

REPORT ABOUT IRREGULAR INTERCOUNTRY ADOPTIONS OF COLOMBIAN CHILDREN LINKED TO THE ARMED CONFLICT

Report drafted by:



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FOUNDATION
FOR
HUMAN RIGHTS**

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1. Executive Summary

This report was prepared by the Swedish Foundation for Human Rights¹ in cooperation with the Plan Ángel Foundation,² and it aims to document and present the impacts and conditions associated with irregular intercountry adoptions that occurred in Colombia during the second half of the 20th century to the Colombian Truth Commission. This phenomenon has affected children who were adopted under suspicious circumstances and for whom “it was impossible to trace their biological origins.”³ Irregular intercountry adoptions also affected the mothers and families of these children, belonging to the most vulnerable sectors of Colombian society, in a context in which the armed conflict and the structural violence, caused by the lack of access and guarantees to human rights, have favored irregular behaviors and practices in international adoption processes.

The report is based on the testimonies collected in five interviews with Colombian people who have been adopted internationally and one Colombian mother whose children have been adopted to other countries. Likewise, we have spoken with experts in international adoptions from Colombia and analyzed written material, including case documentation, journalistic and academic investigations, and the final report of a special commission investigating past intercountry adoptions in the Netherlands.⁴

The interviews confirmed the overall picture given by the investigations on adoptions in general and adoptions from Colombia. In particular, the intercountry adoptions between the 1960s and 1970s were carried out without much regulation and control by the Colombian government, institutions, and the receiving countries. Until 1975, adoption processes were carried out directly, without the need for intermediaries or government permits. Registration systems were also precarious. It was until the beginning of 1975 when a new requirement for a judicial decision was imposed for adoption, and in 1985 the responsible institution, the Colombian Institute of Family Welfare (ICBF, for its initials in Spanish) established that the adoptive parents had to travel to Colombia themselves to finalize the intercountry adoption. However, the regulation of international adoptions did not necessarily become an effective control measure, and irregularities continued during the 1980s and 1990s. An adoption expert from Colombia interviewed for the report—herself adopted from Colombia—who found her records and her adoption history in order

¹ More information available at <https://mrfonden.se/>

² More information available at <https://planangel.com/en/>

³ Carreazo, D. I. (September 16, 2016). Morir sin saber un origen: la realidad de miles de adoptados colombianos. Available in Vice, retrieved from: <https://www.vice.com/es/article/ppnbz9/morir-sin-saber-un-origen-la-realidad-de-miles-de-adoptados-colombianos>

⁴ The Netherlands Commission of Inquiry into Intercountry Adoption (Comissie Onderzoek Interlandelijke Adoptie, in Dutch) was established in 2019 and published its final report in February 2021. Some of the findings contained in that report are included in this document.

and without contradictions, stated: “I am one of the few who have found the papers in order – there are irregularities in most cases.”⁵

The international or intercountry adoption model in Colombia is not based on its childcare structure but has been imported from the West –its recent history coincides with the beginning and worsening of the internal armed conflict—. However, even though Colombia ratified The Hague Convention on Intercountry Adoptions in 1998, which establishes in Article 4(b) that international adoptions can only take place if there is no suitable local family alternative and intercountry adoptions are made in the best interests of the child, between 2010 and 2021 52% of adoptions of Colombian children were to intercountry adoptions, according to ICBF’s statistics.

The cases addressed in academic research showed that the growing demand in the countries receiving the children has stimulated the growth in the supply of the countries sending them. This has led to the creation of an international market in which adopted children are treated as a “commodity” with considerable profits, which also encourages the formation of networks that find children and facilitate the process of making them adoptable. In Colombia, irregular intercountry adoptions have occurred in an environment of corruption, lack of institutional control, armed conflict, and active participation of armed actors. Among others, we have been able to verify (i) the theft or kidnapping of children, (ii) the modification and falsification of documents, (iii) “express” adoptions that do not comply with the regulations, and (iv) negligence by the ICBF, the police and the legal system in their duty of searching for biological families before declaring the children as orphans for subsequent international adoption.

Regarding the direct links between irregular adoptions and the internal armed conflict in Colombia, the report presents two cases of kidnapping of children and mothers, the murder of the mothers and the alleged disappearance of other relatives, situations that lead to the intercountry adoption of the affected children. At least one of the two also presents irregularities in the adoption process.

It should be noted that irregular intercountry adoptions are another form of exile that can infringe on the right to a name, identity, citizenship, cultural heritage, and language. Additionally, adoptees and their birth families lack the *unmade memories* of long and important life stages due to their separation. In the search for their stolen identity, adoptees do not have the assistance of States regarding financial resources, practical help in the search, or psychosocial support. On the contrary, they often run into bureaucratic obstacles, language barriers or lies. To restore the rights that should have been protected by the States, they should have economic resources for their search. It is common among adoptees

⁵ Interview with Marcia Ángel, Director of the Plan Ángel Foundation (March 9, 2022).

to pay private agencies in Colombia that provide those services. Often, these agencies find very quickly files that have been denied or declared non-existent when the adoptee has asked the same question.

One regulatory aspect that has made it difficult for adoptees to know their identity is the 20-year confidentiality of information clause that has preserved the mother's anonymity and, at the same time, denied the children their right to a name and identity. Thus, the adoptees do not know their roots and true adoption story, and do not discover the irregularities of their adoptions until their biological parents are older or until it is difficult to seek justice for the wrongdoings committed in the process.

As is the case with other forms of exile, it is common for adoptees to suffer trauma due to their condition. In Sweden, studies have found that international adoptees have a greater risk of suffering severe mental health problems and social maladjustment, as well as a greater risk of committing or attempting suicide, suffering from eating disorders, falling into drug or alcohol abuse, and committing crimes. Despite this, receiving countries generally lack specialized psychosocial services for adoptees.

The least visible group are the biological families who also suffered from trauma without any support, given the lack of measures by the Colombian state to guarantee and protect the rights of children and women. Among the collected testimonies, the experiences of birth mothers are marked by a life full of gender-based violence, affecting their possibility of having a dignified life and increasing their vulnerability.

Finally, this report finishes with a series of recommendations to contribute to the restoration of the rights of international adoptees and their families, clarifying the truth both about what has happened in the *macro* environment and in individual cases, repairing the victims, seeking justice, and finally to establish a new path for Colombian adoptions, based on the rights of the children and prioritization of national adoptions.

We stress the importance of continuing efforts to a detailed, in-depth, and independent investigation around fraudulent practices in adoption processes in Colombia, so that the conditions in which they were generated can be clarified and allow victims to find their biological relatives, as well as satisfying their right to an identity. This can also be seen from a learning perspective to improve the national adoption process.

Similarly, it is necessary to establish a national center for adoptees that can function as a central and expert entity to support the search for identity and provide psychosocial support. The center would be serving both adoptees and birth families. In addition, this report invites the Colombian State to consider definitively suspending international adoptions.

We recommend the inclusion, by the Special Jurisdiction for Peace (JEP, for its Spanish initials), of irregular adoptions as part of its macro case 07, “Recruitment and use of girls and boys in the armed conflict.”

2. Basic information

2.1 Authorship of the report

The Swedish Foundation for Human Rights (SFHR) is a non-profit civil society organization with no religious or political ties whose activities aim to strengthen the respect for and the protection of human rights in Sweden and internationally. The Foundation's work focuses on two main areas: Economic, Social and Cultural Rights and Transitional Justice. At the international level, SFHR supports community initiatives and processes by Human Rights organizations in Colombia, Cuba, Myanmar, and Uganda. It is also one of the international organizations that supported the international work of the Colombian Truth Commission through research, collecting testimonies, mapping actors, the systematization of the data, and information analysis from secondary sources.

This report was written in collaboration with the Plan Ángel Foundation, a Dutch-based non-governmental organization with a presence in several European countries. The foundation's primary goal is to support, accompany and promote reunion processes between biological families and adopted individuals through the performance of DNA tests. At the same time, Plan Ángel concentrates its efforts on exposing the different challenges inherent to intercountry adoption and empowering the resilient voices of those who have been victims of irregularities in the adoption system in Colombia.

The contribution of activists on the subject in Sweden and the Plan Ángel Foundation was crucial to establish contact with witnesses, whose contributions and documentation have been essential to include the perspective and analysis of adoptees and mothers affected by irregular adoptions in this report. Plan Ángel has taken part and validated the resulting recommendations from this investigative process.

2.2 Subject of this report

This report seeks to identify the dynamics used in the preferential adoption processes of Colombian girls and boys to foreign couples and the elements that exist to characterize regular and irregular adoptions.

Special emphasis is placed on the impacts of intercountry adoption, coping mechanisms, enforcement of the rights of adoptees and their biological and adoptive parents, and the search for truth by the adopted population.

The objective of this report is to make visible the need to investigate the irregularities that have taken place in the framework of intercountry adoptions and their relationship with the conditions generated by the armed conflict. The aforementioned, in terms of the use of children and adolescents in the armed conflict and irregular adoption as another form of exile.

The proposed hypothesis is the following: the context of vulnerability of the population due to the armed conflict in the regions, generated socio-economic conditions that facilitated for the armed actors, State institutions, foster homes and human traffickers, the implementation of strategies and routes for the irregular adoption of boys and girls, incurring in this way in severe violations of human rights. The consequences of this phenomenon were: the expatriation of children, family separation, and emotional impacts on adopted sons and daughters, biological parents, and adoptive parents.

Considering this hypothesis, it is important to clarify the definition used to describe intercountry adoptions. For this report, and following legal doctrine, adoption “is a legal act that creates a bond of kinship between the adopter and the adoptee from which analogous relations are drawn to those resulting from legitimate paternity and filiation.”⁶ Its character becomes intercountry or international when an individual or adoptive couple become legal guardians of a minor born in another country. In the international legal framework, this type of adoption is considered a set of “protection and welfare measures that allow orphaned or abandoned children to benefit from a permanent family”⁷.

According to the Special Rapporteur on the sale of children, child prostitution and child pornography, there is a wide variety of illegal acts and illicit practices that have been committed and continue in the context of these [adoption] processes, among which are:

The abduction of babies (e.g. through kidnappings or by falsely informing parents that their baby was stillborn or died shortly after birth), the improper inducement of consent (e.g. through misrepresentation, bribery or coercion) and improper financial gain (e.g. through payment for the child or the payment of bribes to intermediaries involved in the adoption process) are among the most common methods used in the sale of children and illegal adoptions. Inherent to the methods is the falsification of documents (e.g., birth and medical certificates, the identification documents of the biological mother, DNA test results and relinquishment or abandonment declarations) and the bypassing of regulations.⁸

⁶ González Martín, N., & Rodríguez Benot, A. (2001). Estudios sobre adopción internacional. Universidad Nacional Autónoma de México. Translated from Spanish by the authors.

⁷ Ibid., p. 26.

⁸ UN Human Rights Council (2017). Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/34/55). General distribution on December 22nd, 2016.

This report will address some of these practices, especially those that refer to the abduction or kidnapping of minors and fraud in the documentation that determined the abandonment status of the children and whether they could be subject to adoption or not. We will pay special attention to the relationship between these practices with the armed conflict and the vulnerability of families who are victims of human rights violations in this same context.

2.3 Context

According to the Unitary Victims' Registry ("Registro Único de Víctimas" in Spanish), in Colombia, of the total registered victims (9,250,453), 2.5% are boys and girls from 0 to 5 years old, 8.5% are between 6 and 11 years old, and 11.4% are between 12 and 17 years.⁹ Forced displacement is the most frequent victimizing act and has affected more than 8,000,000 people. According to the first census of victims carried out by the Office of the Comptroller General of Colombia, 52% of the victims of forced displacement are under 19 years of age.

As a result of forced displacement, forced disappearance and homicides that have taken in the context of the conflict, new issues and vulnerability conditions have been generated that translate into new situations of re-victimization for boys and girls¹⁰. Forced displacement exacerbates sexual violence, early pregnancy, and the reproduction of conditions of poverty and exclusion of women. 5.4% of displaced women have stated that they were pregnant for the first time between the ages of 12 and 14.¹¹

20.5% of the victims registered in the Unitary Victims' Registry (RUV, for its Spanish initials) are not subjects of reparation as they are deceased, victims of forced disappearance or homicide. Given this scenario, many boys and girls were left as orphans and without a close relative's protection. Two of the cases referenced in this report are related to irregularities in the adoption processes, taking advantage of the children's vulnerable social and legal situations.¹²

⁹ Registro Único de Víctimas [Unitary Victim's Registry] (updated on February 28th, 2022). Red Nacional de Información. Retrieved from: <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394>

¹⁰ Alianza por la Niñez Colombiana (2018). Informe de seguimiento a las recomendaciones del Comité de los Derechos del Niño a los informes periódicos IV y V, Noviembre 2018. Retrieved from: <https://www.refworld.org/es/pdfid/5bec60444.pdf>

¹¹ I-ENV_CGR-2013 Primera Encuesta Nacional de Víctimas, adelantada por la CGR y el CID en 2013. The Comptroller General of the Republic conducted a survey in three regions. Region 1: Antioquia and Chocó; Region 2: Bolívar, Córdoba, Sucre and Atlántico; Region 3: Magdalena, Cesar, La Guajira and Norte de Santander. The survey was also conducted in Tolima, Huila, Cundinamarca, Boyacá, Santander, Valle del Cauca, Caldas, Risaralda, Quindío, and the capital city.

¹² Zorio, S. (2015). Tierras, mujeres y niñez. Familia y conflicto armado. Derecho del Estado, (35). Universidad Externado de Colombia, Julio-Diciembre, pp. 295-315.

Despite not having specific statistics regarding the percentage of girls and boys from indigenous groups and Afro-descendant communities who have been adopted internationally, it is possible that these minors have been affected by child trafficking, considering that, among the people registered as victims, 12.5% are Afro-Colombian and 5.8% indigenous.¹³

Internal displacement has also generated different impacts for girls and boys by generating repercussions on their family nuclei. These may be related to family disintegration, the weakening of the family bond¹⁴, and the deterioration of the capacities and competencies for the care and protection of the children. In a context in which the lack of institutional presence and guarantees for the fundamental rights of the victims of forced displacement¹⁵ and the rights of children and women has facilitated the operation of child trafficking networks, specifically through irregular adoptions, as confirmed in the testimonies collected as part of this investigative process.

Additionally, most of Colombia's victims of forced displacement find themselves in a severe socioeconomic situation —measured in terms of poverty, marginality, vulnerability, and educational deficit¹⁶—. This situation has been used as a pretext to deprive mothers of their children, as confirmed in the testimony of one of the interviewees for the report, despite the fact that the Controller General of the Republic indicated that this situation accounts for a process of massive and systematic impoverishment that must be actively confronted, without minimizing the need to strengthen the guarantees of the rights to truth and justice, that the victims claim.

Another factor that has favored the operation of child trafficking networks and the irregular adoption industry has been the lack of investigation and justice regarding violations of human rights and international humanitarian law in Colombia. “Impunity continues to be a structural problem in Colombia, especially related to human rights violations, which shows that the UPR-2013 recommendations have not been implemented.”¹⁷

¹³ Registro Único de Víctimas [Unitary Victim’s Registry] (updated on February 28th, 2022). Retrieved from: <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394>

¹⁴ Fundación PLAN, 2015.

¹⁵ Judgment T-025 of 2004 (“Sentencia T-025” in Spanish) and the follow-up orders, by which the Constitutional Court declared that the population displaced by violence is affected by an Unconstitutional State of Affairs (ECI, for its initials in Spanish). Retrieved from: <https://www.corteconstitucional.gov.co/relatoria/2004/t-025-04.htm>

¹⁶ Contraloría General de la República, 2013.

¹⁷ Multiple Organizations (2017). Situación de derechos humanos y derecho humanitario en Colombia 2013-2017. Informe paralelo de las organizaciones de la sociedad civil colombiana sobre la Situación de derechos

2.4 Timeframe of the Report

The findings of this report make it possible to locate the existence of irregular international adoptions from the 1960s until approximately 1998. Similarly, the information and timeframe corresponding to the irregular international adoptions are complemented with a current overview of intercountry adoptions that are carried out from Colombia, and the advocacy efforts led by international adoptees in the last decade in different receiving countries.

2.5 Areas or regions referred in the Report

Sweden, Germany, The Netherlands, Canada, The United States, France and Colombia.

2.6 Relationship of the topic with the mandate of the Truth Commission

The events described here have been historically invisible. Although some of the irregularities depicted in this report have been the subject of a judicial investigation on several occasions, these have been closed in some cases due to the expiration of terms.¹⁸

This report introduces nuance to the understanding of the complexity of the armed conflict and the socioeconomic and psychological impacts it left on thousands of families and children. Remembering that it is in the interest of the Truth Commission to recognize and make visible the effects of the conflict on the different sectors of victims, we intend to contribute to the clarification and recognition of serious human rights violations associated with this type of adoption.

Intercountry adoption is a form of exile that affects both the lives of the adoptees and their biological and adoptive families. It involves the loss of identity and name, nationality, cultural heritage and language. The loss of relatives, memories, background, and years without contact and lack of coexistence with biological parents and siblings can cause damage that cannot be recovered and radically changes their life project. In almost all cases, it leads to a trauma caused by exile that marks the lives of the girls, boys and families involved.

Finally, the negligence of the Colombian institutions has meant a lack of protection for these children and their families and the violation of their rights. Consequently, this report is directly related to the Truth Commission's mandate to clarify and make visible the impacts of the internal armed conflict through the direct and indirect generation of conditions that

humanos y derecho humanitario en Colombia 2013-2017 para el Examen Periódico Universal de Colombia. Retrieved from:

https://coalico.org/wp-content/uploads/2020/05/informe_situacion_derechos_espanol_3_abril_2018.pdf

¹⁸ Carreazo, D. I. (September 16, 2016). Morir sin saber un origen: la realidad de miles de adoptados colombianos. Available in Vice, retrieved from: <https://www.vice.com/es/article/ppnbz9/morir-sin-saber-un-origen-la-realidad-de-miles-de-adoptados-colombianos>

led to the exile of Colombians, including the effects both on the lives of exiles and their families.

2.7 Relationship of the topic with the special working approaches of the Truth Commission

In principle, the acts and situations described in this report relate to the *life course* approach used by the Truth Commission as an “analytical-methodological tool” that accounts for the social transformations derived from the armed conflict over time. In this sense, this approach can help to

Signify, understand, and narrate what has happened to boys, girls, young people and their families in the context of the armed conflict from a much broader and transcendent perspective, which has as its starting point the life trajectory, the meaning attributed to the acts and the impact on their life and development.¹⁹

Although most of the victims of irregular adoptions are adults at the time they denounce or provide testimony, they were children between three months and five years of age when the acts occurred. For this reason, special attention will be paid to the impacts and violence against girls and boys, with the objective of “clarifying and recognizing what happened to them during the armed conflict, since it is essential to contribute to the amplification of the truth, coexistence and non-repetition, as well as the construction of a more inclusive and democratic country.”²⁰

Similarly, this report acknowledges the efforts of the Truth Commission and the Comprehensive System of Truth, Justice, Reparation, and Non-Repetition (SIVJRR, for its Spanish initials) in general, in the inclusion of a *psychosocial* approach, to understand the impacts that violence has generated on individuals, groups, communities, societies and the nature of the territories.

Each interview carried out with the people who gave testimony for the preparation of this report also required strategies of accompaniment and interventions with a Do-No-Harm approach, through which it was possible to address sensitive issues and to achieve “emotional mobilization, the signification of the events or traumatic impacts lived, the construction of narratives and testimonies, as well as the forms of resignification, symbolic

¹⁹ Comisión de la Verdad. (2019). Escuchar, reconocer y comprender: lineamientos metodológicos de la Comisión de la Verdad. Retrieved from: <https://comisiondelaverdad.co/images/zoo/publicaciones/archivos/comision-verdad-lineamientos-metodologicos-22072019.pdf>

²⁰ Comisión de la Verdad. (s.f.). Enfoque Niñas y niños. Retrieved from: <https://comisiondelaverdad.co/en-los-territorios/enfoques/ninas-y-ninos>

and reinforcement of the social fabric and coexistence.”²¹ This does not ignore that our research faced challenges and difficulties, addressed by the interviewees, including the time limits for the collection of testimonies and the development of the report, for which it is necessary to continue delving into the phenomenon presented and the identified truth-clarification opportunities.

3. Methodology

The research made for the preparation of this report that is presented to the Truth Commission was based on the collection, processing, and analysis of information from the testimonies of victims of this conduct, who in several cases are currently working on the issue, becoming so in experts. For this purpose, six interviews were held with Colombian people who have been adopted internationally and a mother in Colombia, whose children have been adopted to other countries. Contact with the interviewees was possible thanks to personal references and *snowball sampling*.

Another crucial element for the research development was the review of statistical data with information about the adoptions of Colombian children to different countries. Despite the different periods covered by the sources, they coincide with each other in different decades, with which it was possible to obtain an overview of the scope of intercountry adoptions that took place.

Likewise, we used secondary sources such as academic articles and journalistic investigations on irregular adoptions in Colombia and other similar cases in Latin America. The report also included some of the findings of the Dutch Commission of Inquiry on intercountry adoptions and further international investigations into irregular adoption cases that arose during the studied timeframe.

4. Findings and analysis

4.1 Legal Framework

4.1.1 International regulation

Internationally, adoptions are regulated by international human rights law. In this sense, it should be remembered that children's rights are human rights. States have adopted various international instruments as “the most reliable expression of their commitment to recognizing childhood as the basis on which to build fairer and more supportive societies,”²² which translates into the obligation to adopt policies and legislation consistent with this

²¹ Comisión de la Verdad, 2019.

²² Mercer, R. (December 13, 2013). Los derechos del niño son derechos humanos. Available in IDB, retrieved from: <https://blogs.iadb.org/desarrollo-infantil/es/los-derechos-del-nino-son-derechos-humanos/>

mandate to protect and guarantee rights. Obviously, these actions must be accompanied by mechanisms for monitoring and accountability at the national and international levels.

There are various international instruments regarding the regulation of intercountry adoptions. A first precedent is found in the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with particular reference to Foster Placement and Adoption Nationally and Internationally (1986) adopted by the UN General Assembly. In this document, States are requested to adopt effective supervision policies and mechanisms to protect children involved in international adoptions. It should be clarified that this declaration is not binding, although it manifests the political commitment of the signatory States.

The two main binding international instruments regarding intercountry adoptions are (i) the Convention on the Rights of the Child (CRC), signed in 1989, and (ii) The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, signed in 1993. Both documents, together with the previously mentioned declaration, establish common principles such as the subsidiarity nature of intercountry adoptions, the best interest of the child as a primary consideration, the intervention of competent authorities for the placement of children with a new family guaranteeing compliance with current laws, and in no case should an adoption result in undue financial gain for those involved.

Convention on the Rights of the Child

The CRC establishes “four pillars” that grant the child the “right to non-discrimination, the right to have the best interest of the child as the primary consideration in all actions that affect them, the inherent right to life, and the right of the child to be in a position to form his or her own views and to express those views freely in all matters that affect them.”²³ According to Article 21, the Convention seeks to guarantee, among other things, the application of the principle of the “best interest of the child” in adoption, being the only area covered by the Convention in which this principle is the paramount consideration. In addition, this same article establishes the obligation of the States parties to “ensure that the adoption of a child is authorized only by competent authorities.”²⁴

Another principle underlying intercountry adoptions is based on their subsidiary nature; that is, this type of procedure must be used as a “last resort”, and before it is necessary to exhaust the child’s care options in their country of birth. This implies that once the

²³ Mezmur, B. D. (2009). La adopción internacional como medida de último recurso en África: Promover los derechos de un niño y no el derecho a un niño. *Revista Internacional de Derechos Humanos* (10), 83-105. Retrieved from: <https://www.corteidh.or.cr/tablas/r23740.pdf>

²⁴ Convention on the Rights of the Child (CRC). (November 20, 1989). Retrieved from t: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

information has been collected on the different factors that can cause the children to find themselves in a specific situation of vulnerability, it is up to the State to determine, following an assessment of the best interests of the child, the special protection measures that are required to ensure their life, survival and development. In this sense, the Committee on the Rights of the Child—a body created within the United Nations system based on Article 43 of the CRC—has stated, in its *General Comment No. 6*, that there should also be an "assessment of particular vulnerabilities, including health, physical, psycho-social, material and other protection needs, including those deriving from domestic violence, trafficking or trauma."²⁵

Relevant to the case of intercountry adoptions is the right to preserve the child's identity, name, nationality, and family relations, proclaimed by Article 8.1 of the Convention. Article 8.2 further stipulates that if "a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity." In the case of intercountry adoption, the responsibility to protect the child's rights falls on both the sending country and the receiving country. Article 29 of the Convention regulates education, and 29(c) pays special attention to culture and language in education, which must include their own cultural identity, their language and values, the national values of the country where the children live, and their country of origin.

It should be noted that the Committee on the Rights of the Child, as the body in charge of examining and supervising the application of the provisions of the CRC, has published various observations, with suggestions and recommendations regarding the human rights situations of children in countries subscribed to the CRC, such as the one already mentioned (*No. 6*). It should be added that in relation to the subject of this report, in its *General Comment No. 7*, the Committee urges all States parties to the CRC to recognize and ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000), and the Hague Adoption Convention (1993). They offer a legal framework and a mechanism to prevent abuses in the sale, trafficking and abduction of children and the violation of their rights.

Colombia ratified the Convention on the Rights of the Child on January 28th, 1991; the Optional Protocol regarding the sale of children, child prostitution and child pornography

²⁵ Comité de los Derechos del Niño (September 1, 2005). *Observación General N° 6: Trato de los menores no acompañados y separados de su familia fuera de su país de origen*, UN Doc. CRC/GC/2005/6. Retrieved from: <https://www.acnur.org/fileadmin/Documentos/BDL/2005/3886.pdf>

English version: Committee on the Rights of the Child (2005). *General Comment N° 6: Treatment of unaccompanied and separated children outside their country of origin*. Retrieved from: <https://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf>

on November 11th, 2003; and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on May 25th, 2005.

Hague Adoption Convention

The “Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption” of 1993 is the treaty with the most direct application in the field of international adoption. Its preamble recognizes that “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.”²⁶ The preamble also states that for children who *cannot* remain in their family of origin, “intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin.”²⁷

Article 4(b) has a more direct application in terms of the hierarchy that intercountry adoption occupies among the care options for a child deprived of their family environment. According to this article, intercountry adoptions can only take place “when the competent authorities of the State of origin (...) b) have determined, after possibilities for placement of the child within the State of origin have been given due consideration, that an intercountry adoption is in the child's best interests.”²⁸

The Hague Convention was ratified by Colombia in 1998.²⁹

4.1.2 Regional regulation

At the regional level, the American Convention on Human Rights (1969), subscribed by the Colombian State, establishes the duty to protect rights such as “not being subjected to arbitrary interference in family life, protecting the family, the rights of the child, the prohibition of trafficking in persons or the right to identity and name.”³⁰

²⁶ Mezmur, 2009.

²⁷ Ibid.

²⁸ HCC (2008). Convenio de 29 de mayo de 1993 relativo a la Protección del Niño y a la Cooperación en materia de Adopción Internacional [Traducción preparada por los Profesores Borrás y González Campos]. Retrieved from: <https://www.hcch.net/es/instruments/conventions/full-text/?cid=69>

English version: HCC. (1993). Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption. Retrieved from: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=69>

²⁹ HCC (2022). Status: Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption. Hague Conference on Private International Law. Retrieved from: <https://www.hcch.net/en/instruments/conventions/status-table/?cid=69>

³⁰ Prieto Ríos, E., & Jaramillo, J. P. (March 15, 2021). Adopciones irregulares en Colombia. Razón Pública. Retrieved from: <https://razonpublica.com/adopciones-irregulares-colombia/>

There are precedents for the Inter-American Court of Human Rights (IACtHR) decisions on cases in which irregularities occurred in adoption processes. Among them, the case of *Ramírez Escobar et al. v. Guatemala*³¹ stands out, in which the Inter-American Court established the inability of the Guatemalan State to guarantee the effective protection of the rights of the seven-years old child Osmín Ricardo Tobar Ramírez, who was institutionalized and declared in a supposed state of abandonment for subsequent adoption, under a series of procedures that “had violated the minimum requirements to be compatible with the American Convention on Human Rights.”³² In its decision, the Inter-American Court declared that the country committed a violation of human rights by not verifying “the legal situation of the children to determine if they were subjects of adoption,”³³ nor the subsidiary nature of international adoption with respect to other internal measures for the protection of children, nor did it review whether the adoption process resulted in economic benefits.³⁴ Specifically, the Inter-American Court determined that the Guatemalan State was responsible for the violation of the right to judicial protection (Article 25.1), to personal liberty (Article 7.1), to identity and name (Article 18) and to personal integrity (Article 5), contained in the Inter-American Convention on Human Rights. Similarly, the State failed to prevent violations of the prohibition of arbitrary interference in family life (Article 11.2), the right to a fair trial (Article 8.1) and protection of the family (Article 17.1).³⁵

Another case that is worth highlighting and that is of particular interest to this report is the one declared admitted by the Inter-American Court on October 16, 2020.³⁶ This case was presented by Carlos Alberto Apraez —adopted in Sweden—, and his biological family against the Colombian State. The rights admitted by the Court are contained in Articles 3 (right to juridical personality), 4 (right to life), 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 11 (right to privacy), 17 (rights to the family), 18 (right to a

³¹ IACtHR, *Caso Ramírez Escobar et al. v. Guatemala*, (Fondo), Sentencia de 9 de marzo de 2018. Retrieved from: https://www.corteidh.or.cr/docs/casos/articulos/seriec_351_esp.pdf

English version (summary) available at:

<https://corteidh.or.cr/cf/jurisprudencia2/overview.cfm?lang=en&doc=1920>

³² *Ibid.*, p. 5.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*, p. 138.

³⁶ IACHR, Informe No. 309/20. Petición 151-10. Admisibilidad. Nancy del Carmen Apraez Coral, Carlos Alberto Apraez y familia. Colombia. 16 de octubre de 2020. Retrieved from: <http://www.oas.org/es/cidh/decisiones/2020/coad1521-10es.pdf>

name), 19 (rights of the child) and 25 (judicial protection) of the American Convention in relation to Article 1.1 and 2; and Article 7 of the Belem do Pará Convention.³⁷

On December 9th, 1992, members of the Anti-Extortion and Kidnapping Unit (UNASE, for its Spanish initial) of the DAS (“Departamento Administrativo de Seguridad” in Spanish, the former security service agency in Colombia) violently broke into the house where the child lived with his family, in the Yanaconas neighborhood in Popayán, Cauca. In the middle of an operation to capture his father, UNASE kidnapped Carlos Alberto, his mother Nancy del Carmen Apraez and his paternal uncle Campo Elias Chanchi Becerra. The child's mother was disappeared, and it is presumed that she was executed on December 16th, 1992; her body was abandoned on a precipice on the highway from Popayán to Pasto. Campo Elías Chanci Becerra died, and his body was found with signs of torture on the banks of the Palace River on the outskirts of Popayán on December 29th, 1992.

The child under 11 months of age was found alone in Pasto, was institutionalized, declared in a state of abandonment, and put up for adoption on February 4th, 1993, amid an irregular process that took away the possibility of his grandmother obtaining custody of the child. His grandmother, Amparo Apraez, managed to have the Superior Court of Pasto annul the child's adoption on June 9th, 1995, ordering the ICBF to guarantee family reunification. However, the child was not returned to Colombia. The information on this case is documented in Annexes 1 and 2.

4.1.3 Colombian regulation

Until 1975, adoption processes in Colombia were conducted directly, without the need for intermediaries or government permits. Similarly, registration systems were precarious. It should be added that there was a differentiation between a "simple adoption" and a "full adoption", which persisted until 1989, with the abolition of the former. In cases in which the adoption was of a simple nature, the child kept one or both surnames of his biological parents and only “kinship was established between the adopter, the adoptee and his children,”³⁸ in such a way that it was considered the adopted as a “natural child.” In cases of full adoption, “kinship relations were established between the adoptee, the adopter and

³⁷ Convención Interamericana para Prevenir, Sancionar y erradicar la violencia contra la Mujer (1994). Retrieved from: <https://www.corteidh.or.cr/tablas/26547.pdf>

English version: Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (“Convention of Belem do Para”). (1994). Retrieved from: <https://www.refworld.org/docid/3ae6b38b1c.html>

³⁸ Ley 5 de 1975, “Por la cual se modifica el Título XIII del Libro Primero del Código Civil y se dictan otras disposiciones”. (10 de enero de 1975). Congreso de Colombia. <Ley derogada por el artículo 353 del Decreto 2737 de 1989> [Law 5 of 1975, "By which Title XIII of the First Book of the Civil Code is amended and other provisions are issued." (January 10, 1975). Colombian Congress. <Law abrogated by article 353 of Presidential Decree 2737 of 1989>]

his blood relatives”³⁹ so that the adoptee became a “legitimate child” and “ties with the biological parents were severed in all respects.”⁴⁰

Starting in 1975, the requirement of a judicial decision was imposed for an adoption. The administrative process, which was done through ICBF, required the declaration of abandonment, the lack of information about biological parents, or the consent form of the birth parents. “The legal requirements consisted of at least having: name and copy of the ID of the biological parents, a record from the registry office, the judge's decision, and the declaration of consent or declaration of abandonment.”⁴¹ Despite this, many adoption processes failed to comply with all legal requirements.

In 1985, the ICBF determined that the adoptive parents should travel to Colombia themselves for intercountry adoption. This is to ensure that the ICBF could seek solutions to protect the child and her immediate family and thus prioritize the return to his or her birth family. This change led to the consideration that only if it is beneficial for the child's protection could he or she be adopted. Already in 1989, Presidential Decree 2737 was issued, which established the Code for Minors,⁴² generating a change in the focus of the regulation regarding adoption, shifting from an emphasis on the rights of the family of origin to the rights of the child. This regulation also stipulated the preference given to the child's relatives in initiating guardianship proceedings before an adoption.⁴³

After subscribing to the CRC together with its optional protocols and the Hague Adoption Convention, the Code for Childhood and Adolescence was issued in 2006 (through the Law 1098 of the same year), with the substantive and procedural norms for the comprehensive protection of children and adolescents, in accordance with international instruments and the Colombian Constitution of 1991. This law regulates intercountry adoption (Article 72), highlighting the priority of Colombian adopters (Article 71), the reservation of documentation related to adoption processes (Article 75) and the prohibition of payments or donations by adoptive families (Article 74). However, this last aspect is questioned, since the costs of intercountry adoption include fees to institutions in the countries of origin that facilitate the adoption process.

³⁹ Ibid.

⁴⁰ COIA (Commissie Onderzoek Interlandelijke Adoptie) (2021). Rapport Commissie Onderzoek Interlandekijk Adoptie [Report of The Netherlands Commission of Inquiry into Intercountry Adoption]. Retrieved from: <https://www.rijksoverheid.nl/documenten/rapporten/2021/02/08/tk-bijlage-coia-rapport>

⁴¹ Ibid., p. 68.

⁴² Decreto 2737 de 1989, “Por el cual se expide el Código del Menor”. Presidente de la República de Colombia.

⁴³ Ibid., Article 220.

Subsequently, in 2013, the regulation was changed⁴⁴ so that foreigners are not the first option for parenting when a child is given up for adoption, with the exception that the child in question is difficult to adopt; that is, that they have some medical need, that they belong to a group of siblings, or that they are older than seven years. However, in 2017, through an administrative act, this modification was repealed, and the restriction on adoptions was lifted.⁴⁵

4.2 Discourses about intercountry adoption in receiving countries

The great flow of international adoptions that began in 1960 towards Europe was justified to a large extent by the generalized perception of the precarious living conditions of children in developing countries, mired in conflicts and natural disasters. Intercountry adoptions were then positively perceived as a “duty” by families in more developed nations to provide better and greater opportunities for children.

The viewpoints regarding intercountry adoption are diverse. On the one hand, some people conceive this type of adoption as “necessary” and an “opportunity to free children from neglect.”⁴⁶ On the other hand, some still question the mechanisms that facilitate these procedures and the adoption networks that have been created around their business scheme. Similarly, there is resistance around the apparent “need for some of the Third World children deprived of their family environment to be placed in homes outside their native country,”⁴⁷ given its imperialist and paternalistic nature.

This vision of the world and adoptions assumes that the adoptee would almost automatically have a better life in a country with better economic income, ignoring other values such as identity and culture, which are generally lost once the adoption process happens. Many adoptees must experience psychosocial challenges and other effects of trauma. No one could have imagined that these children adopted in “developed” countries in the future would be interested in returning to Colombia.

The demand from the receiving countries has created an offer in the sending countries, including Colombia. The current international adoption process, while involving increased

⁴⁴ Resolución 4274 de 2013 del ICBF. Retrieved from: https://www.icbf.gov.co/cargues/avance/docs/resolucion_icbf_4274_2013.htm#INICIO

⁴⁵ Resolución 555 de 2017, del ICBF. Retrieved from: https://www.icbf.gov.co/cargues/avance/docs/resolucion_icbf_0555_2017.htm

⁴⁶ Mezmur, 2009.

⁴⁷ Ibid.

state controls, is a recent practice imported from the West that has no foundation in local childcare traditions.⁴⁸

Since 1960, there were already reports on abuses in intercountry adoptions in the national and international media, which raised questions about the existence of “forged documents or the participation of intermediaries who, taking advantage of the poor conditions of the birth mothers and fathers, deceived, forced or paid money in exchange for their children.”⁴⁹

4.3 Irregular adoption in Latin America

In relation to the Latin American context, cases of abduction and kidnapping of children and irregular intercountry adoptions were identified, for example, in Chile, Argentina, El Salvador and Guatemala. In the first two countries, this type of adoption occurred as a systematic practice developed within the context of dictatorships in Latin America. In fact, it is argued that in the period of the dictatorships, “practices were developed by professionals linked to child trafficking, which facilitated the appropriation of minors and subsequent irregular adoptions.”⁵⁰ In countries with internal armed conflict, such as Guatemala and El Salvador, the practice of illegal adoptions has also been verified, including the theft of children in the context of massacres, arbitrary detention and forced disappearance.

In this context, it has also been possible to characterize and define this behavior. For this reason, these adoptions are described as irregular because despite the existence of documentation that accounts for the procedures to carry out the adoption, “the process by which this act came to be developed was marked by the abuse of power, to build the conditions that allowed children to be susceptible to adoption.”⁵¹ In these cases, the informed consent of the birth mothers was not available (at least voluntarily), and on occasions, they were deceived by agents/social workers to take the children.

Likewise, the privatization of adoptions is worrisome since it eliminates “institutional barriers established by the State”⁵² and enables the lack of controls and effective supervision over adoption procedures. In contexts such as Guatemala, this has resulted in an approach to intercountry adoptions as a “very lucrative” business. As it will be shown later in the text, in Colombia, the adoption houses (IAPAS, for its Spanish initials) played a

⁴⁸ Hoelgaard, S. (1998). Cultural Determinants of Adoption Policy: A Colombian Case Study. *International Journal of Law, Policy and the Family* 12, p. 207.

⁴⁹ COIA, Report of The Netherlands Commission of Inquiry into Intercountry Adoption, 2021.

⁵⁰ Alfaro-Monsalve, K. (2018). Una aproximación a las apropiaciones de menores y adopciones irregulares bajo la dictadura militar en el sur de Chile (1978-2016). *Memorias de Alejandro. Revista Austral de Ciencias Sociales*, 34, 37-51. doi:<https://doi.org/10.4206/rev.austral.cienc.soc.2018.n34-04>

⁵¹ Ibid.

⁵² Case Ramírez Ecobar et al. v. Guatemala, 2018, p. 22.

key role in their agreements with the ICBF. At least eight adoption houses had a deal with the ICBF in the period covered by this report; five in Bogotá: Fundación Los Pisingos, Fundación FANA, Fundación CRAN, Asociación Ayúdame, Fundación Casa de la Madre y el Niño. In Medellín: Corp. Casa María y el Niño, Fundación Casita de Nicolás In Cali: Centro Chiquitines.⁵³

4.4 The Colombian case

In Colombia, there are records of irregularities in intercountry adoptions since 1960. However, the phenomenon became more common in the following decade, in 1970, with a large flow of children sent to various countries, mainly in Europe and North America. The period in which these international adoptions took place coincided with the existence of armed conflict, which resulted in high levels of violence, poverty, unemployment and inequality. As indicated in previous sections, regulation was lax for several years, which allowed private actors and networks to take advantage of this situation to obtain revenue from irregular practices. The abuses identified in these processes include forgery of documents, bribery and illegal payments, procedural fraud, kidnapping of minors, improper induction of birth parents' consent for adoption, and child trafficking for profit.⁵⁴

Among the findings of this report, the following practices were identified as having been used systematically:

- Non-existence or forgery of information regarding the birth family at the time of the adoption. Law 5 of 1975 (revoked by Presidential Decree 2737 of 1989) preserved the anonymity of birth mothers to respect their decision to "terminate" their parental rights. According to the Adoption Houses and the ICBF, this explained that the records are without names or with false names.
- Concealment and adulteration of records, with the participation of public officials such as judges and notaries, who incurred in forgery of public documents.⁵⁵ Within the group of witnesses, there are adoptees whose identity documents show this type of irregularity. This situation has been addressed in several media articles.⁵⁶

⁵³ Carreazo, D. I., 2016.

⁵⁴ COIA, Report of The Netherlands Commission of Inquiry into Intercountry Adoption, 2021.

⁵⁵ COIA, Report of The Netherlands Commission of Inquiry into Intercountry Adoption, 2021.

⁵⁶ Hoge, w. (August 16, 1981). RING IN COLUMBIA KIDNAPS CHILDREN FOR SALE ABROAD. New York Times. Retrieved from: <https://www.nytimes.com/1981/08/16/world/ring-in-columbia-kidnaps-children-for-sale-abroad.html?smid=fb-share>

El Tiempo (November 27, 1986). Prescribe acción penal por tráfico de niños. Retrieved from: <https://news.google.com/newspapers?nid=1706&dat=19861127&id=nXEcAAAAIBAJ&sjid=NFkEAAAAIBAJ&pg=6982,4091093&hl=es>

- Participation of recruiters, facilitators, and adoption houses in the conduction of intercountry adoptions. In the same way, they are repositories of information, and according to the described cases, practices involving forgery in public documents, fraud and income generation from adoption were identified.
- The largest adoption houses that have facilitated the intercountry adoption of Colombian children have had very good relations with the high political class of Colombia, which has most likely facilitated the operation of their businesses.⁵⁷
- Failure to comply with the procedure established in the Childhood and Adolescence Law, according to which the image of children must be exposed through national media, such as “Children are looking for their home” (“Los niños buscan su hogar” in Spanish). The children, who are under a family welfare protection measure, have the right to have their rights restored since they are away from their families. This measure allows the birth families to be summoned to clarify the situation of the children, which is an essential step before starting any adoption procedure. Likewise, express adoptions have taken place in which the three months deadline for birth parents or other relatives to claim the minor before ICBF, recognized by law, is not respected. In some cases, when the birth mothers returned to the ICBF headquarters to visit their children, they were not allowed to enter. In this way, it was possible to complete the aforementioned three-month term.
- Lack of adequate care and counselling for birth mothers by adoption homes (IAPAS) or by health service officials. One of the testimonies shows that the adoption certificate was signed by an illiterate mother, who was threatened with being thrown out of her family's house for bringing another child home.
- The prioritization of intercountry adoption applications over those made by Colombian families was a common factor in adoptions between 1960 and 1985. This situation was regulated in Resolution 50 of 2013;⁵⁸ however, to a lesser extent, it is still a common practice, and the number of intercountry adoptions still exceeds domestic ones. [See comparative table on the official number of minors adopted by foreign families in Colombia, 2010-2017].
- Intercountry adoption, as an industry, has generated millions of Colombian pesos in profits for those who run adoption houses and others involved in child trafficking. A systematic practice confirmed by the testimonies was to separate the mother and the baby immediately after delivery, in the cases in which there was a prior agreement on adoption, apparently so that the mother would not regret it.

⁵⁷ Hoelgaard, S. (1998). Cultural determinants of adoption policy: A Colombian case study. *International Journal of Law, Policy and the Family* 12, (1998), 202-241

⁵⁸ This resolution establishes the requirements for the provision of foster care programs abroad, foster care camp modality and foster care in Colombia. See https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/resolucion_icbf_0050_2013.htm

- The kidnapping of children or the improper induction of consent to facilitate the conduction of adoptions of children by families abroad. This is documented in the forgery of statements of termination of parental rights or abandonment of minors.
- The strategies used for child kidnapping include, according to the testimonies, giving the mother false information about the stillbirth of the baby or its death after childbirth; the theft or delivery of the child to the Police or the ICBF by community mothers or other people who were in charge of their care, while the mother worked. The testimonials realize that their adoptions abroad were made irregularly, with the help and/or omission of an entire chain of adoptions, including judges, notaries, adoption houses and the ICBF in Colombia, as well as agencies in receiving states.
- The invisibility of the stories and demands of birth families, mostly mothers who are heads of household. Up to now, the Colombian state does not have studies, projects, or plans to identify, investigate, and repair the victims of various crimes related to irregular adoption.

4.4.1 Overview of the adoption of Colombian children in the European Union

Colombia is among the top four countries of origin of internationally adopted children in the European Union, with approximately 8,143 adoptions between 2004 and 2014.⁵⁹ Italy, France, Germany, Sweden, and the Netherlands are the countries that receive the most adopted children from Colombia. Below is more information on international adoptions of Colombian children in Sweden and the Netherlands.

Adoption of Colombian children in Sweden:

According to the Swedish Adoption Center (Adoptionscentrum in Swedish), this agency has facilitated the adoption of 25,213 children from 64 different countries between 1970-2018. Among this universe of international adoptions, 4,959⁶⁰ from Colombia are reported, that is, 19.73% of the international adoptions registered by Adoptionscentrum. Below is a breakdown of intercountry adoptions between 1972-2022, with a clear trend of increase towards the 1980s, and its subsequent decrease towards 2014, with very sporadic cases in the last 3 years.

⁵⁹ European Parliament (June, 2016), Adoption of children in the European Union. Retrieved from: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/583860/EPRS_BRI\(2016\)583860_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/583860/EPRS_BRI(2016)583860_EN.pdf)

⁶⁰ Adoptionscentrum (a). Statistik 1970-2018, adoptioner per utlandskontakt. Retrieved from: <https://www.adoptionscentrum.se/contentassets/828f585ecc864b219766f8520509fc1c/antal-adoptioner-per-utlandskontakt.pdf>

Table 1. The official number of Colombian children adopted in Sweden, 1972-2022⁶¹

1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
1	28	40	19	27	76	87	169	185	160	157	209	249	322
1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
264	260	220	189	174	190	204	182	148	152	124	85	76	95
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
94	116	102	69	59	29	36	28	25	41	29	24	15	11
2014	2013	2015	2016	2017	2018	2019	2020	2021	2022				
3	0	0	0	0	0	16	6	7	2				

Adoption of Colombian children in the Netherlands:

Since 1973 more than 5,400 children from Colombia have been adopted by Dutch families and individuals. In this country, the operation of organizations such as BIA/Wereldkinderen and Stichting Hogar, which have facilitated international adoptions since the 1970s from Colombia to the Netherlands, stands out.⁶² BIA/World Children alone mediated the adoption of 4,900 children from Colombia, while Stichting Hogar has facilitated approximately 1,300 adoptions from Colombia.⁶³ The work of these organizations has been carried out in collaboration with institutions such as the Colombian Institute for Family and Welfare (ICBF, for its Spanish initials) and with Authorized Institutions to develop the Adoption Program (IAPA, for its Spanish initials), also known as adoption houses. [See below].

The following table shows the behavior of intercountry adoptions of children from Colombia in the Netherlands. According to the identified information, the most significant number of adoptions occurred between 1976 and 2004, with fluctuations between 100 and 200 adopted minors. Subsequently, a decrease in the number of adoptions is visible, especially after 2006, coinciding with the changes in the regulation of the Childhood and Adolescence Law in Colombia. Finally, in 2019, adoptions were temporarily stopped, matching the

⁶¹ Data from 1972-2018: Adoptionscentrum (b). Statistik 1970-2018, adoptioner per år. Retrieved from: <https://www.adoptionscentrum.se/contentassets/828f585ecc864b219766f8520509fc1c/antal-adoptioner-per-ar.pdf>

Data from 2019-2022: Adoptionscentrum (c). Adoptionsstatistik, information om antalet genomförda adoptioner 2022. Retrieved from: <https://www.adoptionscentrum.se/sv/Adoption/Adoptionsstatistik/>

⁶² COIA, Report of The Netherlands Commission of Inquiry into Intercountry Adoption, 2021.

⁶³ Ibid.

beginning of an inquiry by the Dutch government that found that it had failed to act on known abuses, including theft and child trafficking, between 1967 and 1998.⁶⁴

Table 2. The official number of Colombian children adopted in the Netherlands, 1972-2019⁶⁵

1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
0	3	32	72	124	186	151	197	214	129	146	251	159	219
1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
151	191	165	172	208	169	181	146	125	163	150	152	178	196
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
226	208	197	171	194	89	80	49	51	28	19	18	8	5
2014	2015	2016	2017	2018	2019								
6	2	3	3	1	0								

The Dutch special commission was established in 2019 to inquire into irregularities in intercountry adoption processes, and its investigation resulted in a report published in 2021. In the report, the commission found systematic irregularities, including pressuring poor women to give up their babies, forging documents, committing fraud and corruption, and actually buying and selling children.⁶⁶ In some cases, the Dutch government was aware of the misdeeds in adoptions from Bangladesh, Brazil, Colombia, Indonesia and Sri Lanka but did nothing about it and allowed it to continue.⁶⁷

According to the report, “the Dutch government was aware of the abuses in Colombia but did not use its own powers as supervisor and licensee to act against them. In addition, the Dutch government did not recognize its task to verify the content of the documents stamped by the Colombian government.”⁶⁸

4.4.2 Overview of the adoption of Colombian children in North America

Adoption of Colombian children in The United States:

Between 1991 and 2020, 7,945 children from Colombia were adopted in the US. In proportion to the country's total adoptions during the same period (362,878), adoptions

⁶⁴ Moses, C. (2021). Netherlands Halts Adoptions From Abroad After Exposing Past Abuses. New York Times. Retrieved from: <https://www.nytimes.com/2021/02/09/world/europe/netherlands-international-adoptions.html>

⁶⁵ COIA, Report of The Netherlands Commission of Inquiry into Intercountry Adoption, 2021.

⁶⁶ Ibid.

⁶⁷ Moses, C., 2021.

⁶⁸ COIA, Report of The Netherlands Commission of Inquiry into Intercountry Adoption, 2021.

from Colombia corresponded to 2.18% of the total intercountry adoptions during that period. Except for the adoption peak of 1991, the variations in the levels of adoption of Colombian minors in the US remained constant between 1992 and 2006. However, there was a subsequent decrease in the number of international adoptions, corresponding with the adjustments in national regulations regarding this practice in Colombia.

Table 3. The official number of Colombian children adopted in the US, 1991-2016⁶⁹

Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Total, Colombian children adopted	521	404	426	351	350	255	233	236	231	245	265	335
Total, intercountry adoptions	9050	6536	7377	8333	9679	11340	13621	15774	16369	18857	19652	21467

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
272	285	287	344	309	306	238	235	216	195	159	172	153	131
21654	22991	22734	20680	19608	17456	12744	11058	9319	8668	7094	6441	5648	5372

In the case of the United States, and based on the reports on intercountry adoptions published by the State Department,⁷⁰ it was identified that there is an interest of the American Congress in “the costs of accreditation and the potential impact this has on U.S. families seeking to adopt internationally,” so that they do not present an undue financial burden on “low-income families, families seeking to adopt sibling groups, and families seeking to adopt children with disabilities.”⁷¹ Faced with this, the State Department has limited regulatory authority to control the costs of adoption processes, which are established both by the countries of origin and through the private rates of adoption service providers (ASPs).

Most of these rates have been assigned by the International Adoption Accreditation and Maintenance Entity, Inc. (IAAME), designated by the State Department in charge of accrediting and approving the services of the ASPs, which are transferred to adoptive families that initiate intercountry adoption processes. The accreditation of the ASPs can

⁶⁹ Data from 1991-2016: Johnston, R. (2017). Historical international adoption statistics, United States and world. Retrieved from: <https://www.johnstonsarchive.net/policy/adoptionstatsintl.html>
 Data from 2017-2020: US Department of State (last updated March 17th, 2022). Adoption statistics. Retrieved from: https://travel.state.gov/content/travel/en/Intercountry-Adoption/adopt_ref/adoption-statistics-esri.html?wcmmode=disabled

⁷⁰ State Department (July, 2021). Annual Report on Intercountry Adoption. Retrieved from: <https://travel.state.gov/content/dam/NEWadoptionassets/pdfs/FY%202020%20Annual%20Report.pdf>

⁷¹ Ibid., p. 10.

oscillate between USD 8,000 - 20,000. In addition, there is a monitoring and supervision fee for each adoption case of USD 500.

The impact of IAAME fees on a family depends on the extent to which the ASP passes costs directly to its clients and the number of adoptions facilitated per year. The State Department estimates the total impact of these fees on adoptive families to be between USD 568 and USD 1,129. The ASPs reported to the State Department that they charged between USD 0 and 20,000 in total for their services. In particular, in the case of adoptions from Colombia, the median fees for specific services are close to USD 6,154.

However, according to the information on the websites of different ASPs, intercountry adoption fees for families interested in adopting can range between USD 20,000 - 50,000, or even reach values up to USD 70,000, which cover different expenses including the application, documentation and legal procedures, travels, adoption program fees, among other costs.⁷² It should be added that some of the adoption service providers also offer coverage of medical expenses, transportation, and housing, among others, to pregnant mothers and adoptive families, which can increase costs.⁷³

Adoption of Colombian children in Canada:

Compared to other countries included in this report, Canada has received a consistent number of adopted children from other countries. On average, 2,000 boys and girls during the first decade of the 21st century. The ten most frequent countries of origin include China, Russia, India, South Korea, Haiti, Vietnam, the United States, the Philippines, Belarus and Colombia, accounting for nearly 80% of all international adoptions in Canada in 2002 alone.⁷⁴ Of this percentage, adoptions of Colombian children corresponded to 0.1% between 2000 and 2010.

⁷² Considering adoption (n.d.). International adoption costs. Retrieved from: <https://consideringadoption.com/adopting/adoption-costs/international-adoption-costs/#:~:text=The%20average%20cost%20range%20for,%2C%20program%20fees%2C%20and%20more>

⁷³ Considering adoption (n.d.). Does it Cost Money to Put a Child up for Adoption? [5 Questions About Adoption Costs]. Retrieved from: <https://consideringadoption.com/pregnant/what-is-adoption/putting-baby-up-for-adoption-cost/>

⁷⁴ Worotyneć, Z. S. (2006). CHILD, INTERRUPTED: INTERNATIONAL ADOPTION IN THE CONTEXT OF CANADIAN POLICY ON IMMIGRATION, MULTICULTURALISM, CITIZENSHIP, AND CHILD RIGHTS. Joint Centre of Excellence for Research on Immigration and Settlement – Toronto. Retrieved from: <https://bettercarenetwork.org/sites/default/files/attachments/Child%20Interrupted%20-%20International%20Adoption%20in%20the%20Context%20of%20Canadian%20Policy.pdf>

Table 4. The official number of Colombian children adopted in Canada, 2000-2010⁷⁵

Año	2000	2001	2002	2003	2004	2005	2004	2007	2008	2009	2010
Total, Colombian children adopted	27	36	38	37	38	18	31	34	53	41	62
Total, intercountry adoptions	1886	1874	1926	2180	1955	1871	1535	1713	1915	2122	1946

It should be noted that towards the end of 2010, a decline in the levels of intercountry adoption in Canada began, which was consistent with a slight global decrease in international adoptions. For example, Guatemala and Colombia were the main sources of children for intercountry adoption in Latin America for several decades, remaining the most common countries of origin for many adopted children until 2009.⁷⁶ However, changes in international regulations for intercountry adoptions and increased adoption controls in some of the host and origin countries contributed to the decline in adoption levels by 2010. According to Dr Peter Selman of New Castle University, this decrease responds to a lower number of children available in the “source” countries for adoption, as well as a longer duration in the application processes for intercountry adoptions or the bans on this type of adoption.⁷⁷ A preference for domestic adoption is also suggested in compliance with the international standards established in the CRC and the Hague Adoption Convention.

In the Canadian case, intercountry adoptions can cost up to 30,000 Canadian dollars, and the duration of the processes can range from 9 months to 9 years. Also, intercountry adoptions are usually done through private agencies, but some adoptive parents may consult legal advice services before starting the process. Another significant element refers to controls (or at least efforts to further regulate) intercountry adoptions against possible procedural fraud and confirmation of the actual availability of children for adoption by Canadian families.⁷⁸ However, the emphasis of these efforts has been focused on

⁷⁵ Data from 2000-2002: Hilborn, R. (última actualización 2006). International adoption statistics. Family Helper. Retrieved from: <http://www.familyhelper.net/intstats.html>

Data from 2003-2008: Hilborn, R. (2009). 2008 jump in international adoptions to Canada: latest statistics. Adoption News Center, Family Helper. Retrieved from: <http://www.familyhelper.net/news/091026stats.html>

Data from 2009-2010: Hilborn, R. (2011). Canadians go abroad to adopt 1,946 children in 2010. Adoption News Center, Family Helper. Retrieved from: <http://www.familyhelper.net/news/111027stats.html>

⁷⁶ Hilborn, R. (2011). Global adoptions fall one-third in six years. Adoption news center, Family Helper. Retrieved from: <http://www.familyhelper.net/news/110315global.html>

⁷⁷ Ibid.

⁷⁸ Government of Canadá (2022). Adoption Fraud. Retrieved from: <https://www.canada.ca/en/immigration-refugees-citizenship/services/protect-fraud/irregular-adoptions-fraud.html>

immigration issues, rather than on the monitoring of adoption procedures and control of fees at the national level.

4.4.3 Overview of intercountry adoption in Colombia

Based on the figures presented above, although the adoption periods may vary, it can be demonstrated that at least 18,600 Colombian children have been given up for adoption to foreign families from Sweden, the Netherlands, the US and Canada. This represents a fraction of a universe with hundreds more children who have been given up for adoption to foreign families in Colombia, for whom we do not have precise statistics available to the public. However, it is known that at least in the last 30 years, more than 50,000 minors have been given up for adoption in the country. This situation has also been strongly criticized by adoptees who try to find more information about their origins, but find adoption records missing or tainted, especially those adopted between 1970 and 1990.⁷⁹ Given this scenario, some of the interviewed adoptees believe in the existence of “a secret file, where all the data of their adoptions since the sixties is contained.”⁸⁰

⁷⁹ Carreazo, D. I., 2016.

⁸⁰ Ibid.

ESTADÍSTICAS DEL PROGRAMA DE ADOPCIONES DESDE 1997-2021

NIÑOS, NIÑAS O ADOLESCENTES DADOS EN ADOPCIÓN ENTRE LOS AÑOS DE 1997 AL 30 DE JUNIO DE 2021.				
No.	AÑO	I.C.B.F	INSTITUCIONES AUTORIZADAS	TOTAL
1	1997	1.876	720	2.596
2	1998	2.202	727	2.929
3	1999	2.091	781	2.872
4	2000	1.840	860	2.700
5	2001	1.731	907	2.638
6	2002	1.615	894	2.509
7	2003	967	749	1.716
8	2004	1.743	587	2.330
9	2005	2.032	496	2.528
10	2006	2.353	409	2.762
11	2007	2.690	387	3.077
12	2008	2.161	381	2.542
13	2009	2.355	398	2.753
14	2010	2.602	456	3.058
15	2011	2.295	418	2.713
16	2012	1.197	268	1.465
17	2013	942	183	1.125
18	2014	922	226	1.148
19	2015	856	226	1.082
20	2016	936	245	1.181
21	2017	1.027	236	1.263
22	2018	1.027	240	1.267
23	2019	1.092	298	1.390
24	2020	812	224	1.036
25	2021	345	122	467
TOTAL		39.709	11.438	51.147

Fecha corte del Informe: al 30 de JUNIO de 2021.



Información de la Subdirección de Adopciones con corte al 30 junio de 2021

Source: Adoption statistics, ICBF (2021).

The role of the IAPAS in this phenomenon continues to be relevant, since they have facilitated about 22% of the adoptions carried out in the country in the last three decades. However, since the late 1990s, their participation has decreased compared to the processes carried out directly by the ICBF.⁸¹

It should be noted that international adoptions continue in Colombia. Between 2010 and 2021, the number of children adopted by foreign families corresponds to 9,077, compared to the number of children adopted by Colombian families of 5,880. With this, it can be affirmed that 52.7% of adoptions during this period correspond to intercountry adoptions, according to the ICBF's data.

⁸¹ ICBF (2021). Estadísticas de Adopciones a 2021 [Adoption Statistics until 2021]. Subdirección de Adopciones, Programa de Adopción. Retrieved from: https://www.icbf.gov.co/system/files/estadisticas_p_adopciones_al_30-06-2021.pdf

Table 5. The official number of children adopted by foreign families in Colombia, 2010-2021⁸²

Año	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total, children adopted by Colombian families	1060	1066	660	612	584	573	654	671	673	718	601	246
Total, children adopted by foreign families	1998	1647	805	513	564	509	527	592	594	672	435	221
Total, children adopted in Colombia	3058	2713	1465	1125	1148	1082	1181	1263	1267	1390	1036	467

Relationship between adoptions and the internal armed conflict

The internal armed conflict has had multiple impacts on Colombian society during the period in which the irregular adoptions, included in this report, also took place. On the one hand, it has caused a socioeconomic situation characterized by poverty and inequality. The vulnerability of large sectors of the Colombian population has been aggravated by the lack of guarantees and protection of human rights by the State, a situation exacerbated by the persistence of phenomena such as forced displacement that has taken place in the country for decades. On the other hand, Colombian institutions are permeated by the corruption of public officials, members of the security forces and the judicial system; consequently, many of the events mentioned in this report have taken place amid complete impunity. The armed conflict, at least indirectly, has contributed to a fertile environment for irregular adoptions.

The findings of the inquiry in the Netherlands also indicated that the decades of armed conflict left an impact on adoptions. “The children became orphans, and people had to move to the capital cities out of necessity. In the same way, women belonging to the guerrilla could become pregnant involuntarily and did not have the possibility or the desire to care for their children.”⁸³

⁸² Data from 2010-2015: ICBF (2018). El Programa de Adopciones de la Dirección de Protección del ICBF. Observatorio de Bienestar ICBF. Retrieved from: https://www.icbf.gov.co/sites/default/files/infografia_de_programa_de_adopciones_2_observaciones_finales_002_2.pdf

Data from 2015-2021: ICBF (2021). Estadísticas de Adopciones a 2021. Subdirección de Adopciones, Programa de Adopción. Retrieved from: https://www.icbf.gov.co/system/files/estadisticas_p_adopciones_al_30-06-2021.pdf

⁸³ COIA, Report of The Netherlands Commission of Inquiry into Intercountry Adoption, 2021.

More precisely, in the interviews conducted and the studied material, two examples of adoptions have occurred in the context of the armed conflict. The first is the case of adoption of Carlos Alberto Apráez —child kidnapped by the DAS anti-kidnapping and extortion unit (UNASE) in Popayán along with his mother and his paternal uncle, both disappeared and extrajudicially executed—. The case is described in more detail in section 4.1.2 of this report. The case was presented before the Inter-American Commission on Human Rights in 2010 and declared admissible to the Inter-American Court in 2020.

The second case is that of three brothers kidnapped along with their mother in Pereira in August 1995 under the pretext that they were going to meet their father and older brother. The kidnapping ended with the murder of the mother, the rescue of the brothers by a military unit, and the subsequent delivery of the three brothers to an orphan house. All three siblings were adopted internationally by the same couple from the United States. It is probable but not established that the older birth brother and father are victims of forced disappearance. One of the brothers is in the initial stage of searching for his roots and with the desire to seek justice for his birth mother but taking into account that he has not advanced yet, we have not been able to establish more details of the case.

4.5 Impacts and coping mechanisms of intercountry adoptions

Thanks to the testimonies provided, many of the impacts showed that the interviewees share a lived experience of stigmatization, discrimination, trauma and the search for their identity in the receiving countries. In most cases, the search has started in the country of adoption. The cases that serve as a reference for this report show the absence of any kind of official aid from the States or international adoption agencies.

«I always knew that I was adopted from Colombia. In 2011 I contacted Adoptionscentrum, AC (Swedish Adoption Center in English), to start the search for my origins, and I felt intimidated by one of its employees, who spoke about the risks of looking for my biological family. According to AC, there were no files, and no more individual cases could be received. At the time of my adoption, all the information was given to the adoptive parents, but mine did not receive anything» Sofia Anderson.

In some countries, it is evident, for example, that the information on the identity of the adoptee —in the cases in which it exists in records— is delivered directly to the adoptive parents, this being a new difficulty to overcome since the possibility of accessing it depends on the will of those who adopt.

«The adoption documents that are delivered to the adoptive parents have been lost along the way; the subject of my adoption was not a matter to discuss with my parents. They told me about the adoption process and its costs, but it was an issue that made them sad, they

wanted to leave all that history behind, know me as their daughter and build our family from there, so I decided not to talk about this with them anymore. My dad had a huge file, which I accessed one day when they were away from home. There I found the application papers and the translations made when they travelled to Colombia to arrange the adoption with the ICBF. I made a copy of them and always carry them with me.» Yennifer Villa.

The absence of national and international regulations, as well as the lack of controls and routines concerning adoption documentation, explain the power that the adoption houses (IAPAS) and the ICBF have over the information referring to adoptions in the period between 1960 and 1993. In the case of the ICBF, confidentiality has been attributed to the information about the process for a period of 20 years, at the end of which the adoptees could be able to access it.⁸⁴ In this regard, the concealment and obfuscation of information corresponding to international adoptions were also constantly identified, which accounts for the intention to hide or leave uncertain the actual origin of the adoptees. For example, the lack of known birth parents was incorrectly stated; new birth certificates were drawn up at the time of adoption, after which the clues to find the biological families were lost; and on many occasions, the production of false documents was linked to bribery and corruption.⁸⁵ It should be added that before 1975, it was also common for birth parents to hide their real names and contact information to avoid “the stigmatization that results from an illegitimate or extra-marital pregnancy.”⁸⁶

The interviewees also identify the lack of knowledge of the Spanish language as one of the barriers that must be overcome to request information and continue the search in Colombia.⁸⁷ Two interviewees stated that despite being multilingual, they have not been able to learn Spanish, explaining it as a trauma related to losing their mother tongue at the time of adoption.

The Children's Rights Convention establishes in Article 29 that the States parties must act in such a way that adopted children have access to inclusive education in terms of cultural identity, language and values of both the country of origin and those of the country in which they live. In this sense, it is observed that the testimonies collected show the absence of institutional follow-up on these issues in the host countries and the adopting country, thus breaking with the provisions indicated in the Convention to protect children. This type of omission makes adoptees uncertain about their identity.

⁸⁴ Carreazo, D. I., 2016.

⁸⁵ COIA, Report of The Netherlands Commission of Inquiry into Intercountry Adoption, 2021.

⁸⁶ Ibid.

⁸⁷ Carreazo, D. I., 2016.

In most cases, the adopted persons have hired the services of organizations dedicated to supporting their search in Colombia to find documentation, such as their birth certificate or another document related to the adoption process, once the clause on confidentiality or reserve of the information, set at 20 years after the administrative or judicial decision approving the adoption, is terminated. In this regard, the ICBF issued a legal concept⁸⁸ regarding the interpretation of Article 75 of Law 1098 of 2006, which establishes the application of confidentiality to files related to adoption processes.

ARTICLE 75. RESERVE. All documents and administrative or judicial actions related to the adoption process will be reserved for a term of twenty (20) years from the execution of the judicial sentence. Of these, only a copy may be issued of the request that the adopters make directly, through their attorney or the Family Ombudsman or the adoptive person who has reached the age of majority, the Office of the Inspector General; the Colombian Institute of Family Welfare through its Office of Internal Disciplinary Control, the Office of the Attorney General, the Superior Council of the Judiciary through its Jurisdictional Disciplinary Chamber, for the purposes of criminal or disciplinary investigations that may take place.

PARAGRAPH 1. The adoptee, however, may go before the corresponding Superior Court, through a proxy or assisted by the Family Ombudsman, as the case may be, to request that the lifting of the reservation and access to information be ordered.

PARAGRAPH 2. The official who violates the reserve clause, allows access, or issues a copy to unauthorized persons, will incur misconduct.⁸⁹

The ICBF's legal concept concluded that, although the legal reserve in the information "constitutes a fundamental guarantee, it is not absolute and therefore admits the exceptions provided for in that same regulation", under Article 76—in Law 1098—on the right of adoptees to know their origin and the nature of their family bond, and in light of Article 74 of the Colombian Constitution, according to which "everyone has the right to access public documents except in the cases provided for in the law."⁹⁰ The concept also

⁸⁸ ICBF (2013). Concepto Jurídico No. 55 de 2013 sobre el "Alcance de la aplicación de la reserva prevista el artículo 75 de la Ley 1098 de 2011, frente a las funciones de inspección, vigilancia y control a cargo de la Oficina de Aseguramiento a la Calidad del ICBF". [Legal Concept No. 55 of 2013 on the "Scope of the application of the reserve provided for in article 75 of Law 1098 of 2011, regarding the inspection, surveillance and control functions in charge of the ICBF Quality Assurance Office"]. Retrieved from: https://www.icbf.gov.co/cargues/avance/docs/concepto_icbf_0000055_2013.htm#:~:text=RESERVA,ejecutor%C3%ADa%20de%20la%20sentencia%20judicial

⁸⁹ Ley 1098 de 2006 "Por la cual se expide el Código de la Infancia y la Adolescencia". Congreso de la República. [Law 1098 of 2006 "By which the Code of Childhood and Adolescence is issued."].

⁹⁰ Constitution of the Republic of Colombia, 1991.

concludes the importance of preserving the confidentiality of files in favor of the protection of the privacy of children and teenagers, and indicates that,

Only the following [people] may lift the reserve of the documents and actions of an adoption process: i) the adopter, ii) the adoptee, iii) the Office of the Comptroller General, iv) the Colombian Institute of Family Welfare through its Control Office Disciplinary Intern, v) the Office of the Attorney General of the Nation and finally, vi) the Superior Council of the Judiciary, through its Jurisdictional Disciplinary Chamber.⁹¹

However, despite the possibility of lifting the confidentiality of the documents, adoptees have faced numerous excuses regarding the location or impossibility of access to information about their adoption. Several of the people interviewed expressed that they do not have confidence in the ICBF and said that they have felt revictimized on several occasions by this entity.

Added to this is the precarious archive of the ICBF, especially during the most critical decades of this phenomenon between 1970 and 1980. Three factors are relevant in this regard: 1) the archives were limited and incomplete, and in some cases, they have been destroyed on the pretext of its prescription or “due to natural disasters and conflicts”;⁹² 2) although the law establishes the obligation of the ICBF to facilitate the search for their roots for adoptees, this can take several years “because the capacity of the ICBF is limited and, sometimes, the documents must be requested from the regional archives or from a notary elsewhere in the country”;⁹³ and 3) the lack of digitalization and archiving further prolongs the search processes.

In addition, important questions arise around the cases in which the IAPAS are the depositories of the information of the adoptees, and the fate of the files that are claimed to have been destroyed or lost. In this case, who is responsible for the information of the adoptees?

«The first time I wrote to FANA, I was 11 years old; I did it with the help of my adoptive parents, and the response on that occasion was that there were no records regarding his adoption.» However, years later, and with the help of *Colombia tu País*, Sofia Andersson was able to access her information.⁹⁴

⁹¹ Concepto Jurídico No. 55 del ICBF, 2013.

⁹² COIA, Report of The Netherlands Commission of Inquiry into Intercountry Adoption, 2021.

⁹³ Ibid

⁹⁴ See Annex 5.

Nevertheless, in the case of biological families who are looking for their irregularly adopted relatives, the situation becomes even more complex, since they do not have the right to access this information, as “it is not legally viable (...) considering that all ties are legally broken.”⁹⁵ This is difficult for some birth mothers to process.⁹⁶

According to the retrieved information, none of the countries that host those who gave testimony have aid or subsidy programs aimed at the adopted population. There is also no specialized aid to treat mental health problems related to the effects of adoption.

«There is no financial support for us, adoptees, who decide to search our roots, but those who want to adopt in Sweden receive a subsidy of SEK 75,000 in Sweden - approximately 7,500 euros from the state. » Sofia Anderson.

Among the interviewed cases, a pattern of falsehood in the reason behind their adoptions is also identified. The interviewees stated that, upon contacting their Colombian families, they discovered that the reasons for their adoption included in the adoption certificate as motivation—for example, abandonment or inability on the part of the mother to care for her child—have no real foundation.

«One of the arguments presented by the FANA Adoption House was that my mother was too young to be able to take care of me, but the reality is that she was a 34-year-old woman, who worked and had her own shop and her house.» Sofia Anderson.

International adoption can have the advantage of giving a permanent family to a child who cannot find a suitable family in their State of origin, according to the preamble of the Hague Adoption Declaration. However, according to the reviewed information and the testimonies, not all adopted boys and girls find the necessary security in their adoptive families. On occasion, they have been victims of physical or psychological abuse and sexual abuse.

It should be recalled that the Convention on the Rights of the Child considers international adoption appropriate only as a subsidiary mechanism to adoption in the country of origin, be it by another relative, or that the minor be placed in a foster home or delivered to an adoptive family of the same nationality. However, several of the testimonies show that the

⁹⁵ Resolución No. 2310 de 2007 “Por la cual se reforman los Lineamientos Técnicos del programa de adopciones”. ICBF. Retrieved from:

https://www.icbf.gov.co/cargues/avance/docs/resolucion_icbf_2310_2007.htm#Inicio

⁹⁶ COIA, Report of The Netherlands Commission of Inquiry into Intercountry Adoption, 2021.

way in which they are processed, in many cases compromises the possibility that other family members in Colombia request custody of the child.

4.5.1 Impacts on the identity development of adoptees

The search for their identity and the feeling of being robbed of it is very central in the accounts of the interviewees. Identity, culture and language are critical aspects of their traumas that need to be recovered by the adoptees themselves without having any help from the states involved in the adoptions. Despite the right to know and preserve their identity, name, nationality and family relations (CRC, Article 8.1), in practice, the States have robbed the adoptee of their identity, name, nationality and family relations and do not act to repair it.

This search task falls on the adoptees themselves, depending on their financial resources, language and persistence. In general, when searching on their own, they have fallen into a labyrinth of bureaucracy and answers such as «the files do not exist», «the files are sealed», or «the files are destroyed after a while».⁹⁷ Not being helped by official channels, a considerable number of adoptees pay private agencies to carry out the same search, and, in general, these agencies obtain the files and manage to locate the Colombian families. Indeed, this responsibility that should fall on the States is borne by the adoptees themselves, who have to pay for the right to identity. Furthermore, in many cases, this is contrary to Article 8.2 of the CRC, which stipulates that, if a child is illegally deprived of some or all of the elements of his or her identity, the States must provide appropriate assistance and protection to quickly re-establish his or her identity.

From this perspective, it is problematic in the case of Sweden that parents adopting a child from another country receive a State subsidy of SEK 75,000 (approximately 7,500 euros) for costs related to the adoption process. In contrast, an adoptee receives neither help nor a subsidy to recover their right to identity, culture and language.⁹⁸ Their only option is to pay from their own resources and often depend on private agencies in Colombia. There is the possibility of turning to the Swedish agency that facilitated their adoption, —Adoptionscentrum—. However, this also has a cost, and there are adoptees who do not want to be associated with Adoptionscentrum since that has been precisely the agency that has facilitated their adoptions and that, in different ways, has violated their rights.

Central to identity are also culture and language, —both important elements that are lost and difficult to recover—. Regarding these two elements, the CRC, in its Article 29(c) places

⁹⁷ See Annex 12.

⁹⁸ Försäkringskassan (2022). Adoptionsbidrag. Retrieved from: <https://www.forsakringskassan.se/wps/wcm/connect/f4dd912d-5346-4412-bab5-a084c3934175/vagledning-2002-12.pdf?MOD=AJPERES&CVID=>

a duty on the part of the States to include in the education of children elements about their own cultural identity, their language and their values, the values of the country they live in, as well as the country they are from. Seeing the case of Sweden, this duty is not respected beyond a general education that teaches about other countries and cultures to all students. Regarding the language, students with a mother tongue other than Swedish have the right to special classes in their language, including adopted children. However, this right requires a basic knowledge of the language, which the adopted child generally does not have, either because he never knew her mother tongue or because he or she has not practiced it since his or her arrival in Sweden.⁹⁹

One should also look at the case of the United States, where the violation of the right to a nationality also occurs at the level of the receiving State. Naturalizing a person can be complicated and expensive and vary from state to state. There is growing fear in the adoptee community about their US citizenship status, and more and more people discovering that the naturalization process has not been completed. These people may have lived almost their entire lives as adoptees in the country without problems, holding a US passport until one day learning that they were never naturalized. This means a double violation of their rights, —a State that has accepted their international adoption and at the same time has not guaranteed their status as citizens—. Several recent cases have resulted in deportations by the United States of people adopted from South Korea.¹⁰⁰

4.5.2 Psychological impact on the adoptees

Irregular intercountry adoptions have severe impacts on their victims, mainly psychological trauma in the adopted persons. A study carried out in Sweden with 11,320 international adoptees born between 1970-1979, identified that this population has a higher risk of suffering from severe mental health problems and social maladjustment during adolescence and early adulthood.¹⁰¹ Among the most significant risks, there is a greater propensity in international adoptees —than in minors born in Sweden— to commit or attempt to commit suicide, suffer from psychiatric disorders —including anxiety, panic attacks or attention deficits/hyperactivity disorder¹⁰²—, abuse of drugs or alcohol, or

⁹⁹ Skolverket (last updated June 30, 2022). Rätt till modersmålsundervisning. Retrieved from: <https://www.skolverket.se/regler-och-ansvar/ansvar-i-skolfragor/ratt-till-modersmalsundervisning>

¹⁰⁰ Sang-Hun, C. (July 2, 2017). Deportation a 'Death Sentence' to Adoptees After a Lifetime in the U.S. The New York Times. Retrieved from: <https://www.nytimes.com/2017/07/02/world/asia/south-korea-adoptions-phillip-clay-adam-crapser.html>

¹⁰¹ Hjern, A., Lindblad, F., & Vinnerljung, B. (2002). Suicide, psychiatric illness, and social maladjustment in intercountry adoptees in Sweden: a cohort study. *Lancet*, 443-8. doi:10.1016/S0140-6736(02)09674-5

¹⁰² Strand, M., Zhang, R., Thornton, L. M., Birgegård, A., D'Onofrio, B. M., & Bulik, C. M. (2020). Risk of eating disorders in international adoptees: a cohort study using Swedish national population registers. *Epidemiol Psychiatr Sci*. doi:10.1017/S2045796020000451

commit crimes. Another study also revealed that international adoptees in Sweden are at higher risk than the general population for eating disorders —e.g., Anorexia nervosa and other disorders—, together with symptoms of major depression and obsessive-compulsive disorder.¹⁰³

«I have always been lucky to have very close emotional support networks. However, I suffered from depression, loneliness and sadness due to the loss of my family. People thought it was very cool that I was adopted, but when I told them that I had lost my family as a child, they began to understand that it wasn't very cool. I felt alone until the moment I found my biological family. Adoption did not give me a good life; I built it for myself.»
Yennifer Villa.

In general, the picture of psychological impacts and other affections validated by the research mentioned above, is reflected in the interviewed cases. Intercountry adoptions are not a safe ticket that gives access to a better life, but rather a problematic practice that, in many cases, generates severe trauma for both adoptees and their families.

«I have had an obsession with finding my [birth] mom, and I have been angry with the world for this injustice.» Andres Arango.

«When I found my [birth] mother, everything changed. My digestion problems disappeared. My partner, who has known me for a long time, can also testify to the positive and substantial change in my mood. » Lina Gutierrez.

4.5.3 *Psychological impacts on the biological families*

«The mothers become invisible and are forgotten because adoptees cannot have access to their full name.» Yennifer Villa.

The report of the Netherlands Commission on intercountry adoptions highlights that the complexity of this act lies in the impacts it generates on different groups. Living within Colombian society, biological families were affected in different ways by the armed conflict. Birth families are the first victims; in many cases, they were forced to give up their children. Even so, they are the least heard. Within the psychological trauma, the majority say they have experienced feelings of loss, depression, sadness and loneliness when being distanced from their children.¹⁰⁴

The Plan Ángel Foundation, a civil society organization in contact with biological families, reports that some people fear repercussions for exposing their testimony to local media or institutions. Sometimes, the testimonies point to the actors in the armed conflict and

¹⁰³ Ibid.

¹⁰⁴ COIA, Report of The Netherlands Commission of Inquiry into Intercountry Adoption, 2021.

people with power in the regions. This is added to the general feeling of vulnerability and abandonment that these people experience when they do not have an institution to turn to.

Some of the testimonies recounted that their mothers never told the other children the fact that they had another sibling who was stolen or given up for adoption. There are also cases of mothers who searched for their children or tried to recover them without success. Finally, there are cases in which mothers have been falsely designated as "bad mothers", appearing in the records that they could not care for their children or that they had abandoned them, thus violating their humane treatment.

During this report's preparation, many stories accounted for the lack of guarantees for the rights of girls, boys and women in Colombia. We see how in several of the cases in which it has been possible to find out the facts surrounding the irregular adoption, the minors who have been institutionalized and later declared in a state of abandonment, under false arguments or deceit, are children of mothers who are heads of household, belonging to marginalized sectors of the population. Faced with the possibility of knowing specific information about the process or the arguments used in said decisions, it is impossible for them to initiate legal actions that lead to knowing their children's whereabouts, requesting the annulment of the adoption, and recovering them.

As already mentioned, the current regulations stipulate the reserve of information for a period of 20 years, and as it is, it can only be requested by adoptees or receiving families. This implies that only a low percentage of affected mothers can be reunited with their children and that those who have achieved it have had to wait many years for it, a situation that affects the possibility of re-establishing affective and family ties between adoptees and birth families.

The loss of their children has led birth mothers to struggle with depression, anxiety, and other psychological problems. In two of the interviewed cases, problems of drug and alcohol dependence were generated.

«When I started working as an extra on television, I began to pay private investigators, and that was how I found out that one of them [the children] had been adopted abroad, (...) in Italy. I was very worried about the other two [children]; I was terrified of the issue with prostitution [and] the guerrilla.» Sandra Carolina Obando.

Irregular practices by public officials in adoption processes affect the right of affected women to humane treatment, to have a family, and not to be discriminated against. The information and testimonies taken to produce this report reveal that mothers facing social problems, drug addiction, prostitution, or others that promote marginalization, have not been treated on equal terms. This violates the principles of non-discrimination, equal rights,

and respect for human dignity, reaffirmed by the Universal Declaration of Human Rights and mentioned in the preamble of the Convention on the elimination of all forms of discrimination against women ratified by Colombia on June 19, 1982.¹⁰⁵

«Thank God the two were good [adoptive] families. They [the agency] told the Colombian family everything straight away, and my children found out that I was in prostitution. They could have told them that it was a mother who did not have the conditions, and that's it. My daughter tells me that they threatened to return her to her [birth] mother when she misbehaved. I was like the bogey man». Sandra Carolina Obando

The testimony delivered by this Colombian mother is marked by a life full of gender-based violence. The inexistence of measures by the Colombian State to guarantee and protect the rights of children and women affects their possibility of having a dignified life and increases their vulnerability.

«I was also adopted, and my adoptive family was made up of a mother and her four children. She was very cruel to me. One of his sons began to rape me at the age of five, and at the age of twelve, when my adoptive mother found him abusing me in the middle of the room, his reaction was to punish me “for being a slut”, she hit me with any stick she found in her way, I could not walk well for several days (...). Osvaldo, a neighbor of the neighborhood, who had seen me crying several times when I was on my way to school, convinced me to leave the house, I trusted him and went to live with him. Things worked out for a while; he worked as a bartender at a brothel and finally ended up taking me to help him out. After a while, he ended up selling me to the owner of the site, so I was introduced to the world of prostitution ». Sandra Carolina Obando.

Prostitution is a problem that mainly affects women in vulnerable situations in Colombia, in which the lack of opportunities, conditions of extreme poverty and gender violence in the context of serious human rights violations caused by the conflict. The people engaged in prostitution suffer multiple crimes related to sexual exploitation, which often begin when they are minors.¹⁰⁶

¹⁰⁵ Convención sobre la eliminación de todas las formas de discriminación contra la mujer, CEDAW (1979). Retrieved from: <https://www.iidh.ed.cr/IIDH/media/1838/convencion-cedaw-protocolof-2004.pdf>
English version: Convention on the Elimination of All Forms of Discrimination against Women, CEDAW (1979). Retrieved from: <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cedaw.pdf>

¹⁰⁶ Humanas de Colombia (2014). Eclipse total: Ocultar Mostrando. Lo que el proyecto de Ley 079 de 2013 oculta al pretender visibilizar y apoyar a quienes ejercen la prostitución. Retrieved from: [https://humanas.org.co/wp-content/uploads/2020/10/18.OcultarMostrando .pdf](https://humanas.org.co/wp-content/uploads/2020/10/18.OcultarMostrando.pdf)

4.5.4 Psychological impacts on the adoptive families

Similarly, adoptive families are exposed to situations that can trigger various feelings of anxiety, intrusion, guilt, and insecurity.¹⁰⁷ Some of the adoptive families were unaware of the bad practices in adoption. After carrying out the process legally and under all the protocols, they end up feeling that they have been deceived and used by criminal groups. Some of the people involved consider themselves victims. These manifestations can vary in situations of contact and depending on who initiates it, be it the adopted person, the adoptive family, or the biological family.

It should also be added that the psychological impacts on adoptive families are also related to their conditions and aptitudes before adoption. In this sense, some adopters question the evaluation carried out by adoption houses on receiving families, and their determination as to how “fit” they are to receive and care for a minor. For example, there are cases in which children are handed over to people with a predisposition to psychological disorders and depression, or with chronic illnesses that make it difficult to care for children.¹⁰⁸ In this way, it is questioned whether the bodies in charge of adoption have the minor's well-being as a primary consideration, or if other reasons associated with the adopters' origins or ability to pay prevail.

4.5.5 Activism as a coping mechanism

This report also intends to elevate the efforts made by the adoptees, who demand answers regarding their origins and the failures in the procedures that led to their expatriation to other territories.

Although the members of groups on social media have different experiences, perspectives, and interests in relation to the issue of adoption, some of the groups created, on Facebook, for example, have attempted to cover, to some extent, the lack of access to support and institutional help, that adoptees face every day.

«Understanding what could have happened in my case, trying to understand my situation, also helped me find ways to heal and provide support to others who face the same situation as me.» Sofia Andersson.

Organizations like Plan Ángel are meeting points for adoptees and adoptive families. This Dutch non-governmental organization has been making it possible, for the last 10 years, to access and carry out DNA tests to confirm biological kinship. This work has been carried out

¹⁰⁷ Skandrani, S., Moro, M.-R., & Harf, A. (2021). The Search for Origin of Young Adoptees-A Clinical Study. *Front. Psychol.* doi:10.3389/fpsyg.2021.624681

¹⁰⁸ Carreazo, D. I., 2016.

with its own resources and has generated networks and opportunities for cooperation among the population affected by irregular adoptions.

«I contacted Plan Ángel for the DNA test, through which I found a group of 8 cousins of second and third-degree consanguinity. Many of them are adopted, and since then, we got in touch and are like a family. Through the organization, I was able to find my Colombian family, and now I support them with what I can do, which is to take DNA tests during the time that I remain in Colombia.» Yennifer Villa.

This testimony, in particular, suggests the existence of profiling of communities (whether of areas, neighborhoods, municipalities or regions) for the abduction of children adoption, which introduces new nuances to the magnitude of the phenomenon of irregular adoptions. In addition, it would not be the first story related to multiple adoptions that occurred in the same family. Some cases suggest the occurrence of numerous adoptions in different degrees of consanguinity —mainly in second or third cousins, who were sometimes also adopted internationally in the same country or in another—, identified by some adoptees in the search for answers about their origin.¹⁰⁹

Another important initiative that brings together adoptees is their organizations' communications and advocacy work. It is imperative to make visible the wave of international adoptions from countries in the Global South to the West, accumulating close to a million transferred children. In the same way, the receiving countries must recognize that many of these adoptions were not done correctly or legally, which implies that both the families of origin, the adopted children and the adoptive families have been subjected to serious crimes and abuses.

4.6 Clarifying the truth about irregular intercountry adoptions

Thanks to the advocacy efforts of international groups of adoptees, some countries have begun processes of clarification of the conditions, bad practices, and responsibilities around irregular intercountry adoptions.

As mentioned throughout the report, in February 2021, **the Netherlands** government published a report on irregularities in the adoption of children born in Bangladesh, Brazil, Colombia, Indonesia and Sri Lanka by Dutch families. This resulted from the work of the Special Commission installed in 2019 to investigate the alleged abuses in the intercountry adoption processes between 1967 and 1998, and its final report states the bad practices of the adoption processes in the countries mentioned above, like: the kidnapping of children, the destruction and falsification of their documents of origin, collusion with local authorities

¹⁰⁹ Ibid.

to bypass internal procedures, the psychological and economic pressure exerted on birth mothers, and the use of the same mother's name for many children in the adoption process.

According to the Commission's report, the Dutch government attributed the failures in the adoption processes to the laws of the children's countries of origin, evading its responsibility. But the report reveals the existence of some corruption networks among the officials of the European country.

In **France**, approximately 150,000 children have been adopted from former overseas colonies and other developing countries since 1960, among which illegal practices and human trafficking are suspected.¹¹⁰ A significant number of international adoptees have asked President Emmanuel Macron to open an investigation into the corruption behind these adoptions.

Independent Investigation into the Swedish Adoption System

In 2018, a parliamentary inquiry was opened to investigate the thousands of illegal adoptions that took place in Chile during the dictatorship as a crime against humanity. The Swedish Adoption Center is involved in more than 600 of these cases. After the media coverage in which Swedish public television and Chilean media outlets revealed how children adopted in the 1970s and 1980s did not have the proper consent of their mothers.

The emergence of the Chile Adoption network has contributed to empowering adoptees and other networks of adoptees, as well as opening the debate on a subject that has been silenced on previous occasions.¹¹¹ These efforts, coupled with the emergence of other networks of adoptees from Ethiopia, Eritrea and Colombia, and international adoptees in their personal capacity, have resulted in the sending of public letters to the Swedish government demanding responses and investigations into irregularities in international adoptions and the role of the Swedish Adoption Center. In particular, a letter signed by 40 adoptees from Colombia in 2018¹¹² stands out, and another letter signed by different organizations of adoptees and individuals from various countries.¹¹³ In both documents,

¹¹⁰ Hübinett, Tobias (10 de diciembre de 2021). Debattartikel i dagens Le Monde som kräver att Macrons regering utreder korruptionen inom den franska adoptionsverksamheten. Retrieved from: <https://tobiashubINETTE.wordpress.com/2021/12/10/debattartikel-i-dagens-le-monde-som-kraver-att-macrons-regering-utredet-korruptionen-inom-den-franska-adopotionsverksamheten/>

¹¹¹ On January 27, 2020, a formal petition signed by adoptees from several countries was presented, calling for an independent investigation into the Swedish adoption system, in the letter demanding the government take responsibility and guarantee the rights of adoptees.

¹¹² See Annex 10 for Spanish translation. Original version in Swedish available at: <https://www.friatidningen.se/artikel/132488?fbclid=IwAR2kUTrjon0Ay-5VvWBN3sSqJWJu6cxKoLcwW5RhfrLb7S3Car33b2BJBJ8>

¹¹³ See Annex 11.

the adoptees demand recognition of the responsibility of the Swedish State for their adoptions and the irregularities committed in those processes. Similarly, they demand the development of an independent investigation and evaluation of the operations of the Adoption Center, in addition to the investigation and examination of the role of the Agency for Family Law and Parental Support (MFOF for its acronym in Swedish) in unethical adoptions. Adoptees have also demanded local and bilateral support to find their families of origin, and psychosocial support for adoptees of different ages, —something that has been found to be precarious in different municipalities in Sweden—. ¹¹⁴

As a result, the Swedish government launched an independent investigation on October 27, 2021, to analyze the operation and compliance with the regulations, processes, and organization of the Swedish international adoption system. The results of this evaluation should be known in November 2023. ¹¹⁵ Sweden has about 60,000 adoptees, making it the country with the most adoptions per capita.

5. Conclusions and Recommendations

Given the concern and complaints about fraudulent practices associated with intercountry adoptions and the lack of response and investigation in this regard, there are worries about the persistence of this phenomenon. For this reason, it is imperatively required:

- A detailed, in-depth, and independent investigation into fraudulent practices in adoption processes in Colombia, so that the conditions in which they were generated can be clarified and to allow victims to find their biological relatives and satisfy their right to an identity. This can also be seen from a constructive learning perspective to improve the national adoption process.
- Cooperation between the authorities responsible for adoption policy in host countries and Colombia is necessary to guarantee the investigation of irregularities committed in international adoption processes during the identified period.
- The acknowledgement of responsibility by the Colombian State for the occurrence of these cases by action and omission in the face of irregularities committed in adoption processes, as one of the reparation measures identified and relevant for

¹¹⁴ 40 adoptees from Colombia (2018). Vi kräver en oberoende granskning av Adoptionscentrum (Exigimos una revisión independiente del Centro de Adopción). FriaTidningen. Retrieved from: <http://www.fria.nu/artikel/132488#:~:text=Om%20det%20inte%20g%C3%A5r%20att,granskning%20genomf%C3%B6rs%20av%20Adoptionscentrums%20verksamhet>

¹¹⁵ Committee Directive of the Ministry of Social Affairs – Lärdomar och vägen framåt Dir. 2021:95. Retrieved from: <https://www.regeringen.se/rattsliga-dokument/kommittedirektiv/2021/10/dir.-202195/>

several of the interviewed adoptees and victims of the violation of the rights protected in international instruments on human rights.

- The confidentiality of the information in the hands of the ICBF and the adoption houses has been one of the first obstacles adoptees must overcome to know their origin. It is necessary to rethink the operation and access to information about the adoption system. This cannot interfere with the right to identity and the right to the truth of the adoptees.
- The creation of a National Center for Adoptees that can function as a central and expert agency to support the search for identity and provide psychosocial support. The center would be serving both adoptees and birth families.
- The Colombian State and the receiving countries must coordinate efforts and provide resources to support the search and reunion of adoptees with their biological families for those interested, always respecting the right to privacy and the free choice of adopted children to know or not their birth families.¹¹⁶This measure would favor the clarification of the truth and the effective, expeditious and complete access to the information on their origin by the victims of irregular adoptions.
- The Colombian State must establish the mechanisms that allow the adoption of Colombian nationality to people who, as a result of intercountry adoption, have seen their right to identity and to their Colombian name affected.
- Special attention should be given to cases in which the adoptee's identity information does not exist or has been falsified. The most reliable way to do this is by establishing a DNA evidence collection and processing program for both adoptees and birth families.
- Similarly, given the traumas identified in the victims of this type of irregular adoption, it is essential to direct resources to provide appropriate psychosocial care to the population adopted abroad, as this group is more vulnerable to psychological problem and experience significant difficulties in their social adaptation¹¹⁷.

¹¹⁶ Prieto Ríos & Jaramillo, 2021.

¹¹⁷ Hjern, A., Lindblad, F., & Vinnerljung, B., 2002.

- It is necessary to strengthen and safeguard the rights of women and the rights of children by the Colombian State. The lack of access to them is a condition that favors the repetition of the events described in this report.
- It is imperative to fight against prevailing impunity and improve judicial investigations, since they create conditions that favor the operation of the industry of irregular adoptions or trafficking in minors.
- The Colombian State must consider suspending definitively intercountry adoptions.
- The Special Jurisdiction for Peace (JEP, for its Spanish initials) should consider the possibility of including irregular adoptions as part of its Macro Case 07, “Recruitment and use of girls and boys in the armed conflict.”

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