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NEWSLETTER

Danish approach to historical adoption cases

The disclosure of systematic shortcomings of past intercountry adoption practices around the globe requires critical and innovative approaches. It is therefore interesting to have a closer look into the different approaches taken by States around the globe in preventing and addressing issues of irregular and illegal ICA is encouraged. This article focuses on Denmark and its ongoing efforts to address allegations of irregularity

Historical Context of Intercountry Adoption in Denmark

Discussions around past adoption practices and on how to approach some of today's ramifications in light of current international standards are quite relevant in Denmark as ICA has been carried out since the late 1950's.¹ Between 1969 and 2021, approximately 23,000 children were adopted to Denmark via an intermediary organisation, with an additional unknown number of children adopted without any assistance. The [countries](#) of origin from which the majority of children have been adopted are South Korea, India, Colombia, China, Sri Lanka, Ethiopia, Vietnam, Thailand, South Africa, and Bolivia. Like in many other contexts, the rate of [ICA](#) to Denmark has decreased over the years, changing from an average of 481 per year from 1969 to 2015 to just 54 for the period 2016 – 2021.

Current Adoption Legal Framework

ICA in Denmark is currently [regulated by](#) the [Danish Adoption Act](#), which is grounded in the HCCH 1993 Child Adoption Convention and the UN Convention on the Rights of the Child (CRC Convention) both of which Denmark has been a state party since 1997 and 1991, respectively. Prospective Danish adoptive parents (PAPs), who intend to adopt from other countries, are required to fulfil certain criteria and the entire process is [highly regulated](#).

The National Social Appeals Board, which acts as the Danish Central Adoption Authority, vests also the role of supervisory authority for mediated adoptions in Denmark (adoptions conducted through an AAB). It needs to be noted that DIA ceased its activities in October 2024. Since then, the Danish Central Adoption Authority, is handling the mediation task until further decisions on the future adoption system in Denmark. The latter's

¹ ICA to Denmark in its earliest years started out informally without the State's knowledge and in the absence of regulation. See, for

instance, K. Eriksen, [A Great Desire for Children: The Beginning of Transnational Adoption in Denmark and Norway during the 1960's](#).

competence is limited to assisting only the applicants who were registered with DIA before January 16 2024, and who had an active case with DIA as of 1 November 2024.

Efforts to Address Historical Irregularities

In recent years, Denmark has been confronted with allegations of irregularities in procedures both in the States of origin and in Denmark in historical adoption cases. This circumstance urged Denmark to start reflecting on how allegations of irregularity have been and continue to be dealt with to fulfil Denmark's obligation towards adoptees and their families.

As part of its initiatives to deal with allegations of irregularity or illegality in ICA procedures, Denmark has made various efforts to strengthen and improve the regulation of ICA and investigate historical cases. Notably, Denmark has developed **guidelines** on the investigation or handling of suspected irregular or illegal adoptions in 2019, which were revised in 2022 based on the experience gained in the treatment of these cases (see below). This is also in line with the guidance provided in the HCCH Toolkit.

The revised [guidelines](#) aim to address and repair any irregularities in historical adoption cases, especially those from the 1960s to the 1980s. In doing so, they also provide guidance on the need for investigation.

Three primary areas are addressed in the guidelines: informing the public, supervising the Danish International Adoption (DIA), [sole](#) ICA accredited adoption body (AAB) that ceased its activities in 2024, and most importantly assisting adoptees.

The National Social Appeals Board has the task of evaluating information from various sources, including adoptees, adoptive families, and other authorities, to determine if an investigation is necessary. Broader investigations into adoption practices from specific countries may be initiated if patterns of irregularities emerge. These investigations analyse rules, procedures, and the conduct of intermediary organisations. The results are published on the National Social Appeals Board's website to inform the public and support transparency. After a political decision was reached in November 2023 to establish an independent commission to conduct a general investigation into past practices, the National

Social Appeal's Board has not done country-level investigations but still reviews individual cases.

In terms of assistance to adoptees, the National Social Appeals Board **reviews individual adoption cases**, compares them against historical adoption practices, and provides guidance on how adoptees can access further information, including contacting authorities and organisations (such as ISS) in the State of origin that can assist with further inquiries or the search for the biological family. This method is aligned with the assessments under article 17c) of the 1993 Hague Convention, of whether the adoption appears to have followed the applicable rules and procedures in the country of origin in retrospect.

Post Adoption Services are also offered, which include individual counseling and group sessions led by professionals with expertise in adoption issues. Free-of-charge group programs provide adoptees with opportunities to share experiences and connect with peers.

Finally, the National Social Appeals Board advises adoptees on their **legal options**, including the dissolution of adoption, if the latter was finalised under Danish jurisdiction.

This comprehensive support framework underscores the National Social Appeals Board's commitment to protecting adoptees' rights to identity. Since the guidelines' publications, inquiries to the National Social Appeals Board regarding possible irregular or illegal ICA have exponentially [increased](#).

Investigations Outcomes

In line with the obligations laid down in the guidelines, the National Social Appeals Board has [conducted several major investigations](#) into allegations of irregularity or illegality in historical adoption cases. In particular, five investigations were undertaken concerning the 1970s and 1980s, covering ICA from Chile, Indonesia, Colombia, Sri Lanka, [South Korea](#), and Bangladesh. The investigations were unable to neither concretely confirm nor deny the existence of illegal circumstances in the scrutinised cases. However, they highlighted that based on the current standards applicable to ICA, all mediated adoptions in past decades involved some forms of irregularity as a result of the lack of safeguards in the States of origin as well as Denmark.

Additionally, it has allowed adoptees to get further insights into their origins, according to the testimonies compiled by the National Social Appeals Board.

Conclusion

The Danish journey towards regulating ICA reflects significant progress in safeguarding children's rights. The publication of revised guidelines and ongoing investigative efforts underscores Denmark's commitment to confronting historical irregularities and illegalities and upholding

adoptees' right to identity. By participating in international forums, such as the Intercountry Adoption Network (ICAN), and collaborating with organisations like the HCCH and ISS, Denmark is contributing to the global dialogue on ethical adoption practices and historical accountability. As countries around the globe deal with similar challenges, the Danish approach serves as a valuable model, highlighting the importance of learning from the past and shaping more ethical adoption systems for the future.



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