028 for this purpose. The government states, among other things that more knowledge is needed about the mechanisms and causes of health inequalities for different groups²⁴

10.13.4 Total cost and financing of the proposals

The total costs of my proposals are set out in Table 10.3 below, followed by comments on the financing.

Table 10.3 Total costs of the proposals 2026-2028 and financing

Proposal	Cost in 2026	Cost in 2027	Cost 2028	Existing funds	Source	Need for additional funds
Resource center					Uo9 4:1 (ap.1) Uo9 4:7 (ap.11)	
	7 600	18 900	18 900	20 000		8 900
Conversational support	4 000	10 000	10 000	(included above)		(included above)
State aid	0	5 000	5 000	1 620	Uo 9 4:7 (ap.3)	3 380
Travel grants	15 000	15 000	15 000	15 000	Uo12 1:4 (ap.1)	0
Research and development	2 000	2 000	2 000	0		2 000
Total	28 600	50 900	50 900	36 620		14 280

²²Prop. 2024/25:1 *Budgetpropositionen för 2025 - Utgiftsområde 16 Utbildning och rättsvettsforskning*, p. 208.

²³Regeringens prop. 2024/25:60 *Forskning och innovation för framtids, nyfikenhet och nytta*. 2024-12-12., s. 111.

²⁴Regeringens prop. 2024/25:60 *Forskning och innovation för framtids, nyfikenhet och nytta*. 2024-12-12., s. 112.

From 2027, the total cost of our proposals for adoption-specific support is estimated at SEK 50.9 million. According to our review above, part of these costs can be financed with existing funds, for example from MFoF's existing allocation funds for international adoption activities and some redeployment of staff resources within the agency as well as funds for adoption-specific support. In addition, funds can be used as are currently set aside for the adoption grant and funds from the current government grant to authorized adoption associations for mediation activities. In total, there is SEK 26.6 million that could thus be used for the proposals for support. To fully finance the proposals, an additional SEK 14.3 million needs to be added. Earlier in this chapter, we have discussed how this can be done.

We set out below how the different proposals could be financed.

- The proposal for a national resource center for adopted persons and adoption issues is financed through the MFoF's existing appropriations (Expenditure Area 9, appropriation 4:1, appropriation item 1) and funds from Expenditure Area 9, appropriation 4:7 Contributions to the development of social work, etc.
- The proposal for adoption-specific counseling is financed by continued and increased funds from Expenditure Area 9, appropriation 4:7 Contributions to the development of social work, etc.
- The proposal for government grants to organizations for support in original searches is financed through the current government grant to authorized associations and from Expenditure Area 9 appropriation 4:7 Grants for the development of social work etc.
- The proposal for financial support for repatriation is financed by funds from Expenditure Area 12, appropriation 1:4 Adoption grants, appropriation item 1 Adoption grants.
- The proposal for research on adoptees and adoption is financed by funds from the Research Council for Health, Working Life and Welfare, expenditure area 9, appropriation 6:2: Research, appropriation item 1

Council for Health, Working Life and Welfare: Research.
Alternatively, through funds from expenditure area 16, appropriation
3:1 Science Council: Research funding and research infrastructure,
item 5 Research funding and research infrastructure.

11 Entry into force and transitional provisions

11.1 Entry into force

The new rules in the Social Insurance Code, section 3 of the Act (1997:191) on Sweden's accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, Chapter 24, sections 5 and 6 of the Act. 5 and 6 §§, Chapter 30. 6 and Chapter 35, Section 1 of the Social Services Act (2025:000)¹, the Ordinance (1998:562) with certain authorizations for the Swedish Social Insurance Agency, the Social Services Ordinance (2001:937), the Ordinance (2014:115) with instructions for the Swedish Mission Abroad and Section 4, paragraph 5, Sections 4a and b of the Ordinance (2017:292) with instructions for the Swedish Family Law and Parental Support Authority should enter into force as soon as possible. Some time is needed for referral and preparation within the Government Offices. I propose that the new rules enter into force on September 1, 2026. I propose that the new regulation on government grants for experimental activities with tracing of origin for adopted persons enters into force on September 1, 2026 and is applied for the first time in terms of grants in 2027.

The new rules in the Parental Code, section 4 of the Act (1997:191) on Sweden's accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, the Act (2018:1289) on Adoption in International Situations, Chapter 22, sections 20 and 21, Chapter 24, and the Act on Adoption in International Situations, Chapter 24, sections 20 and 21.

Sections 1 and 7 of the Social Services Act (2025:000)², the Ordinance (2008:1239) on State Grants to Authorized Adoption Associations and to National Organizations for Adoptees and Sections 3 and 4(1) and (3) of the Ordinance (2017:292) with instructions for the Swedish Family Law and Parental Support Agency require a longer preparation time. I propose that the new rules enter into force on January 1, 2029. I propose

¹ Latest version Bill 2024/25:89.

² Last wording of Bill 2024/25:89.

also proposes that the Act (1997:192) on international adoption mediation be repealed on January 1, 2029.

11.2 Transitional provisions

I propose that the repealed Chapter 21 of the Social Insurance Code should continue to apply when examining applications for grants for adoptions that have been mediated by an association authorized under the Act (1997:192) on International Adoption Mediation. This means that adoption subsidies can be granted even after the September 1, 2026.

I propose transitional provisions in the Act (2018:1289) on Adoption in International Adoptions (LAIS) which mean that if the repealed Act (1997:192) on International Adoption Mediation was applicable to the adoption, the adoption must have been carried out in accordance with that Act for a decision referred to in section 4 of LAIS to apply in Sweden. This means that the applicant who has an ongoing adoption process in the child's home country is given the opportunity to complete the adoption process and have the adoption automatically recognized in Sweden.

I do not consider that there is a need for transitional provisions to the other proposed legislation. This means that the new provisions will apply from the date of entry into force.

12 Legislative commentary

12.1 The draft law amending the Parental Code

Chapter 4. On adoption

Intetnatsonella adoptsonet 24

¢

The provisions of p. 25-34¢ apply when a child whose country of origin is the Netherlands is to be adopted by someone or something whose country of origin is Sweden.

This new paragraph sets out the situations in which the provisions of sections 25 to 34 apply.

25 ¢

An application for the adoption of a child who has been born or is intended to be born to an adoptive son may be considered only if the applicant or applicants have been granted permission to adopt the child under Article 26.

The provision on the jurisdiction of the Swedish court is contained in the Act (2018:t289) on the jurisdiction of the Swedish courts.

The paragraph, which is new, sets out certain conditions for the court to consider an application for adoption. The considerations are set out in section 8.10.5.

The provision in *the first paragraph* becomes relevant if the application concerns a child under the age of 18 who has been brought or is intended to be brought to Sweden for adoption. It may therefore be the case that the child is still abroad at the time of the application or that the child has already been brought to Sweden. If the child has come to Sweden for a purpose other than adoption, for example to visit relatives, for studies or as an asylum seeker, the section does not apply. According to the

the application may only be considered if the Authority for Family Law and Parental Support has granted permission for the adoption of a child from abroad under Chapter 4, Section 26 of the Parental Code. The applicant should be ordered to submit a copy of the decision. If the applicant or applicants have not been granted permission for adoption, the court shall reject the application for adoption.

The second paragraph recalls that provisions on the international jurisdiction of Swedish courts are contained in the Act (2018:1289) on adoption in international situations.

26 ¢

The person(s) wishing to adopt a child from the country of origin must apply for a permit from the Agency for Family Law and Child Welfare.

This new paragraph requires permission from the Swedish Family Law and Parental Support Agency to adopt a child originally resident in another country. The considerations are set out in section 8.10.3.

2/ ¢

Permission may be granted to adopt a son from a third country if the child is related to the applicant or to the applicant's adopted son or if, in view of the close relationship between the applicant and the child, there is no other reason to adopt a son.

Authorization may be granted on the condition that

1. the other country has an adoption law or other legal framework for the adoption of children that takes into account the basic principles of the Convention on the Rights of the Child and the Hague Convention on Protection of Children and Co-operation in Respect of the Adoption of Children,

2. the other country has a very good record of adopting children,

3. it is not appropriate, in the circumstances, to carry out a rapid international adoption from the country, and

4. the applicant has consent under Chapter 24 of the Social Services Act (2025:000)¹ and, taking into account all the circumstances, the adoption can be assumed to be in the best interests of the child.

¹Last wording of Bill 2024/25:89.

This new paragraph sets out the conditions under which the Agency for Family Law and Parental Support may grant permission for the adoption of a child originally resident in another country. The considerations are set out in section 8.10.3.

According to *the first paragraph*, permission to adopt a child originally resident in another country may be granted only if the child is related to the applicant or related to the applicant's adopted child, i.e. a biological (full or half) sibling of a child previously adopted by the applicant. It should also be possible to grant permission for adoption where there is otherwise a close personal relationship between the child and the applicant which has not arisen for the purposes of adoption.

According to *the second paragraph*, the Agency for Family Law and Parental Support shall examine both the reliability of the adoption procedure and whether the adoption is in the best interests of the child. The assessment of whether the procedure is reliable corresponds to the assessment currently made in connection with foreign authorization under section 6 a(1) and (2) of the Intercountry Adoption Services Act (1997:192) (cf. Government Bill 2003/04:131, p. 38 f). Paragraph 1 means that the country must have legislation or regulations that ensure, inter alia, that an assessment is made of whether the child has the opportunity to grow up in good living conditions in his or her country of origin before the child becomes available for intercountry adoption. Paragraph 2 means that it must be ensured that the child's situation is adequately investigated before a decision is taken that the child is available for adoption and may be adopted abroad. It must also be clear who will make this decision. There must also be stability in the administration. When assessing whether the adoption can be assumed to be in the best interests of the child, in addition to the general provisions of Chapter 4, Sections 1-10 of the Parental Code, particular account must be taken of the fact that the child lacks a secure environment in which to grow up in his or her biological family or with another carer in the child's home country, and that the competent authorities in the child's home country have assessed that the child is in need of adoption and that the necessary consents to the adoption have been obtained. The decision should clearly state which aspects the Agency for Family Law and Parental Support considered relevant in the assessment of the best interests of the child. It is important that the adopted person can see afterwards what efforts have been made to obtain his or her views and that these views were important when the application for adoption was considered. If the decision is not in line with the child's views, the reason for this should be clearly stated.

28 §

In the case of a request for permission to adopt a son or daughter, the Family and Child Welfare Office shall consult with the Swedish authorities in the other country, if this is not necessary, and, if necessary, with the authorities in the other country.

This new section corresponds in part to the current third paragraph of section 6 a of the Intercountry Adoption Mediation Act (1997:192) (cf. Government Bill 2003/04:131, pp. 42 and 82). The considerations are set out in section 8.10.3.

The Swedish Agency for Family Law and Parental Support must consult the Swedish embassy or consulate in the child's home country unless it is clearly unnecessary. This may involve, for example, obtaining up-to-date information on legislation and how the administration of an intercountry adoption works in the country. It may also involve requesting assistance in investigating the relationship between the applicant and the child, for example by taking samples for DNA testing. The Swedish mission abroad can also assist in providing a general picture of the situation for children in the country, which may be of importance for the assessment of whether the adoption is in the best interests of the child. In this context, it may be clearly irrelevant that the authority has recently been in contact with the Swedish authority abroad in the other country in another case and has thus obtained reliable and up-to-date information. If necessary, the Swedish Family Law and Parental Support Agency should also contact children's rights organizations operating in the country to get a more general picture of the situation of children in the country.

29 §

The item on page 26§ must be cast before the child leaves the country.

The section, which is new, states that the Swedish Agency for Family Law and Parental Support's assessment must be made before the child has left the country of origin. The provision corresponds to section 4 of the Intercountry Adoption Mediation Act (1997:192) (cf. Government Bill 1996/97:91, pp. 50 and 79). The considerations can be found in section 8.10.3.

In the absence of such a decision when the child leaves the country of origin, the adoption shall not be automatically valid in Sweden, see

commentary on section 5 of the Act (2018:1289) on adoption in international situations.

30 c

The decision to authorize the adoption of a son or daughter shall, unless there are special reasons, be taken within one month of the date of receipt of the application.

The new paragraph regulates the time within which the Agency for Family Law and Parental Support must make a decision on authorizing the adoption of a child originally resident in another country. The considerations can be found in section 8.10.3

The decision shall, unless there are special reasons, be taken within three months of receipt of the application. If there are special reasons, the Agency for Family Law and Parental Support may decide to extend the investigation for a certain period. Special reasons for extending the investigation period may include, for example, difficulties in establishing contact with foreign authorities or the need for applicants to supplement their application.

31 c

A decision on the authorization of a short-term adoptive son is valid as long as the applicant has a permit under Chapter 24 of the Social Services Act (2025:000).²

The adopter or adoptees are obliged to inform the Authority of the family allowance and parental allowance if the circumstances change significantly from those of the adoption.

A decision to authorize the adoption of an adopted son or daughter shall be revoked if the reasons for doing so no longer exist.

This new paragraph regulates the period of validity of an intercountry adoption permit. The considerations are set out in section 8.10.3.

According to *the first paragraph*, the permit is valid as long as the applicant has a consent under Chapter 24, section 1 of the Social Services Act (2025:000).³ If the consent of the social services board expires before the person who has been granted a permit for intercountry adoption has taken the child into his or her care and the person still wants to adopt, he or she must make a new application for intercountry adoption.

² Latest version Bill 2024/25:89.

³ Last wording of Bill 2024/25:89.

According to *the second paragraph*, the person or persons wishing to adopt are obliged to inform the Agency for Family Law and Parental Support if the circumstances change more significantly during the period of validity of the permit. This could be, for example, changes in the life situation of the applicant or the child. It may also be that there is no longer an acceptable procedure for adoptions from the country in question or suspicions of irregularities.

The third paragraph contains provisions on the withdrawal of the authorization if the conditions for it no longer exist.

32 €

Once a decision has been taken in the country of origin that a child is to be placed for adoption with the prospective adoptive parents, the Agency for Family Law and Parental Support shall promptly, and at the latest within two weeks of the notification by the prospective adoptive parents, consider whether consent should be given for the adoption to take place.

The period during which the test is to be carried out may be extended for good cause.

The authority for family law and parental support shall notify the social welfare board that has given consent under Chapter 24 of the Social Services Act (2025:000)⁴ that consent has been given for the adoption of a child.

The section, which is new, contains provisions on consent to the continuation of adoption proceedings under Article 17(c) of the 1993 Hague Convention. The section means that the Agency for Family Law and Parental Support takes over the responsibility under Chapter 24. 5 of the Social Services Act (2025:000)⁽⁵⁾ (previously Chapter 6, section 14 of the Social Services Act) from the Social Welfare Board (cf. Government Bill 2000/01:80 p. 167 and Government Bill 1996/97:91 p. 81 ff.) The considerations can be found in section 8.10.4.

The examination referred to in *the first paragraph* includes ensuring that all documents relating to the child are available and that the adoption documents are authentic. The Agency for Family Law and Parental Support shall carefully examine all adoption documents, in particular as regards, inter alia, the identity of the child, the consent, the adoptability of the child and the considerations made regarding the principle of subsidiarity. If there are any ambiguities in the child's documentation, continued consent should not be given without further investigation.

⁴ Latest version Bill 2024/25:89.

⁵ Last wording of Bill 2024/25:89.

According to *the second paragraph*, the time within which the review must take place may be extended if there are special reasons. Special reasons may be, for example, that the case needs to be supplemented or that documents need to be translated.

The third paragraph requires the Agency for Family Law and Parental Support to notify the social welfare board that it has decided that the adoption procedure may continue. The notification shall be made to the social welfare board that has given consent under Chapter 24, Section 1 of the Social Services Act (2025:000)⁽⁶⁾ (previously Chapter 6, Section 12 of the Social Services Act). The obligation to notify means that confidentiality is breached in accordance with Chapter 10, Section 28 of the Public Access to Information and Secrecy Act (2009:400). The social welfare committee must then contact the prospective adoptive parents to plan how and when a follow-up contact will be made after the child has been received in the applicant's home.

33 ¢

Decisions taken pursuant to Article 26(3)(3) and Article 32(1)¢¢ may be appealed to the general administrative court. Permission to appeal is granted by the appellant to the chamber court.

Decisions taken by the Family Welfare and Child Support Agency are not subject to appeal.

This new section contains provisions on which decisions by the Swedish Family Law and Parental Support Agency may be appealed. The considerations are set out in sections 8.10.3 and 8.10.4. The section corresponds to section 14(1) (in part) and (3) of the Intercountry Adoption Mediation Act (1997:192) (cf. Government Bill 1996/97:91, pp. 80 and 84).

According to *the first paragraph*, the Agency for Family Law and Parental Support's decisions on permission for international adoption, revocation of permission for international adoption and consent to the continuation of the adoption procedure may be appealed to the general administrative court.

According to *the second paragraph*, the decisions of the Agency for Family Law and Parental Support may not otherwise be appealed.

⁶Last wording of Bill 2024/25:89.

34 ¢

Anyone who has allowed a child to be born with 26¢ from the country where it was born shall be liable to the fine.

Under this new section, anyone who adopts a child from another country without the permission of the Agency for Family Law and Parental Support may be fined. The section corresponds to section 15, second sentence, of the Act (1997:192) on international adoption mediation (cf. Government Bill 1996/97:91, p. 81).

The considerations are set out in section 8.10.3.

12.2 The draft law amending the Social Insurance Code

Chapter 5. Residence-based benefits

9 ¢

Persons residing in Sweden are insured for the following benefits:

Section B Family benefits

1. minimum and basic parental allowances (Chapters 11 and 12)
2. child benefit, (Chapters 15 and 16)
3. maintenance support, (17-19 chap.)
4. *bsdtag tsll rtsptrngsøknsng*, (21 kap.)
5. care allowance (Chapter 22)

Section C Sickness and occupational injury benefits

6. sickness benefit in special cases (Chapter 28a)
7. rehabilitation, allowances for work aids, special allowances and rehabilitation allowances in special cases, (Chapter 29-31 a)
8. sickness benefit and activity compensation in the form of a guaranteed benefit (Chapters 33 and 35-37)

Section D Special benefits for the disabled

9. reimbursement of additional costs, (Chapter 50)
10. assistance allowance, (Chapter 51)
11. car allowance, (Chapter 52)

Title E Old-age benefits

12. guarantee pension, (Chapters 55, 56, 65-67 and 69-71)
13. special pension supplement, (Chapter 73)
14. old-age assistance, (Chapter 74)

Section F Survivors' benefits

15. survivor's benefits, (Chapters 77, 79 and 85)
16. guarantee pension to adjustment pension, (Chapters 77, 81 and 85)

Section G Housing allowance

17. housing allowance, (95-98 chap.)

18. housing allowance, and (Chapter 100-103)
19. housing allowance (Chapter 103a-103e)

The paragraph regulates which benefits are residence-based. The fourth paragraph is amended so that adoption allowances are replaced by grants for tracing. The amendment is due to the fact that Chapter 21 on adoption grants is repealed and replaced by a new Chapter 21 on grants for tracing origin. The considerations are set out in section 9.12.

Chapter 20 Contents

t ç

This subtitle lays down provisions on

- *the provisions of Chapter 21, and*
- care allowance in Chapter 22.

The paragraph sets out the types of benefits regulated by the provisions of Subtitle V. The paragraph is amended to replace the benefit of adoption allowance with the new benefit of search allowance. The considerations are set out in section 9.12.

Chapter 21. Contribution to origin search

t ç

This chapter contains the provision on the right to apply for a residence permit for the adopted child.

The paragraph, which is new, states that the chapter contains provisions on grants for tracing the origin of adopted persons. The considerations are set out in section 9.12.

2 ç

A grant for the search for employment may be awarded to a person who has been adopted from the host country to Sweden by a person whose place of origin is Sweden. The grant is paid up to a maximum of 25 percent of the basic amount of the pension for adoption in the country of residence.

The new section states that persons who have been adopted from another country to Sweden may apply to the Swedish Social Insurance Agency for assistance in tracing their origin. The considerations are set out in section 9.12.

Grants for tracing of origin are paid to persons over the age of 18 who have been adopted from abroad to Sweden by someone resident in Sweden. The grant consists of a travel grant for a trip to the adopted person's country of origin. The travel grant is paid for the cost of a return trip to the adopted person's country of origin and is worth a maximum of 25% of the price base amount.

The maximum amount of the allowance shall only be payable once per adopted person but shall be possible to apply for at any time during the life of the adopted person after the age of 18.

3 ϕ

In order for the application to be accepted, the application for acceptance must be made within one year of the date of acceptance.

The paragraph, which is new, states that grants for tracing shall be paid in arrears against an account of expenses. In order for the tracing grant to be paid, the application for the grant must be made within one year of the date of return. The applicant must be able to produce a copy of the adoption decision or other document proving the adoption. The considerations are set out in section 9.12.2.

4 ϕ

An application for recognition is only granted to a person who has been adopted in accordance with a decision of a Swedish court.

With the decision of the Swedish court

1. a decision on the adoption of a son issued in Sweden and applicable to Sweden under the Act (199/:19t) on the accession of Sweden to the Hague Convention on the Protection of Children and Co-operation in Respect of the Adoption of Sons,

2. a decision on the adoption of a son issued in Sweden under the Act (2018:t289) on the adoption of a son under the Schengen Convention,

3. a decision on the adoption of an adopted son issued in Sweden under the Act (19/:/96) on the adoption of an adopted son, and

4. a decision on the adoption of a son issued in Sweden under the Act (1904:26 s.t.) on the adoption of a son by marriage and guardianship.

This new paragraph specifies the type of adoption for which an origin search grant is made. The considerations are set out in section 9.12.2.

According to *the first paragraph*, a grant for tracing of origin shall be provided to a person who has been adopted by order of a Swedish court.

It follows from *the second paragraph* that grants for tracing shall also be made to persons whose foreign adoption decision has been recognized in Sweden in accordance with the Act (1997:191) on Sweden's accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, the Act (2018:1289) on Adoption in International Situations, the Act (1971:796) on International Legal Relations concerning Adoption or the Act (1904:26 s.1) on Certain International Legal Relations concerning Marriage and Guardianship. Grants for tracing are not available to persons who have been adopted in another Nordic country or who have been adopted in the adoptive parents' country of residence at the time. The grant covers both adoptions mediated by an authorized adoption organization and private and individual adoptions.

5 ¢

An application for a grant is made only for a child who has been adopted before the age of eight.

The allowance is not granted to a child who has been adopted by a relative or by the spouse or cohabiting partner of the parent.

This new paragraph contains provisions limiting the right to an origin search grant. The considerations are set out in section 9.12.2.

The first paragraph states that the allowance is only granted to persons adopted before the age of 18.

According to *the second paragraph*, no allowance is granted to persons adopted by a relative or by the spouse or cohabiting partner of a parent.

Chapter 112. On decisions

4 *φ*

Interim decisions on compensation under Sections 2 and 3 may not be taken in cases *concerning benefit applications*, car allowances or special pension supplements.

Interim decisions pursuant to section 2 may not be taken in cases concerning general old-age pension, income pension supplement, survivor's pension or survivor's allowance.

Interim decisions under section 3 may not be taken in cases concerning assistance allowances.

The section regulates the situations in which the Swedish Social Insurance Agency and the Swedish Pensions Agency may not make interim decisions. The considerations can be found in section 9.12.

It follows from *the first subparagraph* that an interim decision on an initial search allowance, a car allowance or a special pension allowance, which are one-off payments, is not possible.

The second and third paragraphs are unchanged.

12.3 Proposal for an Act to amend the Act (1997:191) in connection with Sweden's accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption

3 *φ*

Applications referred to in Article 14 of the Convention *shall be* made to the Social Welfare Board of the applicant's or applicants' municipality of residence.

The Social Welfare Board *shall*

- a) compile reports under Article 15(1) of the Convention,
- b) take measures under Article 21 of the Convention.

Chapter 24 of the Social Services Act (2025:000) provides that the Social Services Board shall consider whether to grant permission for the adoption of children with a home country.

The section regulates which tasks under Articles 14-21 of the 1993 Hague Convention are to be carried out by the Social Welfare Board (cf. Government Bill 1996/97:91 p. 76). The considerations can be found in section 8.10.4.

In *the first subparagraph*, a linguistic change is made by replacing *skall* by *ska*.

⁷Last wording of Bill 2024/25:89.

In point (b) of *the second subparagraph*, the task of examining questions of consent under Article 17(c) of the Convention is deleted. Paragraph c becomes paragraph b. In addition, a linguistic change is made by replacing *skall* by *ska*.

In *the third paragraph*, the reference to Chapter 6, Sections 12-15 of the previous Social Services Act (2001:453) is replaced by a reference to the corresponding provisions in the new Social Services Act (2025:000), most recent wording Bill 2024/25:89. Furthermore, a linguistic change is made by replacing *abroad* with *abroad*.

12.4 Proposal for an Act amending the Act (2018:1289) on adoption in international situations

5 *ϕ*

If the provisions of Chapter 4, Section 26-3 of the Federal Code of Criminal Procedure apply to the adopted son, it is presumed that the adopted son has been born in accordance with those provisions in order for a decision as referred to in section 4 to apply to him.

If there are exceptional reasons, the authority designated by the Government may approve that the decision shall apply in Sweden despite the fact that the conditions in the first paragraph are not met.

The paragraph contains specific provisions on the recognition of certain adoption decisions concerning children (cf. Government Bill 2017/18:121, p. 168 et seq.).

The first paragraph, which is new, states that in cases where a minor resident abroad is to be adopted by someone or some people resident in Sweden, there must be a valid decision on permission for international adoption under Chapter 4, Sections 26-31 of the Parental Code from the Swedish Agency for Family Law and Parental Support before the child leaves the country of origin. In the absence of such a decision, the adoption shall not be automatically valid in Sweden.

The second paragraph is unchanged.

12.5 The proposal for an act to amend the Social Services Act (2025:000)

Chapter 22. Care of children and young persons outside the home

20 c

No one may, without the support of this Act, carry out activities aimed at placing children in family homes, emergency homes or other private homes referred to in sections 2 and 4.

The first subparagraph shall also apply to the birth of an adopted son.

The section contains a ban on activities aimed at placing children in family homes, day care homes and other private homes (cf. Bill 2000/01:80 p. 167 and Bill 1979/80:1 Part A p. 543 and 544). The considerations are contained in section 8.10.2.

The first paragraph is unchanged.

The second paragraph, which is new, states that no one may place a child for adoption without the support of this Act. Placing a child for adoption means activities aimed at creating contact between the person(s) wishing to adopt and the authorities, organizations, institutions or individuals in the country of residence of the child.

21 c

Anyone who fails to comply with the provision of section 2(1) shall be liable to a fine. A fine is also imposed on anyone who fails to comply with the provision in section 20.

General prosecution for the offenses referred to in the first paragraph may be brought only with the consent of the National Board of Health and Welfare.

This section contains provisions on the penalties and prosecution of those who violate the prohibition on conducting activities aimed at placing children in private homes. The considerations are set out in section 8.10.2.

In *the first paragraph*, the reference to the Intercountry Adoption Mediation Act (1997:192) is deleted since the first sentence of section 15 of that Act is moved to Chapter 22, section 20 of this Act. The second sentence of the first paragraph corresponds to the first sentence of section 15 of the Intercountry Adoption Mediation Act (1997:192) (cf. Government Bill 1996/97:91, p. 81).

The second paragraph is unchanged.

Chapter 24 International adoptions

1 §

A child domiciled abroad may not be taken in by anyone for the purpose of adoption without the consent of the social welfare committee. This consent must be given before the child leaves the country of residence.

The Social Welfare Board may give consent if the applicant is suitable for adoption. The Board shall make an overall assessment of the applicant's suitability, taking particular account of

- the applicant's knowledge and understanding of adoptive children and their needs and the implications of the planned adoption,
- the personal qualities and social networks of the applicant,
- the age and health of the applicant; and
- the stability of the relationship, if consent is sought by spouses or cohabitants.

The suitability of the applicant shall be tested in accordance with the individual contract.

The adopted son or daughter must also be presumed to be acting in the best interests of the child.

The section contains requirements and conditions for the social welfare committee's consent to adopt a child domiciled abroad (cf. Bill 2000/01:80 p. 167 and Bill 2017/18:121 p. 175 ff). The considerations can be found in section 8.10.3.

The first and second paragraphs are unchanged.

The provision in *the third paragraph* is amended on the basis that permission for inter-country adoption may only be granted if the child is related to the applicant or the applicant's adopted child or if there is a special reason for adoption in view of the personal relationship between the applicant and the child. Thus, the suitability of the applicant must always be examined in relation to the specific child whom the applicant intends to adopt.

6 §

Consent under section 1 is given by the social welfare committee in the municipality that is responsible for assistance to the applicant or applicants under Chapter 29.

The social welfare board that has *granted consent under* § shall fulfill the obligations under Chapter 22. 8 § and 10 § first paragraph.

The paragraph contains provisions on which social welfare board is responsible for certain decisions and for fulfilling certain obligations during an adoption procedure. The considerations are set out in section 8.10.4.

In *the first paragraph*, consent under section 5 is removed because the social welfare board's responsibility for assessing whether the adoption procedure may continue is transferred to the Agency for Family Law and Parental Support.

The second paragraph states that it is the social welfare board that has given consent under section 1 that is responsible for the child's situation before the adoption decision is taken (Chapter 22, new section 8 of the SoL). 8 of the new SoL,⁸formerly Chapter 6, section 1 of the SoL) and follow up the child's situation after the adoption decision (Chapter 22, section 10 of the new SoL,⁹formerly Chapter 5, section 1, point 9 of the SoL). Cf. Bill. 2000/01:80 p. 167, Bill 2010/11:49 p. 90 and Bill 1979/80 p. 542 f.

/ ç

Chapter 4, sections 24-32çç of the Parental Code contains provisions on authorization for the adoption of a child from a third country.

The paragraph states that there are provisions on permission for international adoption in the Parental Code. The considerations are set out in section 8.10.3.

Chapter 30. Organization of the Social Welfare Board and delegation of decision-making powers

6 ç

The Social Welfare Committee may only delegate decision-making powers to a committee in matters concerning

1. care, attention and upbringing in a family home, day care home or other private home under Chapter 22, sections 2 and 4,
2. consideration of continued care, the direction and form of the care and whether there are grounds for applying for a transfer of custody under Chapter 22, sections 13 and 14,
3. consideration of a removal order under Chapter 22, section 16,
4. cross-border placement under Chapter 22, sections 17 and 18,
5. international adoption under Chapter 24, sections 1, 2 and 4, or
6. decision under Chapter 33. 4 to bring an action for recovery under Chapter 33, section 1.

This section provides that the power to decide on certain matters under the Act may only be delegated to committees. The considerations are set out in section 8.10.4.

The first and second paragraphs are unchanged.

The provision in *the third paragraph* concerning cases of refusal to consent to the continuation of adoption proceedings under Chapter 24 is deleted. 5, is deleted

⁸ Latest version Bill 2024/25:89.

⁹Last wording of Bill 2024/25:89.

removed because the social welfare board's responsibility for assessing whether to consent to the continuation of the adoption procedure is transferred to the Agency for Family Law and Parental Support.

Chapter 35. Appeals against decisions

t ç

The decision of the Social Welfare Board may be appealed to the General Administrative Court in respect of

1. operations under Chapter 11, section 1 or Chapter 12, section 1,
2. denied or reduced income support under Chapter 12 5 §,
3. prohibition or restriction on taking in other people's children under Chapter 18, section 11,
4. consent to receive a child under Chapter 22, section 2,
5. consent to adoption under Chapter 24, section 1,
6. withdrawal of consent to adoption under Chapter 24 4 §,
- /. application for assistance in another municipality under Chapter 29. Section 7, and
8. fees or reserved amounts pursuant to Chapter 32 5-10 §§.

The section regulates which decisions of the social welfare board may be appealed to the general administrative court. The considerations are set out in section 8.10.4.

The above paragraph / is deleted because the social welfare board's responsibility to examine whether consent to continued adoption proceedings under Chapter 24. 5, is transferred to the Agency for Family Law and Parental Support.

Committee Directive 2021:95

Sweden's international adoption activities - lessons learned and the way forward

Decision at the government meeting on 28 October 2021

Executive summary

A special investigator is to map and analyse how regulations, organization and processes within Sweden's international adoption activities have functioned in the past up to the present. The purpose of the assignment is to clarify the existence of any irregularities in Sweden's international adoption activities and how the government, relevant state authorities, municipalities, authorized associations, non-profit organizations and other private actors have acted and responded to any irregularities based on the responsibilities and roles of each actor. The report's lessons will provide guidance for the development of Sweden's international adoption activities by proposing how current regulations, organization and processes can be changed and strengthened in order to further strengthen the child rights perspective and legal certainty.

The investigator shall, inter alia

- assessing the need for adoption-specific support and suggesting what help and support should be offered; and
- propose the necessary legislative amendments and other measures.

The assignment must be reported by November 7, 2023.

Intercountry adoption

An international adoption, also known as a transnational adoption, involves the adoption of a child who is resident abroad. An adoption means that a child who is without parents or any other person who is able to take care of him or her, gets a new family and a new family affiliation. In Swedish law, adoption is a final decision that creates a family law relationship between the adopted child and the adoptive parent.

Sweden's international adoption activities refer here to all forms of adoption mediation that exist and have existed since the mid-20th century, as well as various forms of private/individual adoption where no actual mediation takes place. It also includes the responsibilities of the state and municipalities in relation to international adoptions.

In order to safeguard the rights of the child in international adoptions, there is a comprehensive international and Swedish regulatory framework. The procedure for international adoptions is governed by international conventions to which Sweden has acceded and by foreign and Swedish legislation. The main provisions on international adoption are contained in the UN Convention on the Rights of the Child (the Children's Convention), the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the 1993 Hague Convention), the Parental Code, the Social Services Act (2001:453), the Act (1997:192) on International Adoption and the Act (1997:191) on Sweden's accession to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

The starting point for intercountry adoption is the best interests and rights of the child. An important part of the child rights perspective is the principle of subsidiarity, which means that it is considered best for a child to grow up in his or her biological family or with relatives in the country of origin. If this is not possible, the child should be offered another family in the country of origin through national adoption, and only if this is also not possible should the child be offered a permanent family through intercountry adoption.

The aim of Sweden's policy on children's rights is to ensure that children and young people are respected and given opportunities for development and security, as well as participation and influence (Government Bill 2008/09:1, bet. 2008/09:SoU1, rskr. 2008/09: 127). The objective is based, among other things, on the commitments Sweden has made by ratifying the Convention on the Rights of the Child and aims to promote and protect the rights and interests of the child in society. The objective entails

that the rights of all children are respected, regardless of age, gender, disability, etc.

On January 1, 2020, the CRC became law in Sweden. This means, among other things, a clarification that everyone who applies provisions in Swedish laws must interpret them in relation to the Convention on the Rights of the Child (Bill 2017/18:186, p. 74). According to the Convention, States Parties that recognize and/or allow adoption must ensure that the greatest weight is given to what is considered to be the best interests of the child.

Adopted by the Commission

There are three main actors in Swedish intercountry adoption activities: the municipal social welfare boards, the authorized associations and the Swedish Agency for Family Law and Parental Support (MFoF). In addition, the district courts play an important role in cases where the adoption decision is made in Sweden. The actors involved have different tasks and responsibilities in the adoption process. While the municipal social committees have an investigative responsibility to ensure that the applicant is suitable for adoption, the authorized associations have mediating tasks. The associations are non-profit organizations. MFoF is the Swedish central authority for intercountry adoptions and has both guiding tasks and responsibility for supervision and authorization of the associations.

The person or persons wishing to adopt a child from abroad must, as a rule, use an authorized association. However, this does not apply in individual cases of adoption involving a relative's child or when there are otherwise special reasons to adopt without the mediation of an authorized association, so-called individual adoption. In such cases, MFoF shall examine whether the procedure is acceptable before the child leaves the country. This means that the method of mediation must be reliable and that the process in the country must be carried out in an ethically correct manner.

An authorized association may be granted authorization to act as an international adoption agency in another country provided that the other country has an adoption law or other reliable regulation of intercountry adoption that takes into account the basic principles of intercountry adoption as expressed in the Children's Convention and the 1993 Hague Convention.

The development of the short-term adoption consciousness in welding

International adoptions of children started in the 1950s in Sweden and were initially carried out by individuals. From the mid-1950s until 1965, the National Board of Health and Welfare had the task of mediating contact between adoption applicants and foreign agencies. From 1965 to 1979, the National Board of Health and Welfare was responsible for arranging international adoptions. At the same time, so-called private adoptions were carried out without the National Board of Health and Welfare mediating the contact. These took place without the state or municipalities being involved in the mediation process. In 1969, the first two non-profit organizations were formed in Sweden for the purpose of arranging adoptions. In the 1970s, 40-50 percent of the children who came to Sweden were placed through individual contacts (Bill 1996/97:91 p. 42 f.).

In order to take a more integrated approach to adoption activities, an advisory board was set up within the National Board of Health and Welfare in 1971, which was reorganized in 1974 as the National Board for International Adoption (NIA). The NIA was responsible for processing applications for the adoption of foreign children until 1979, when this activity was discontinued in connection with the reform of the international adoption agency. Since then, this task has been carried out by authorized associations. The purpose of the reform was to bring all intermediation under the control of the State and to reduce the risk of children coming to Sweden by illegal or inappropriate means.

Private adoptions decreased as a result of the reform. However, it had been noted that private mediation could take place under improper forms or with questionable purpose (SOU 2009:61 p. 203). The NIA had noted, among other things, that in connection with such adoptions, it could be unclear how the child had been left for adoption in its home country, who was the child's guardian and whether money had been paid for the child. In 1985, in order to further strengthen the regulatory framework for international adoption intermediation, new rules were introduced which meant that the social services, in addition to assessing the applicant's suitability to adopt, had to assess the suitability of the intermediation route that the applicants intended to use. This reform also led to a decrease in the number of private adoptions. In 1986, almost 90 per cent of adopted children came to Sweden through authorized associations (Bill 1996/97:91, p. 45).

In 1993, the Hague Convention was adopted - a milestone FOR the international adoption movement

In the late 1980s, it was recognized in several international fora that the number of intercountry adoptions had increased in many countries since the late 1960s and that this raised many complex issues. The issue of irregularities in intercountry adoptions was discussed within the UN and the Council of Europe. It was felt that there was a need for legally binding rules and a system of cooperation between countries. The result was the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, adopted in The Hague on May 29, 1993. The Convention aims to ensure that intercountry adoptions take place in a safe, legal and ethical manner. Furthermore, it is fundamental to the Convention that states are responsible for ensuring that the best interests of the child are taken into account in every part of the adoption process. Sweden ratified the Convention in 1997 and it applies as Swedish law.

When Sweden acceded to the 1993 Hague Convention, a number of changes were also made to Swedish adoption legislation. Among other things, the possibilities of adopting without the mediation of an authorized association were considerably restricted. Since 1998, the Social Welfare Board has also had a special responsibility to meet the special need for support and assistance that adoptees and their families may have after an adoption case has been decided. In order to make it easier for adoptees to research their origins and find out about the circumstances of their adoption, an obligation was introduced in 2005 for authorized associations to document their mediation activities. All processing of cases involving individuals must be documented, including information not directly related to an individual adoption case. This may, for example, concern the foreign contact the association has in a particular country (Bill 2003/04:131 p. 46).

At the same time, a right was introduced for adoptees to take part in information relating to their own adoption case.

In 2005, it also became mandatory for prospective adoptive parents to undergo parental training in order to obtain a consent to adoption. Furthermore, stricter and clearer conditions were introduced for an association to be authorized to mediate international adoptions. The conditions were further tightened in 2009. This means that in addition to an examination of the adoption facilitating associations for au-

torization, countries, parts of countries or adoption contacts from or through which the associations may place children are also examined.

The number of international ADOPTees HAS decreased

Over the last 10-15 years, the international adoption business has undergone a major transformation as the number of international adoptions worldwide has declined sharply. In the early 2000s, around 1 000 children came to Sweden each year through the authorized associations, but in recent years the number has dropped to less than 200 adoptions per year. In total, there have been around 60 000 international adoptions in Sweden so far.

Information on irregularities and shortcomings in international adoption activities

In the field of intercountry adoption, an irregularity is described as something that can be of various kinds, ranging from a so-called illegal adoption, i.e. an adoption that is the result of abuses such as abduction, sale, trafficking and other illegal activities, to various forms of unethical or inappropriate behavior by different participants in the process (Hague Conference on Private International Law, the implementation and Operation of the 1993 Hague Intercountry Adoption Convention: Guide to good practice. Guide No 1. 2008). The line between illegal adoption and other irregularities can be difficult to draw. International conventions as well as national laws have been developed to prevent irregularities in intercountry adoptions. A fundamental purpose of the 1993 Hague Convention is to establish a system of cooperation among Contracting States to prevent, inter alia, the abduction, sale or trafficking of children.

Since 2018, Chile has been conducting a criminal investigation into child abduction and irregularities in international adoptions from the country in the 1970s and 1990s. As a result of the investigation, the Chilean Parliament set up a commission to investigate the actions of state organizations in adoption procedures, the enrolment of minors and controls on their departure from the country. The Commission's report included testimony from women whose children had been

adopted away nationally and internationally, and from adoptees. The investigation has shown that children have been taken from their parents through various methods of adoption and that economic interests have been the driving force.

Chile's criminal investigation into intercountry adoptions and other reports of irregularities from several other countries of origin have led to an extensive debate in Sweden about Sweden's role and responsibility for irregularities that have occurred historically, both in Chile and other countries of origin. Several adoptees have also come forward to tell their stories.

Similar debates and experiences exist in several other countries, some of which have also investigated the occurrence of irregularities in intercountry adoptions. In the Netherlands, a committee investigated, among other things, the role and responsibilities of the state and intermediary parties in intercountry adoptions in the period 1967-1998 and the occurrence of irregularities, focusing on adoptions from Bangladesh, Brazil, Colombia, Indonesia and Sri Lanka. The Committee, which presented its report in February 2021, found, among other things, that irregularities occurred in all countries of origin investigated, both on a large scale and systematically. The irregularities included child trafficking, exploitation of the situation of poor mothers, falsified documents and lost records. In addition, the Committee studied adoptions from a further 18 countries of origin, as well as the period before 1967 and after 1998. The Committee found that irregularities have been reported from all the countries surveyed and that irregularities have continued to occur even after the Netherlands ratified the 1993 Hague Convention.

In February 2020, the Government commissioned the Swedish Agency for Public Management to review the organization of international adoption activities in Sweden. In its report, which was presented in January 2021, the State Treasury notes that international adoptions have gradually become safer and safer, both for children and for those who adopt. At the same time, the State Treasury considers that there are risks in adoption activities, for example with regard to the adoption legislation of the countries of origin and how it is applied. The State Treasury also points out that there are risks regarding how well the countries of origin document how they investigated the child's background and conditions for international adoption (State Treasury, 2021:1, Organization of international adoption activities, p. 81 f.).

Adoptees' associations in Sweden have called for an independent government inquiry to clarify whether international adoptions to Sweden have been carried out in a legally secure and ethical manner in the best interests of the child. There are also demands to investigate the Swedish state's responsibility if the investigation shows that irregularities have occurred. Several interest groups have emphasized the need for accessible and legally secure DNA testing for adoptees and their biological families in the search for origin. Adoptees' associations have also demanded that the issue of nationalizing international adoption activities be investigated.

Assignment to investigate certain issues concerning Sweden's international adoption activities

Possible occurrence of the IRREGULARITY

The reports of irregularities or suspected irregularities in the international adoption process are worrying. The states concerned have a responsibility to ensure legal certainty and the best interests of the child at every stage of the adoption process.

In order to investigate whether there have been or are irregularities in Sweden's international adoption activities, a survey and comprehensive review needs to be carried out of how regulations, organization and processes have looked and functioned in the past up to the present. There is also a need for a survey and review of what responsibilities and roles different actors have and have had. It is important that the mapping highlights the historical development of adoption agencies and how their organization and working methods have worked in practice. The question of whether the active actors have had the right conditions to fulfill their responsibilities or role is also an important part of the analysis. It is also important that the survey highlights the effects of Sweden's ratification of the 1993 Hague Convention in regulations, organization and processes. In carrying out the task, the investigator shall in particular highlight irregularities that point to structural or systematic problems that have existed or exist today.

The investigator shall therefore

- to map and analyze regulations, organization and processes within Sweden's international adoption activities, the development and consequences of these,
- where necessary, identify and analyze the regulatory framework, organization and processes of intermediaries in countries of origin, as well as the responsibilities and role of countries of origin and their intermediaries in adoption mediation
- investigate and clarify what responsibility and role the government, relevant state authorities, municipalities, authorized associations, non-profit organizations and other private actors have and have had in Sweden's international adoption activities,
- investigate and clarify the existence and extent of any irregularities in relation to the countries of origin from which most intercountry adoptions to Sweden have taken place, as well as the countries of origin where there is knowledge or serious suspicion of irregularities in the adoption process,
- investigate and clarify whether the government, state authorities, municipalities, authorized associations, non-profit organizations and other private actors had knowledge of or involvement in any irregularities and clarify the extent to which any involvement in irregularities was temporary or systematic, and
- investigate and clarify how the government, state authorities, municipalities, authorized associations, non-profit organizations and other private actors responded to any indications of irregularities and whether they thereby fulfilled their responsibilities or roles based on the prevailing regulations and organization.

CONSEQUENCE of the IRREGULARITY and need for support

In both international and Swedish law, there are provisions relating to adoptees' right to their origin and their own identity. Knowledge of one's own life history can be of great importance for the mental health of adoptees. Adoptees' different experiences of adoption can affect them throughout life and its different stages. Therefore, different life events may mean that adoptees need tailored adoption-specific support.

Most adoptees reflect on their origins at some point, and some actively search for their roots and life story. Information about suspected irregularities in the adoption process can create anxiety, uncertainty and insecurity about issues of legal certainty and ethics in international adoptions in general and about one's own background. Discovering that your adoption documentation is inaccurate, being told that you were adopted without your birth parents having the opportunity to give informed consent, or that you have been trafficked are events that no one should have to experience and should not be allowed to happen. In cases where there are suspicions of irregularities in the adoption process, an origin search can help the adoptee and their family to get clarification. Other support measures, such as counseling or treatment, can also be helpful.

The Government has taken several measures to provide better support to adoptees. Since January 2020, the MFoF has been tasked with implementing a pilot project to provide individual support to adoptees in connection with origin searches. Since April 2020, the agency has also been tasked with providing adoption-specific professional counseling support to adoptees. Furthermore, the Government has commissioned the National Board of Health and Welfare to carry out a survey and analysis in 2021 of how health care and social services meet the adoption-specific care and support needs of adoptees. The assignment has a particular focus on care and support measures for mental illness. In addition, the Government has commissioned the National Board of Health and Welfare and the Public Health Agency of Sweden, together with 24 other authorities, including MFoF, to submit a basis for a new strategy in the area of mental health and suicide prevention. However, there may be reasons to further strengthen and develop adoption-specific support in general.

The investigator shall therefore

- investigate the need for adoption-specific support, suggest what help and support should be offered and how these should be organized,
- investigate and analyze the consequences of irregularities in the adoption process for adoptees, adoptive parents and biological parents; and
- propose the necessary legislative amendments and other measures.

The road ahead - how to improve the quality of WELDING

Shortcomings that have existed or still exist in regulations, organization and processes within Sweden's international adoption activities need to be clarified and analyzed so that any irregularities can be prevented in the future. The investigation's lessons, results and conclusions should also otherwise be able to provide guidance for the development of Sweden's international adoption activities and how they can be further strengthened from a child rights and legal certainty perspective. In the light of historical developments, and otherwise, the inquiry shall analyse and take a position on how the current regulations, organization and processes within Sweden's international adoption activities can be changed and strengthened in order to further ensure legal certainty and that the best interests of the child always carry the greatest weight.

It is of great importance that international adoptions are carried out with high and equal quality throughout the country and that the municipalities meet the needs of children and young people and their families for support that may exist after an adoption has been completed. The municipalities have an important role in ensuring the child rights perspective in the adoption process as they are responsible for investigating whether the applicants are suitable for adoption and for ensuring that the adoption takes place in the best interests of the child. The quality and equivalence of the investigations carried out by the municipalities also affect legal certainty. The State Treasury notes that the municipalities' consent investigations vary in quality and that there is thus a risk that legal certainty and the children's rights perspective are in some cases not met in the municipalities' decision-making. The State Treasury considers that the municipalities need more support to carry out the investigations. The State Treasury also proposes that the municipalities' work on consent investigations should be gathered and carried out by fewer municipalities (State Treasury, 2021:1, Organization of international adoption activities, p. 107 f.). MFoF has previously issued general advice to municipalities on the adoption process. However, the general guidelines are not binding rules. In order to be able to influence the process in a clearer and better way, the Government decided on September 9 this year to amend the Social Services Ordinance (2001:937), which gives MFoF the right to issue binding regulations for the handling and documentation of cases concerning intercountry adoptions.

One area of Sweden's international adoption activities where objections have been raised in various contexts concerns the rules on individual adoptions. It has been stated that the adoption process for the adoption of a known child is not clear and uniform and that the system of rules may need to be reviewed (Government Bill 2003/04:131, p. 75 f.). The Committee on International Adoptions also stated in the report *Adoption - at what price?* (SOU 2003:49) that the adoption process for individual adoptions is unclear and that the division of responsibilities between the authorities concerned is unclear (SOU 2003:49 p. 302 f.). Furthermore, MFOF has emphasized that there are particular difficulties in ensuring that individual adoptions are in the best interests of the child, e.g. it can be difficult to assess whether the child already lives in a functioning family situation in the home country.

According to the State Treasury, the risk of irregularities in the intercountry adoption system is greatest in individual adoptions. The review carried out by the MFOF in the case of an individual adoption is not as thorough as when an adoption takes place via an authorized association and its authorized partner countries. In addition, adoptive parents who have adopted individually are often not as prepared for the adoptions as those who have adopted through an authorized association. MFOF is not currently aware of all individual adoptions handled by the district court. Nor does the district court keep any statistics on the adoption cases it handles by type of adoption, which means that it is difficult to know how many individual adoptions are actually carried out. Furthermore, the Swedish Agency for Public Management highlights the need to clarify the responsibilities of the municipalities and MFOF in individual adoptions and clearer criteria for what is to be assessed as an acceptable procedure in adoptions. The question of whether it should be possible to carry out individual adoptions from countries where a Swedish adoption agency already has a partnership is also raised. The Swedish Agency for Public Management proposes a review of how individual adoptions should be handled in Sweden (Swedish Agency for Public Management, 2021:1, *Organization of international adoption activities*, p. 117 f.).

The investigator shall therefore

- take a position on whether the current regulations, organization and processes within Sweden's international adoption activities need to be changed or strengthened in order to further strengthen and ensure the child rights perspective and legal certainty,

- make proposals on what measures the government, state authorities and adoption agencies in Sweden should take when information about irregularities in international adoption comes to light,
- identify and analyze the current problems and risks of private adoptions and consider whether the possibility of such adoptions should be restricted,
- take a position on whether it should be possible to carry out individual adoptions from countries of origin where a Swedish authorized association already has a cooperation,
- consider whether there is a need for courts to develop their statistics on different types of adoptions and whether courts should have an obligation to report adoptions to the MFoF; and
- propose the necessary legislative amendments and other measures to further strengthen the child rights perspective and legal certainty.

Starting points and boundaries

The work of the investigator shall be based on the rights of the child in accordance with the Convention on the Rights of the Child and the 1993 Hague Convention.

The investigation will cover the period from the mid-20th century to the present. The investigator will focus on the countries of origin from which most international adoptions to Sweden have taken place, as well as the countries of origin where there is knowledge or serious suspicion of irregularities in the adoption process. The investigator will, among other things, examine international adoptions to Sweden from Chile and China.

The analyses made of the responsibilities and positions of the government, state authorities, municipalities, authorized associations, non-profit organizations and other private actors must be based on the regulations and organization prevailing at the time and take into account the attitudes and norms that existed in society at the time.

It is not part of the mandate to review individual adoption cases. Nor does it include consideration of possible liability issues in individual cases or financial compensation or other redress for individuals affected.

The investigator may consider such related matters as are connected with the issues to be investigated.

Impact assessments

The investigator shall comprehensively and thoroughly highlight the consequences of the proposals submitted. In addition to what follows from the provisions of Sections 14-15a of the Committees Ordinance (1998:1474), the investigator shall in particular consider the significance of the proposals for the authorized associations. If the proposals can be expected to lead to increased costs to the public purse, the investigator shall propose how these are to be financed. If a proposal is submitted that changes or extends the responsibilities or powers of an authority, the costs of this must be reported. If the proposals affect municipal autonomy, the consequences and the special considerations that justify the proposals must be reported separately (see Chapter 14, Section 3 of the Instrument of Government). The impact assessment regarding gender equality shall relate to conditions both in the countries of origin and in Sweden insofar as they are affected by the inquiry's report. An account of the consequences of the proposals and their compatibility with Sweden's international human rights commitments, such as the Convention on the Rights of the Child and the 1993 Hague Convention, shall be provided.

Contacts and reporting on the mission

The investigator shall seek the knowledge, experience and views of adoptees, adoptive parents, relevant governmental authorities, municipalities, regions, authorized associations and adoptees' interest groups. To this end, the investigator shall seek to reach as representative a sample of adoptees and adoptive parents as possible. The investigator shall also make use of the knowledge and experience of other relevant organizations, researchers and authorities in Sweden and abroad. As far as possible, the investigator shall obtain knowledge and views from private individuals and defunct organizations that have mediated international adoptions to Sweden. A reference group of stakeholders shall be attached to the investigator and given the opportunity to provide information and views.

The investigator shall keep himself informed of and take into account relevant work underway in the Government Offices, MFoF, the National Board of Health and Welfare and other

authorities concerned and within the investigative system. The investigator shall take into account the regulations, organization and development of international adoption activities in other Nordic countries. The investigator shall also make any international comparisons that are considered justified and take account of Sweden's international convention commitments in this area. Furthermore, the investigator shall obtain knowledge and seek dialogue where possible with other relevant investigations, including criminal investigations, concerning irregularities in international adoptions in other countries.

The assignment must be reported by November 7, 2023.

(Ministry of Social Affairs)

Committee directive 2023:113

Additional terms of reference for the Adoption Commission (S 2021:08)

Decision of the government meeting of 6 July 2023

Extended time for the mission

On October 28, 2021, the Government decided on a commission directive on Sweden's international adoption activities - lessons learned and the way forward (dir. 2021:95). The assignment was to be reported no later than November 7, 2023.

The investigation period is extended. Instead, the assignment must be reported by December 16, 2024.

(Ministry of Social Affairs)

Committee Directive 2024:86

Additional terms of reference for the Adoption Commission (S 2021:08)

Decision taken at the government meeting on September 19.

Extended time for the mission

On October 28, 2021, the Government decided on a commission directive on Sweden's international adoption activities - lessons learned and the way forward (dir. 2021:95). The assignment was to be reported no later than November 7, 2023. Through supplementary directives decided on July 6, 2023, the investigation period was extended to December 16, 2024 (dir. 2023:113).

The investigation period is extended. Instead, the assignment must be reported by March 1, 2025.

(Ministry of Social Affairs)

Committee Directive 2024:120

Additional terms of reference for the Adoption Commission (S 2021:08)

Decision of the government meeting of 5 December 2024

Extended time for the mission

On October 28, 2021, the Government decided on a commission directive on Sweden's international adoption activities - lessons learned and the way forward (dir. 2021:95). The assignment was to be reported no later than November 7, 2023. By supplementary directive decided on July 6, 2023, the investigation period was extended to December 16, 2024 (dir. 2023:113). By further supplementary directives decided on September 19, 2024, the investigation period was extended to March 1, 2025 (Dir. 2024:86).

The investigation period is extended. Instead, the assignment must be reported by June 2, 2025.

(Ministry of Social Affairs)

State public inquiries 2025

Chronological list

1. Stricter requirements for Swedish citizenship. Ju.
2. Some questions on fundamental rights and freedoms. Ju.
3. Tax incentives for research and development. A review of the R&D tax credit and the expert tax rules. Fi.
4. Modern and simpler tax rules for working life. Fi.
5. Fee for territorial cooperation – and other measures for safety in the built environment. LI.
6. Duty calls! A modern staffing of civil defense. For.
7. New nuclear power in Sweden - more efficient licensing and appropriate fees KN.
8. Improving the conditions for safety and learning in schools. U.
9. On a linguistic basis. U.
10. A revised abortion law - for good, safe and accessible abortion care. S.
11. The age of criminal responsibility. Ju.
12. AI Commission Roadmap for Sweden. Fi.
13. A more efficient organization of smaller authorities - analysis and proposals. Fi.
14. Tighter environmental criminal law and an effective system of sanctions. KN.
15. Strengthening incentives and opportunities for aid recipients. Volumes 1 and 2. p.
16. A new regulatory framework for supervision and detention. Re.
17. Adaptation of Swedish law to the EU Deforestation Regulation. LI.
18. An equivalent grading system. Volumes 1 and 2. U.
19. Knowledge for all - new curricula with a focus on teaching and learning. U.
20. Municipal affiliation to the activities of the Disbursement Authority. Fi.
21. The Environmental Objectives Committee's proposal for a strategy for how Sweden will meet the EU's commitments on biodiversity and net greenhouse gas emissions from the land use sector (LULUCF). KN.
22. Enhancing competition in public and private activities. KN.
23. Compensation rules with the victim in focus Re.
24. Focus on the audience – reforms for a stronger film country. Ku.
25. Workplace crime - approach, tools and measures, further work A.
26. Time for teaching - measures for good teaching and the attractiveness of the teaching profession U.
27. A social work education in time. U.
28. Freedom from violence, oppression and exploitation. A gender equality strategy against violence and strengthening the governance of central authorities. A.
29. Increased quality at Samhall and more pathways to sheltered work. A.
30. Simplified VAT rules for the sale of second-hand goods and the donation of foodstuffs Fi.
31. Phasing out of permanent residence permits and some adjustments to the minimum level under the EU Migration and Asylum Pact Re.
32. Some changes to hunting legislation. LI.
33. Stricter and clearer character requirements for residence permits. Re.
34. Modernizing consumer protection in distance contracts Re.
35. Establishment Housing Act – a new settlement scheme for certain new arrivals. A.

36. Protecting biodiversity in marine areas beyond national jurisdiction. MINISTRY OF FOREIGN AFFAIRS.
37. Tighter conditions for the independent school sector. U.
38. Caring for children and young people. S.
39. Digital technology on a level playing field. A regulation for social services and activities under LSS. S.
40. Safer fairgrounds. Ju.
41. Pension levels and pension contributions - analysis over a hundred years. S.
42. Security Protection Act - further additions. Re.
43. Ensuring access to medicines - prescription and dispensing in shortage situations. S.
44. Improving support in schools. U.
45. Enhancing information exchange between authorities - some related issues Re.
46. Safer sports events. Re.
47. Tension in life - how do we secure our future electricity supply? KN.
48. Strengthening pandemic preparedness. S.
49. Processing of personal data by the Security Police. Re.
50. A new national authority for wildlife management. LI.
51. Improving the conditions for climate adaptation. KN.
52. Increasing transparency in political processes. Ju.
53. Qualifying for social security and financial assistance for certain groups. S.
54. Tighter rules on deportation for criminal offenses Re.
55. A reformed civic orientation for better integration. A.
56. Strengthening the protection of the independence of courts and judges Ju.
57. Police preparedness in peace, crisis and war. Ju.
58. Strengthening the equine industry - for entrepreneurship, gender equality, equity and public health LI.
59. Strengthening legislation against honor-based violence and oppression Re.
60. A stronger fund market. Fi.
61. The Swedish Intercountry Adoption Agency— lessons learned and the way forward. Volumes 1 and 2. pp.

State public inquiries 2025

Systematic list

Ministry of Labor

Workplace crime - approach, tools and measures, further work [25]

Freedom from violence, oppression and exploitation. A gender equality strategy against violence and strengthening the governance of central authorities [28].

Increased quality at Samhall and more paths to sheltered work [29]

Etableringsboendelagen - a new settlement scheme for certain new arrivals. [35]

A reformed civic orientation for better integration [55].

Ministry of Finance

Tax incentives for research and development. A review of The R&D tax credit and the expert tax rules [3].

Modern and simple tax rules for working life [4].

AI Commission Roadmap for Sweden [12]

A more efficient organization of smaller authorities - analysis and proposals [13]

Municipal connection to the activities of the Paying Agency [20].

Simplified VAT rules for the sale of second-hand goods and donation of foodstuffs [30]

A stronger fund market [60].

Ministry of Defense

Duty calls! A modern personnel supply for civil defense. [6]

Ministry of Justice

Stricter requirements for Swedish citizenship. [1]

Some questions on fundamental rights and freedoms [2]

Age of criminal responsibility. [11]

A new regulatory framework for supervision and detention. [16]

Compensation rules with the victim in focus. [23]

Abolition of permanent residence permits and certain adjustments to the minimum level under the EU Migration and Asylum Pact. [31]

Stricter and clearer character requirements for residence permits [33]

Modernizing consumer protection in distance contracts [34].

Safer fairgrounds. [40]

Security Protection Act - further additions [42]

Enhancing the exchange of information between authorities - some related issues [45].

Safer sports events [46].

Processing of personal data by the Security Police [49]

Increasing transparency in political processes [52].

A stricter regulatory framework on expulsion on the basis of criminal offenses. [54]

Strengthening the protection of the independence of courts and judges [56].

Police preparedness in peace, crisis and war. [57]

Strengthening legislation against honor-based violence and oppression. [59]

Ministry of Climate and Business Affairs

New nuclear power in Sweden - more efficient licensing and appropriate fees [7]

Tighter environmental criminal law and an effective system of sanctions [14].

The Environmental Objectives Committee's proposal for a strategy on how Sweden should meet the EU's commitments on biodiversity and net greenhouse gas emissions from the land use sector (LULUCF) [21].

Improving competition in public and private activities [22].

Tension in life - how do we secure our future electricity supply? [47]

Improving the conditions for climate adaptation [51].

Ministry of Culture

Audience focus - reforms for a stronger film country [24]

Ministry of Rural Affairs and

Infrastructure Fee for area

cooperation

- and other security measures in the built environment [5].

Adaptation of Swedish law to the EU Deforestation Regulation [17]

Some changes to hunting legislation [32].

A new national authority for wildlife management [50].

Strengthening the equine industry - for entrepreneurship, gender equality, equity and public health [58]

Ministry of Social Affairs

A change in abortion law
- for good, safe and accessible abortion care [10].

Strengthening incentives and opportunities for aid recipients Volumes 1 and 2.

Caring for children and young people. [38]

Digital technology on a level playing field.
A regulation for social services and activities under LSS. [39]

Pension levels and pension contributions
- analysis over 100 years [41]

Ensuring access to medicines -
ordering and dispensing in
shortage situations [43]

Strengthening pandemic preparedness. [48]

Qualifying for social security and
financial assistance
for certain groups [53].

Sweden's intercountry adoption work -
lessons learned and the way forward.
Volumes 1 and 2. [61]

Ministry of Education

Improving the conditions for safety and
peace in schools. [8]

On a linguistic basis [9].

An equivalent grading system
Volumes 1 and 2 [18].

Knowledge for all - new curricula with a focus
on teaching and learning [19]

Time for teaching - measures for good
teaching and the attractiveness of the
teaching profession [26].

A social worker education in time. [27]

Tighter conditions for the independent school
sector [37] Improved support in schools [44]

Ministry of Foreign Affairs

Protection of biodiversity in marine areas
beyond national jurisdiction [36].