

**Information on illegal adoptions of
children from ten countries of
origin in Switzerland, 1970s to
1990s Inventory of documents in the**
Swiss Federal Archives

Report commissioned by the Federal Office of Justice

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1 Introduction

1.1 Initial situation and mandate

On 11 December 2020, the Federal Council adopted the report "Illegal adoptions of children from Sri Lanka: historical reappraisal, search for origins, perspectives".¹ It concludes that there is a need for additional historical research, particularly on other countries of origin. The Federal Council has therefore decided to issue a further mandate. This is to be limited to an inventory of the documents in the Swiss Federal Archives. In addition to Sri Lanka, the aim is to gain an initial insight into the history of illegal adoptions in selected other countries of origin. The inventory is intended to provide an overview of the sources in the Swiss Federal Archives for the period from the 1970s to the 1990s, which can be used to analyse the history of foreign adoptions. This may facilitate future research projects by the scientific community.

For this inventory, which is an independent research mandate, the Federal Office of Justice selected the following ten countries of origin from which children were placed in Switzerland for later adoption: Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Korea, Lebanon, Peru and Romania. These countries were either important countries of origin in terms of the number of adopted children - such as Brazil, India and Colombia - or there are indications of illegal adoptions and procedural problems that are already known.²

1.2 Topic and research question

Taking the ten countries of origin Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Korea, Lebanon, Peru and Romania as examples, this inventory presents relevant documents on the history of foreign adoptions held by the Swiss Federal Archives.³

¹Illegal adoptions of children from Sri Lanka: historical reappraisal, search for origin, perspectives. Report of the Federal Council in fulfilment of postulate 17.4181 Ruiz Rebecca of 14.12.2017. Bern 2020. See: <https://www.bj.admin.ch/bj/de/home/gesellschaft/adoption/illegal-adoptionen.html>, accessed on 2.5.2022.

²Federal Office of Justice, research mandate "illegal adoptions", specifications for additional research on illegal adoptions, file no. 246.1-358/13, 22 January 2021.

³See the homepage of the Swiss Federal Archives: <https://www.bar.admin.ch/bar/de/home.html>, accessed on 18 January 2022.

According to the research mandate of the Federal Office of Justice, two questions are at the centre of the study:

1. What evidence of illegal adoption practices exists in the Swiss Federal Archives in relation to countries other than Sri Lanka, in particular for Bangladesh, Brazil, Chile, Gua-temala, India, Colombia, Korea, Lebanon, Peru and Romania?
2. What information did the federal authorities involved in Bern and the Swiss representations in the ten countries of origin have at their disposal, and what did they do with it? What were the sources of their knowledge?

The purpose of this report is to provide examples of the information available to the competent authorities and the resulting activities.⁴ The period covers three decades, from the beginnings of intercountry adoptions in the 1970s to the end of the 1990s, when the International Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption⁵ marked a turning point in the practice of intercountry adoptions in Switzerland, characterised by better protection against child trafficking.

It is not possible to carry out a comprehensive historical analysis of the above-mentioned questions in the context of this inventory, but rather an overview of the available archive materials from the Swiss Federal Archives. The main focus is on the Swiss representations in Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Korea, Lebanon, Peru and Romania. We use the documents to show what information the representations had on illegal adoptions and what procedural problems they were confronted with. At the federal authorities in Bern, the then Federal Office for Foreigners' Affairs - until 1978 the Federal Aliens Police, now the State Secretariat for Migration SEM - was a key player in the field of intercountry adoptions. Using examples, we show how the Federal Office for Immigration Affairs reacted when couples wishing to adopt bypassed the planned procedures. The Federal Office for Immigration Affairs also launched information campaigns on adoption procedures in order to improve the level of knowledge of the competent cantonal authorities and couples interested in adoption. The Federal Office of Justice was involved in the legislative process, which is only marginally relevant to the issues being analysed here. The same applies to the Federal Office of Justice's supervision of the mediation centres based in Switzerland from 2003 onwards; this falls into the period after the period under investigation here. For the Federal Office of Civil Status, the General Secretariat of the FDJP and the FDFA Head Office in Bern, this report will be limited to a description of the relevant fonds held in the Swiss Federal Archives.

⁴Federal Office of Justice, research mandate "illegal adoptions", specifications for additional research on illegal adoptions, file no. 246.1-358/13, 22 January 2021. The specifications describe the documents of the FDFA (in particular the Swiss representations abroad) and the FDJP (State Secretariat for Migration and Federal Office of Justice) as particularly important.

⁵The Convention, which was concluded in The Hague on 29 May 1993, entered into force for Switzerland on 1 January 2003. See: <https://www.fedlex.admin.ch/eli/cc/2003/99/de>, accessed on 2 May 2022.

In order to analyse the history of foreign adoptions, it is necessary to look at what happened both in Switzerland and in the country of origin. Illegal practices concerned, on the one hand, adoption procedures that violated the law in Switzerland. On the other hand, placement practices in the ten countries of origin could result in parents and their children becoming victims of child trafficking if they were living in exceptional economic and social situations. Placement activities that were based, for example, on the systematic falsification of identities and thus systematically concealed the origin of the adoptive children are just as indicative of illegal adoptions in connection with child trafficking as the very high costs that future adoptive parents paid to profit-oriented local intermediaries. The question also arises as to how the Swiss representations in the ten countries of residence and the federal authorities dealt with direct indications of child trafficking that they received through media reports or from the responsible local authorities. In such cases, they sometimes used the term child trafficking themselves.

The Federal Office of Justice uses the term illegal adoptions as a generic term in its research mandate. Illegal adoptions were not in accordance with the law. This included child trafficking, but also, for example, criminalised falsification of documents that were not linked to financial profit as in the case of child trafficking. There were also irregular and problematic practices that did not necessarily contravene the law, or the legal procedures themselves were not organised in such a way that they adequately protected the best interests of the child. We would like to map this spectrum from child trafficking to problematic practices and procedures. For each of the ten countries of origin, we therefore distinguish between concrete knowledge of child trafficking and scandal on the one hand and procedural irregularities and problems with which the Swiss representations in the respective country of residence were confronted on the other.⁶

⁶See Bitter, Bangerter, Ramsauer 2020, pp. 11, 193-195 for detailed information on the terminology of illegal adoptions and child trafficking. Berthet and Falk use the term commercial adoptions instead of child trafficking for the period when there was no legal basis for penalising child trafficking in Switzerland. Berthet, Falk 2022, pp. 56-57. The International Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, which entered into force in Switzerland in 2003, requires co-operation among contracting states in accordance with Art. 1b in order to, among other things, "prevent the sale of and trafficking in children". See: <https://www.fedlex.admin.ch/eli/cc/2003/99/de>, accessed on 2 May 2022. The term irregularity can be used to cover other deviant adoption practices in addition to illegal ones. This review is concerned with a historical assessment of the events of the time and not with a legal perspective that would deal with criminal offences in individual cases.

1.3 State of research and sources

The history of adoptions of children from abroad in Switzerland since the 1970s has been little studied. There are hardly any case studies on the practice of the placement centres and the adoption procedures in individual cantons and municipalities. The actions of the federal authorities have so far only been examined using the example of Sri Lankan adoptions by Bitter et al. in the report "Adoptions of children from Sri Lanka in Switzerland 1973 - 1997: On the practice of private placement centres and the authorities".⁷ The present review follows on from this historical report on Sri Lankan adoptions. The study by Abraham et al., which provides an overview of the state of research on the Swiss foster care and adoption system as part of the National Research Programme 76, also offers important points of reference.⁸ A new anthology is dedicated to adoptions in the 20th century.⁹

Apart from the 2020 report by Bitter et al. mentioned above, there is only one monograph on Tibetan foster children in German-speaking Switzerland and one study on Alice Honegger's placement centre in the canton of St. Gallen.¹⁰ Fàbio Macedo looked at the placement practice of Terre des hommes Lausanne from 1960 to 1969 and examined international adoptions between 1830 and 1980 from a French-speaking Swiss perspective in his dissertation.¹¹ Various studies have dealt with the legal basis of international and national adoptions and their shortcomings from a legal perspective.¹² Inspired by the report by Bitter et al. on the adoptions of children from Sri Lanka, the Canton of St. Gallen commissioned Francesca Falk, University of Bern, to conduct a further study on the history of adoptions of children from Sri Lanka in the Canton of St. Gallen. Falk and her team have systematically investigated all adoptions from Sri Lanka in the canton of St. Gallen.¹³ The cantons of Lucerne, Thurgau and Zurich also want to respond with canton-specific reviews or adjustments to procedures.¹⁴ As part of the National Research Programme 76 "Care and Coercion - Past, Present, Future" is expected to provide further historical insights into adoptions in Switzerland.¹⁵ As this report was completed at the end of September 2022, it only reflects the state of research up to 2022.

⁷Bitter, Bangerter, Ramsauer 2020.

⁸Abraham et al. 2020.

⁹Hitzer, Stuchey (ed.) 2022.

¹⁰Bitter, Nad-Abonji 2018; Bitter 2018. On the history of the foster care system, see Zatti 2001.

¹¹Macedo 2015 and 2020; see also Macedo, Mignot, Robin 2021 for an overview of the history of adoption.

¹²Zuegg 1986 and 1996; Lücker-Babel 1991; Hegnauer 1975 and 1994; Ceschi 1996; Pfaffinger 2007; Müller, Cottier 2009; Schwenzer 2009; Schweizerisches Institut für Verwaltungskurse 1979.

¹³Berthet, Falk 2022.

¹⁴For Zurich, see: <https://www.kantonsrat.zh.ch>, to be found at: Transactions > 155/2020, and on Lucerne <https://www.lu.ch/kr>, to be found at: Parlamentsgeschäfte> P 232, accessed on 22.12.2021. A research project is now underway for Thurgau and Zurich, see: <https://www.zh.ch/de/news-uebersicht/medienmitteilungen/2022/07/auslandadoptionen-in-den-kantonen-zu-erich-und-thurgau-eltern-fuer-kinder-oder-kinder-fuer-eltern.html>, accessed on 28.10.2023.

¹⁵Cf. <https://www.snf.ch/de/ufHROEnf7ecQJN8F/seite/fokusForschung/nationale-forschungsprogramme/nfp-76>, accessed on 20.9.2022.

Due to the federalist principle, Switzerland was characterised by the fact that the responsibilities for international adoptions lay with different actors at federal, cantonal and municipal level. This makes the historical investigation of the processes time-consuming, as the relevant files are scattered. This inventory is limited to documents held by the Swiss Federal Archives. These are the holdings of the Swiss representations in the ten countries of origin and the federal authorities.¹⁶ However, it was not part of the mandate to examine documents that are still held by the federal authorities today.¹⁷ Source materials from the cantons and communes or from individual Swiss organisations that were authorised to place children from abroad for adoption were also not consulted.

1.4 Methodological approach

We examined the documents in the Swiss Federal Archives using a pragmatic approach in line with the questions formulated by the client. The mandate was to provide an overview of the holdings that are relevant for future research projects. In order to be able to record evidence of child trafficking, scandals, irregular and problematic practices in foreign adoptions, it was necessary to go into greater analytical depth for some of the holdings. We chose this approach for the so-called factual dossiers of the Swiss representations in the ten countries of origin. The subject dossiers contain documents that the embassies and consulates produced themselves on the subject of adoptions, as well as documents that they collected, such as newspaper reports or laws of the host countries. Some of these case files contain personal data, for example when a Swiss couple contacted the representation to find out about the adoption conditions in a country of origin.

What we did not analyse, however, were the individual case files, some of which are also contained in the

¹⁶The archive tectonics of the Swiss Federal Archives categorises the fonds of a federal authority according to the filing plan of the authority in question. The organisation system for the fonds and their sub-fonds is therefore determined by the federal authority concerned. In the archive plan view of the Federal Archives, there are classification items for the topics that were processed in the authority, and finally sub-items with so-called series, here of interest for foster care and adoptions. These series ultimately contain the dossiers. There are three relevant categories of dossiers on the subject of adoptions: Firstly, there are the dossiers with general documents that are subject to a protection period in accordance with Art. 9.1 BGA. A small number of such dossiers were consulted for this inventory, for example from the Federal Office for Foreign Nationals. Secondly, there are factual dossiers that sometimes contain personal data and are therefore subject to an extended protection period. Thirdly, individual case files containing documents relating to specific adoption procedures are subject to an extended protection period in accordance with Art. 12.1 or 12.2 of the Federal Act on the Protection of Personal Data. For this inventory, factual dossiers, but not individual case dossiers, were consulted. The consent of the competent authority is required for access to documents that are still subject to a protection period; applications for access must be submitted to the SFA.

¹⁷The federal authorities hold further source material on the subject. For example, at the request of the Federal Office of Justice, the Swiss Federal Archives returned the following fonds to the Office in 2013: 1994/263, 2002/56, 2011/90.

files on the ten countries of origin. These documents filed for each adoption case contain the documents that were submitted to the respective Swiss representation for the issuing of visas. The fonds with the individual case dossiers of the Swiss representations are listed in the bibliography under the unprinted sources with the corresponding shelfmarks. They do not appear to have been organised systematically and without gaps by the Swiss representations. For many countries of origin, there are fewer individual case files available than there were entries of prospective adoptive children into Switzerland.¹⁸ In order to be able to make reliable quantitative and qualitative statements about individual cases, the files of the responsible communes and cantons would have to be consulted. We have only used individual case-related information in the report if it can be found in the files of the respective Swiss representation. We point out at the appropriate places in the report if, in our view, individual case files or other sources should also be consulted for further clarification of open questions in the future.

In order to show who knew what and when, we had to reconstruct chronologies and correspondence. The sometimes high level of detail in our presentation is due to the subject matter: It is only possible to show how the adoption practice manifested itself in the course of its development using ^{quotes}¹⁹ from correspondence and file notes that refer to each other. It was thus possible to make substantial statements about the knowledge of illegal adoptions in the ten countries of origin using exemplary examples.²⁰ In some cases, foreign language challenges had to be overcome. In addition, contextual knowledge was necessary for each of the ten countries of origin, which we researched at least rudimentarily - for example on the constitution of the respective nation state, on the legal adoption regulations and on the local Swiss representations. We do not claim to have carried out an in-depth historical analysis. The mandate given to us was too small for that.²¹ For example, we were only able to gain a few insights into the socio-historical context or the transnational interaction of the actors involved.

The scope of sources for the ten countries of origin varies greatly. The case files for Brazil, India, Colombia and Romania in particular are extensive. Some countries, such as Peru, have a large number of individual case files. Only for Bangladesh and Lebanon do the case files only contain around two hundred documents each. For all other countries of origin, we have reviewed large quantities of documents. In the case of the Federal Office for Foreigners' Affairs, we also analysed the large stock of over a thousand documents in the same reconstructive depth as for the ten countries of origin.²² For the other federal authorities

¹⁸The staff of the Swiss representations occasionally filed the documents relating to the entry of a particular child into Switzerland together in the case files.

¹⁹We have corrected incorrect punctuation and minor grammatical errors in source quotations.

²⁰For reasons of labour efficiency, we have only examined the holdings on Brazil cursorily, cf. introduction to chapter 4.

²¹Cf. <https://www.zhaw.ch/de/forschung/forschungsdatenbank/projektdetail/projektid/4786/>, accessed on 9 September 2022.

²²During our research work, the Swiss Federal Archives received a second consignment relating to the Federal Office for Foreigners' Affairs, which also contains subject files on adoptions, but in part on other countries of origin. We also examined this second consignment as part of our mandate and have included it in the bibliography.

In the following sections, we show what the respective fonds contain.

In the initial phase, we worked closely with the staff of the Swiss Federal Archives. They carried out a detailed initial search for us, which yielded numerous hits. The staff at the Swiss Federal Archives worked systematically with the relevant file numbers and additionally with relevant keywords, such as "adoption". Their search in the archive plan for the period from 1970 to 1999 related to the federal authorities in Bern that were involved in the adoption procedures, as well as to the ten selected countries of origin. As already mentioned, we were only able to sift through a small number of the hits, and of this selection we were only able to partially analyse an even smaller part. There are many other interesting documents in the Swiss Federal Archives on the history of foreign adoptions in Switzerland, for example on additional countries of origin and on the period from the 2000s onwards.²³ In order to safeguard the results of the initial research carried out by the staff of the Federal Archives, we list the identified documents in the bibliography under unprinted sources, even if we have not reviewed them. They are not colour-coded in the bibliography, unlike the reviewed holdings.

Names and other references to specific persons are anonymised in the report. This applies in particular to adoptive children, birth parents, adoptive parents and persons interested in adoption. The same applies to employees and superiors at the federal authorities and other authorities as well as to the entire staff of Swiss representations abroad. Representatives of placement agencies are also anonymised, as are individuals in the country of origin and in Switzerland who placed children for adoption.²⁴ Federal Councillors are persons of public interest and are named in the report, as are elected politicians in connection with parliamentary initiatives. For actors that we have anonymised in the report but who acted in different contexts and should therefore be recognisable in these different contexts, we have used pseudonyms, which we identify with an asterisk when they are mentioned for the first time in new chapters. We also used pseudonyms when it was important to distinguish between people in a specific context.

²³The online research tool of the Swiss Federal Archives can be found at <https://www.recherche.bar.admin.ch/recherche#/de/suche/einfach>, accessed on 21 January 2022. Researchers can search for holdings on other countries of origin here. Searches for dossiers should primarily be carried out using file numbers in order to avoid gaps. Searches using only combined keywords such as "Swiss representation", "City in which the Swiss representation was located" and "Adoption" run the risk of inaccurate titles not appearing in the results list. The results for the available dossiers returned by the search tool are organised by time period. In addition, further archive material on specific countries of origin can be searched for in the fonds of the federal authorities in Bern. The online access offers various search options with "Simple search", "Advanced search" and search in the "Archive plan" as well as with the filter function. The staff of the Federal Archives will be happy to help with research on request.

²⁴Of the placement centres, we only mention Edmond Kaiser, founder of Terre des hommes, and Alice Honegger, Adoptio placement centre in the canton of St. Gallen, by name, as their names have already been published in various academic studies. See, for example, Berthet, Falk 2022; Bitter, Bangerter, Ramsauer 2020; Bitter 2018. Famous personalities who ran children's homes abroad and people who have published academically on the subject are also real names.

1.5 Structure of the report

In order to understand and contextualise foreign adoptions in Switzerland, in Chapter 2 we present the numbers of entry permits granted for children from the ten selected countries of origin, as well as the relevant legal bases and the most important federal authorities involved in the adoptions. In doing so, we draw on the 2020 report by Bitter et al. on Sri Lanka adoptions. In chapters 3 to 12, we present our findings on the ten countries of origin, and in chapter 13 on the Federal Office for Immigration Affairs. Finally, in Chapter 14, we present the holdings of the Federal Office of Justice, the General Secretariat of the FDJP, the FDFA Head Office, the Federal Office for Civil Status and the Federal Data Protection and Information Commissioner. We summarise the results of our review in Chapter 15 and point out the need for research that we believe exists.

The bibliography is of particular importance. In addition to the two sections on printed sources and presentations, we provide an overview of the holdings of the Swiss Federal Archives for the unprinted sources.²⁵ The shelfmarks and the titles of the dossiers are linked to the online research tool of the Federal Archives, which allows the location of the corresponding source holdings to be traced. This overall view is based on the aforementioned systematic research by the staff of the Federal Archives by file number, supplemented by a search using the keyword "adoption", and is subdivided according to the federal authorities - the so-called file creators - and whether or not we have examined the respective fonds.²⁶ Our compilation of the documents in the Swiss Federal Archives, together with the descriptions in the chapters, provides an entry point for researchers who wish to study the history of international adoptions.

²⁵In the "Unprinted sources" section of our bibliography, we use the information from the Swiss Federal Archives' online access: shelfmark, file number, title, time period, access according to BGA. Online access can be found at <https://www.recherche.bar.admin.ch/recherche/#/de/suche/einfach>, accessed on 19.1.2022.

²⁶The fonds we have viewed are coloured light green. When searching in the online access of the Swiss Federal Archives, it is important to search not only by keyword, but also by file item, and to use the archive plan view, because only in this view do all available dossiers appear.

2 Adoptions abroad in Switzerland from the 1970s to the 1990s

Adoptions of children from abroad in Switzerland increased from the 1970s onwards, which was linked to the downward trend in domestic adoptions. Thanks to the legal equality of illegitimate and legitimate children in the revised Swiss Civil Code (ZGB) of 1978, single-parent families gradually began to be recognised by society. Single unmarried mothers continued to find themselves in economically precarious circumstances. Now, however, they at least no longer felt compelled to give their children up for adoption. In the past, this had often been the only solution for them to escape social stigmatisation.²⁷ Since the mid-1970s, other forms of support have become increasingly available for unmarried mothers in Switzerland to enable them to reconcile work and family life, thus offering alternatives to adoption. The number of potential adoptive children in Switzerland therefore declined, which is why Swiss couples wishing to adopt began to increasingly look abroad for a child.

2.1 Figures on the ten countries of origin and the legal basis for adoptions in Switzerland

The Federal Government's incomplete data collection on intercountry adoptions has been repeatedly criticised by various stakeholders since the period under investigation up to the end of the 1990s.²⁸ The statistics on adoptions carried out in Switzerland are compiled by the Federal Statistical Office. For a long time, however, this data was only summarised and broken down by continent. Researchers have to obtain the figures for individual countries of origin separately from the Federal Statistical Office. For the period before 1979, there is no data available on formalised adoptions.²⁹

²⁷Cf. two ongoing research projects on the history of domestic adoptions in Switzerland: Susanne Businger and Nadja Ramsauer, Adoption in forced situations: on the history of national and international adoptions in Switzerland from the 1960s to the present day, see: <http://www.nfp76.ch/en/projects/interventions-and-pathways-in-life/projekt-businger>, accessed on 22 January 2022; Thomas Gabriel, Domestic adoption in Switzerland: continuities, changes, and outcomes of irreversible family placements in the 20th and 21st centuries, see: <https://p3.snf.ch/Project-182842>, accessed on 22 January 2022.

²⁸Bitter, Bangerter, Ramsauer 2020, pp. 19-21.

²⁹Lücker-Babel 1991, p. 21-22, cited in Bitter, Bangerter, Ramsauer 2020, p. 20. These are the statistics on natural population movements BEVNAT, ©Federal Statistical Office. For the data on adoptions granted for the example of Sri Lanka, see Bitter, Bangerter, Ramsauer 2020, p. 23. For the missing data, see e-mail correspondence with employees of the Federal Statistical Office, 20 December 2021.

Number of entry permits issued

For this reason, we do not rely on the data on adoptions that were granted in Switzerland, but rather on the figures for entry permits.³⁰ The Federal Office for Immigration Affairs and the cantonal immigration police issued these entry permits to foreign foster children who were admitted to Switzerland with a view to later adoption or for other reasons, for example for placement without later adoption.³¹ An entry permit was issued if the requirements for a foster child stay or adoption were met.³² It should be noted that the foster relationship could be terminated during the prescribed two-year foster child stay. This means that not every entry of a foreign child for the purpose of subsequent adoption actually resulted in an adoption.³³ The figures on entry authorisations granted are therefore not necessarily congruent with the figures on adoptions granted. However, they do give an impression of the country-specific order of magnitude.

Most entry authorisations for the purpose of subsequent adoption were granted in the 1970s for foster children from Asia. South America and Europe followed at a considerable distance. In the 1980s, the total number of entry permits granted almost doubled compared to the 1970s. Asia remained in the lead, but was now closely followed by South America, which recorded a large increase. Europe was still in third place, followed by Central America and Africa. The 1990s saw a slight decline in the total number of entry permits issued compared to the 1980s, with only 5,718 compared to 6,157. The frontrunner was now South America. Only slightly fewer entry permits were issued to children originating from Asia and Europe, particularly Eastern Europe.³⁴ The number of entry permits issued to children from Africa only became more significant in the 2000s, a development which, however, lies outside the period analysed here.

The Federal Office of Justice selected ten countries of origin for this survey: Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Korea, Lebanon, Peru and Romania. The highest number between 1970 and 1999 was 2,799 entry permits granted for the purpose of subsequent adoption to foster children from India, followed by Colombia with 2,122, Brazil with 1,222 and Korea with 1,065

³⁰Federal Office for Migration FOM, Central Register of Foreigners, Statistics Service, Entry permits granted to foreign foster children taken in for the purpose of subsequent adoption or for other reasons, by nationality, 1970 to 1979, 1980 to 1989 and 1990 to 1999. See Annexes 1, 2 and 3 in this report.

³¹In the following, the report refers to entry authorisations for the purpose of subsequent adoption, although it is not possible to separate the two categories of entry "with a view to subsequent adoption" or "for other reasons", such as in certain intra-family cases. The available statistical data do not make a corresponding distinction, see Annex 1 to 3.

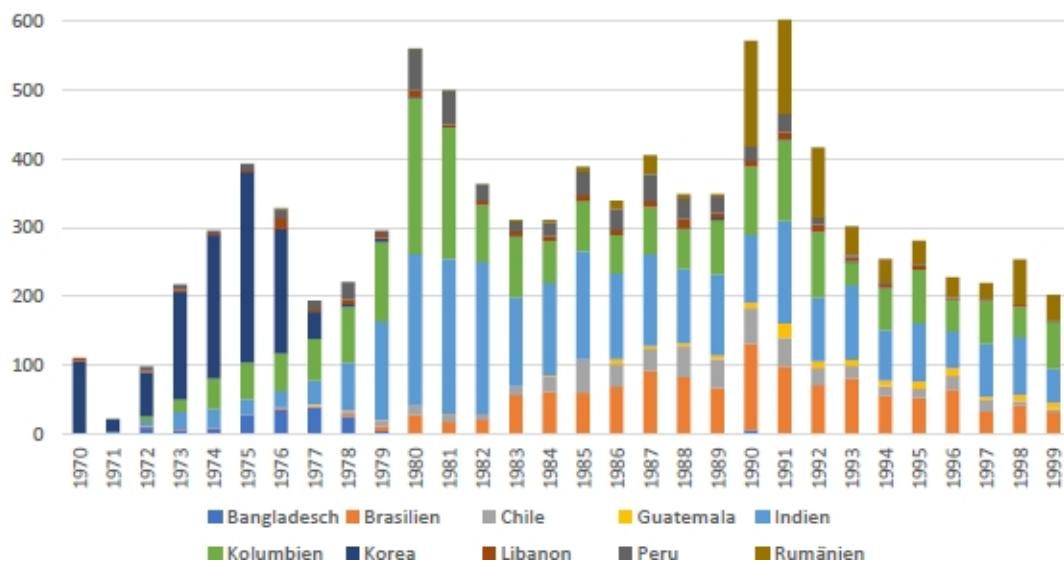
³²Cf. the Federal Council report on entry permits, 2020, pp. 11-12, 62-63, see: <https://www.bj.admin.ch/bj/de/home/gesellschaft/adoption/illegale-adoptionen.html>, accessed on 2 May 2022.

³³In addition, in a minority of cases, children travelled to Switzerland for whom adoption was never the intention, see footnote 31.

³⁴See the figures in Annex 1, 2 and 3.

Entry permits. The smallest number was recorded in Guatemala with 130 entry permits. The number of entry permits granted for the purpose of subsequent adoption for foster children from Bangladesh and Lebanon was also less than 200.

Erteilte Einreisebewilligungen an ausländische Pflegekinder, die im Hinblick auf eine spätere Adoption oder aus anderen Gründen aufgenommen werden nach Staatsangehörigkeit, 1970 bis 1999
Quelle: Anhang 1 bis 3



Legal basis for foreign adoptions in Switzerland

The legal bases in Switzerland that were decisive for intercountry adoptions are described in detail in the report on Sri Lanka adoptions. We refer to this study and summarise here only a few key points that are important for understanding the procedures involved in intercountry adoptions.³⁵ The new adoption law in the Swiss Civil Code from 1 April 1973 granted the adopted child the same rights as biological offspring. An adoption could only be finalised if the suitability of the future adoptive parents had been checked beforehand. The adoption was preceded by a two-year foster child relationship. During this time, a counsellor or guardian represented the rights of the child. The biological parents were not allowed to consent to the adoption of their newborn child until at least six weeks after birth. They then had a further six weeks to withdraw their consent. How this regulation was handled in the case of foreign adoptions must remain open at the current state of research. In the case of the Sri Lankan children, it has been shown that they were often handed over to a Swiss couple before they were six weeks old.³⁶

³⁵Bitter, Bangerter, Ramsauer 2020, pp. 25-51. Cf. also the Federal Council report, 2020, pp. 11-14, on the legal framework, see: <https://www.bj.admin.ch/bj/de/home/gesellschaft/adoption/illegale-adoptionen.html>, accessed on 2 May 2022.

³⁶Bitter, Bangerter, Ramsauer 2020, p. 49. The principle that the adoption had to be carried out in Switzerland was also laid down in Articles 75 to 78 of the Federal Act on Private International Law, which came into force on 1 January 1989. See Bitter, Bangerter, Ramsauer 2020, p. 38.

The Ordinance on the Admission of Foster Children (PAVO) came into force in 1978. From then on, the admission of a child required a licence and the foster parents were supervised. The entry of a foreign foster child for the purpose of subsequent adoption required an entry or residence permit and a declaration of consent from the biological parents. The foster parents had to provide for the child's upkeep. The authorisation of the foster relationship was also linked to the condition that the identity of the child entering the country was established. It was partly the abuses in international adoptions that led to the revision of the PAVO in 1989. From then on, foster parents had to fulfil stricter requirements. They were required to submit a report on the child's previous life and to state the country of origin and the placement centre. In addition, the competent foreign authority had to authorise the child's departure. However, the revision of the PAVO included a passage that weakened the protection of future adoptive children. If the foster parents were deemed suitable to take in a foster child for later adoption, the adoption could be provisionally authorised, even if the child had not yet been determined.³⁷

Adoption placement was regulated in the corresponding federal ordinance, which was published on 16 April 1973. This ordinance also stipulated that the biological parents had to consent to the adoption. Anyone who placed children from abroad in Switzerland with a licence had to be familiar with the social conditions and the law in the child's country of origin and undertake to comply with international law. Only a reasonable fee could be accepted. If an intermediary did not adhere to the requirements, the cantonal supervisory authority could withdraw the licence. Officials who became aware of violations had to report them to the Federal Department of Justice and Police, which in turn forwarded the report to the competent cantonal supervisory authority. The revision, which came into force at the beginning of 1989, made it compulsory for intermediaries to obtain an additional licence for each country of origin.³⁸

³⁷Bitter, Bangerter, Ramsauer 2020, pp. 32-36.

³⁸Bitter, Bangerter, Ramsauer 2020, pp. 36-38.

2.2 Competent authorities at federal level

The adoption of foreign children in Switzerland involved a complex procedure. In addition, a lot of time passed from the initial decision of a couple to adopt a child until the adoption was finally finalised in Switzerland after two years of fostering. During this phase, various Swiss authorities with different responsibilities were involved in the process. The cantons were responsible for implementing the adoption process. They issued the implementing regulations on responsibilities and procedures. This led to a practice characterised by federalism. Whereas in the French-speaking cantons, for example, it was generally the courts that pronounced adoptions, in the German-speaking cantons the adoption tasks were usually delegated to an administrative authority. It is not part of the present survey to look at the cantons.

Swiss representations in the countries of origin of the adopted children

The Swiss representations in the ten countries of origin - usually an embassy, sometimes also a consulate - represented Switzerland's interests in the host country and fostered economic, cultural and political relations between the two countries. For many couples wishing to adopt, the Swiss representation was the first port of call for information about adoptable children, the legal basis and the relevant authorities in the country of origin. Once it was clear that a couple could bring a particular child to Switzerland, the Swiss representation had to ensure that the birth parents and the competent authority in the host country had agreed to the adoption and that the child had a valid passport. It then obtained authorisation from the Federal Office for Foreign Nationals to issue the entry permit. If all this was the case, the embassy entered the visa in the child's passport.³⁹

With the revision of the PAVO in 1989, the tasks of the Swiss representations were defined more precisely. In the case of a provisional authorisation from the guardianship authority, the cantonal immigration police or, with their consent, the Swiss representation in the child's country of origin was only allowed to issue the visa or the definitive assurance of a residence permit once all the necessary documents had been submitted. These included a medical report and the child's life history, the consent of the biological parents and a declaration from the competent authority in the country of origin that the child could be handed over to Swiss foster parents.⁴⁰

³⁹Bitter, Bangerter, Ramsauer 2020, pp. 53-54.

⁴⁰Bitter, Bangerter, Ramsauer 2020, p. 35-36.

Federal Office for Foreigners' Affairs

The Federal Aliens Police, renamed the Federal Office for Immigration Matters from 1979,⁴¹ was responsible within the Federal Department of Justice and Police (FDJP) for the preparation and enforcement of decrees on the entry and exit, residence and settlement of foreign nationals. The most important legal basis was the Federal Act of 26 March 1931 on the Residence and Settlement of Foreign Nationals (ANAG). The Federal Council had overall supervision and laid down the implementing provisions for the ANAG in ordinances and circulars.

It was the responsibility of the canton of residence of the future adoptive parents to issue the entry and residence permit for the child. However, the Federal Office for Foreign Nationals had to issue a so-called federal authorisation for a certain period of time. Every entry permit issued for a child had to be reported to the Central Register of Foreigners (ZAR) within the Federal Office for Foreigners' Affairs, which had been keeping statistics since 1983.⁴²

Federal Office of Justice and other federal authorities

The Justice Division of the Federal Department of Justice and Police was renamed the Federal Office of Justice in 1979. As the federal government's specialised authority for legal matters, it was tasked with preparing legal decrees and advising the federal administration on legislative matters. In connection with adoptions, it was significant that the Federal Office of Justice was responsible for enactments and their implementation in the areas of private law, private international law and criminal law, among others. For this reason, it also took the lead in the revision of the various adoption ordinances in the 1980s. However, the Federal Office of Justice was only marginally involved in the actual adoption procedures, as the cantons were responsible for enforcement. Only the Private International Law Section played a certain role, as it continuously updated the legal basis in the host country in dialogue with the Swiss representations and, on request, provided support in finding the appropriate procedural steps, especially when the issue of child trafficking was raised. The rather marginal role of the Federal Office of Justice in foreign adoptions only changed in 2003 with the ratification of the Hague Convention. It now became the federal supervisory authority over the placement centres.⁴³

⁴¹See: Eidgenössischer Staatskalender, <https://www.amsdruckschriften.bar.admin.ch/start.do> and <https://www.amsdruckschriften.bar.admin.ch/viewOrigDoc/40002638.pdf?ID=40002638>, accessed 15 August 2022; <https://www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-23855.html>, accessed 24 March 2022; Bitter, Bangerter, Ramsauer 2020, p. 53.

⁴²Bitter, Bangerter, Ramsauer 2020, pp. 140-141, 39-40.

⁴³Bitter, Bangerter, Ramsauer 2020, p. 141-142; Federal Office of Justice 2002, Verordnung über die Aufgabe der Departemente, 1979.

On the other hand, the superior authority of the Federal Office of Justice, the Federal Department of Justice and Police, had the right to appeal against the rulings of the cantonal supervisory authorities even before 2003.⁴⁴ It is not clear from the archive material that we examined on the General Secretariat of the FDJP that it exercised this right in a specific case.⁴⁵ We also examined selected fonds of offices at the headquarters of the Federal Department of Foreign Affairs (FDFA) in Bern. During the period under review, the FDFA was responsible for shaping Swiss foreign policy on behalf of the Federal Council and, in addition to the head office in Bern, had a network of foreign offices, including embassies and consulates. From 1848 to 1979, the FDFA was called the Federal Political Department; in 1979, the name was changed to the Federal Department of Foreign Affairs.⁴⁶ The head office in Bern was divided into various offices and divisions, although we do not differentiate further in our report, but refer to the fonds of the FDFA head office as a whole.⁴⁷ Finally, we refer to selected files from the Federal Office of Civil Status, which exercised overall supervision of civil status matters within the Federal Office of Justice and thus of the entries of foreign adoptive children in the civil status registers of the cantons and communes.⁴⁸

⁴⁴Bitter, Bangerter, Ramsauer 2020, p. 142.

⁴⁵Cf. on the General Secretariat FDJP <https://www.ejpd.admin.ch/ejpd/de/home/das-ejpd/organisation.html>, accessed on 25 January 2022.

⁴⁶See: <https://www.eda.admin.ch/eda/de/home/das-eda/geschichte-des-eda.html>, accessed on 11.3.2022.

⁴⁷Cf. on the organisation of the FDFA <https://www.eda.admin.ch/eda/de/home/das-eda/organisation-deseda.html>, accessed on 25.1.2022.

⁴⁸Cf. <https://www.bj.admin.ch/bj/de/home/gesellschaft/zivilstand.html>, accessed on 25 January 2022.

3 Adoptions of children from Bangladesh

Children from Bangladesh were mainly placed in Switzerland for later adoption in the 1970s. However, the number of entry permits granted was comparatively small, totalling 170 between 1970 and 1999. The years 1975 to 1978 show the highest number with two to three dozen per year. Six entry permits are recorded for 1990, otherwise the figures from 1981 to 1999 were at a low single-digit level.⁴⁹

In Bangladesh, religious affiliation determined the scope of certain laws, including those relating to adoption.⁵⁰ Muslim law, for example, did not recognise adoption.⁵¹ Obviously, "non-Muslim girls" in particular were the focus of international adoptions.⁵² The Bangladesh Abandoned Children (Special Provision) Order of 1972 is cited in the case files as the legal basis in Bangladesh. In the aftermath of the war of independence between Pakistan and Bangladesh, then called East Pakistan, this special provision was created in order to

to accommodate "war babies "⁵³ . It permitted the international adoption of "abandoned children "⁵⁴ and allowed "Bangladeshi children [...] to be given up for adoption at home and abroad quite easily".⁵⁵ Under the Bangladesh Abandoned Children Order of 1972, abuses occurred which led to the special provision being repealed in 1982. The drafting of a new law was delayed beyond the end of the period covered by this report.

After the end of the war of independence in 1972, a Swiss representation was set up in Dhaka. Like the Swiss embassy in New Delhi, this representation worked for many years with the lawyer N. Man*, who had his office in New Delhi. The Swiss representation in Dhaka recommended this lawyer to couples interested in adoption. He was "very familiar with the relevant legislation on adoptions and dealt with such cases reliably."⁵⁶ Another advantage was that correspondence with this lawyer was in German.

⁴⁹See: Appendix 1 to 3.

⁵⁰CH-BAR, E2200.187A#1995/167#20*, D. K.*, local lawyer, to Swiss representation in Dhaka, 16 June 1983.

⁵¹CH-BAR, E2200.187A#2001/81#25*, Swiss representation in Dhaka to Adoptio, 13 September 1987.

⁵²CH-BAR, E2200.187A#2001/81#25*, Swiss representation in Dhaka to couple from Switzerland interested in adoption, 16 August 1989.

⁵³CH-BAR, E2200.187A#1995/167#20*, Hazards in Adopting Unwanted Babies, in: Holiday, 12.1.1990. In the war between Pakistan and the then East Pakistan, rape was used as a weapon of war. The children of these mothers were exposed to a variety of social stigmas and were often put up for adoption. The historical context has only just begun to be analysed. See: <https://en.banglapedia.org/index.php/War-babies> and <https://www.washingtonpost.com/o-opinions/2021/12/16/remembering-war-babies-1971-conflict-between-india-pakistan/>, accessed on 1 April 2022.

⁵⁴CH-BAR, E2200.187A#2007/116#23*, A. S. M. Nurunnabi, Principles and Practice of Child Adoption in Bangladesh, in: The Daily Star Dhaka, 14 May 2000.

⁵⁵CH-BAR, E2200.187A#2001/81#25*, Swiss representation in Dhaka to Adoptio, 13 September 1987.

⁵⁶CH-BAR, E2200.187A#1995/167#20*, Swiss representation in Dhaka to a couple from Switzerland interested in adoption, 25 November 1980.

The Swiss embassy in Dhaka was able to conduct the adoption process in its own language, as the correct linguistic translation of Bangladeshi names and characters posed a challenge.⁵⁷

Terre des hommes Lausanne placed adoptive children from Bangladesh in Switzerland.⁵⁸ One of the counsellors was described as "valuable" because of her experience, and the Swiss representation occasionally called her in for consultation.⁵⁹ A newspaper article from 1982 mentions that another person, Kathrin Voss* from the canton of Zurich, was carrying out clarifications for adoptions in German-speaking Switzerland.⁶⁰ In 1987, the Adoptio placement centre headed by Alice Honegger sent a circular letter to the Swiss representation in Bangladesh enquiring about the best conditions there. This knowledge of local conditions was one of the prerequisites for obtaining a placement licence in Switzerland.⁶¹ The representation wrote back to Adoptio stating that due to the current lack of a legal basis, "the compilation of a reasonably representative list of orphanages and hospitals [...] would make little sense under the circumstances described".⁶² The uncertainty of legal practice in Bangladesh posed a challenge for the Swiss authorities and placement agencies throughout the investigation period.

3.1 Evidence of child trafficking and scandals

Abuses in the adoption system have existed in Bangladesh since the early 1970s. Under the Bangladesh Abandoned Children (Special Provision) Order of 1972, there were "serious abuses"⁶³, as the Swiss representation described in a letter to the Adoptio mediation centre in 1987.

⁵⁷CH-BAR, E2200.187A#2001/81#25*, Swiss representation in Dhaka to FDJP, Delegate for Refugee Affairs, 10 June 1990; CH-BAR, E2200.187A#1995/167#20*, K. A.*, Barrister-in-law for Chancery Chamber, to Swiss representation, 6.6.1990; CH-BAR, E2200.187A#1995/167#20*, Swiss representation in Dhaka to couple from Switzerland interested in adoption, 25.11.1980.

⁵⁸The aid organisation Terre des hommes was founded in 1960 by the Swiss journalist Edmond Kaiser. Due to differing views, including on international adoptions, the organisation split in 1972 into independent organisations that still exist in parallel today: A group around the founder Edmond Kaiser, who was in favour of international adoption, founded the association and the later Terre des hommes Foundation, based in Lausanne; Terre des hommes Switzerland was also founded, with one headquarters in German-speaking Switzerland (Basel) and one in French-speaking Switzerland (Geneva). Unless otherwise indicated, this report refers to Terre des hommes Lausanne. On Terre des hommes, see also: Bitter, Bangerter, Ramsauer 2020. On the founding of Terre des hommes, see: Macedo 2015; <https://www.terredeshommes-schweiz.ch/ueber-uns/organisation/>, accessed 18.3.2022. On the mediations from Bangladesh, see also Chapter 14.3.

⁵⁹CH-BAR, E2200.187A#1995/167#20*, Stefan Koch*, Federal Aliens Police, to Swiss representation in Dhaka, 16 June 1975; Swiss representation in Dhaka to Federal Aliens Police, 3 July 1975; Swiss representation in Dhaka to Federal Aliens Police, 17 July 1975; Swiss representation in Dhaka to couple from Switzerland interested in adoption, 4 December 1980.

⁶⁰CH-BAR, E2200.187A#1995/167#20*, Marcel Schwander, 'Adoptivkinder' an Bordelle verschachert, in: *Tages-Anzeiger*, 1 July 1982.

⁶¹CH-BAR, E2200.187A#2001/81#25*, President and Vice-President of Adoptio to Swiss representation in Dhaka, 7 September 1987.

⁶²CH-BAR, E2200.187A#2001/81#25*, Swiss representation in Dhaka to Adoptio, 13 September 1987.

⁶³CH-BAR, E2200.187A#2001/81#25*, Swiss representation in Dhaka to Adoptio, 13 September 1987.

directed. As early as the 1970s, there was talk of "the local authorities [...] granting adoption licences very rarely and with great delay for internal political and religious reasons."⁶⁴ Terre des hommes Lausanne, which had been active in Bangladesh since the mid-1970s at the latest, was therefore dependent on the goodwill of the Bangladeshi government. In one example, the departure of a child was refused "almost at the last moment". Terre des hommes Lausanne asked the adoptive parents concerned "not to take any action, as the Bangladeshi government [sic] reacts extremely sensitively to attacks and may even stop releasing children altogether".⁶⁵

Legal basis no longer in force from 1982

In the international press, there was repeated talk of "actual child trafficking in Bangladesh", as the Swiss representation in Bangladesh put it.⁶⁶ It had been aware of the abuses at least since the early 1980s, as it had been collecting newspaper reports on the subject since then, which it also passed on to the federal authorities in Bern. The allegations made in the media were serious. Children were allegedly forced into prostitution and begging, for which they were sometimes crippled. Children who were not orphans were also sent abroad or forced to convert to another denomination for adoption.⁶⁷

Under pressure from the media, the special regulation was cancelled in 1982. "[a] fresh order [...] with foolproof-system on adoption of children "⁶⁸ was to be drawn up. This was the Bangladeshi government's response to the signs of child trafficking.⁶⁹ As a result, the legal situation was unclear for the Swiss representation and prompted it to make several enquiries to the responsible ministry. The representation pointed out that adoptions had taken place despite the suspension of the special regulation: "However, during the last few months several instances of child adoption have been brought to the Embassy's knowledge. According to information received, these children were legally adopted by foreign couples or a single parent with residence either in Bangladesh or abroad. In order to enable the Embassy of Switzerland to inform possibly interested parties correctly, it would be very much appreciated if the Ministry could kindly furnish up to date information on the conditions to be observed and the procedure to follow if a foreign family or a single parent wishes to legally adopt a child of Bangladesh nationality."⁷⁰ The enquiries of the Swiss representation remained

⁶⁴CH-BAR, E2200.187A#1995/167#20*, Swiss representation in Dhaka to couple interested in adoption, 4 December 1980.

⁶⁵CH-BAR, E2200.187A#1995/167#20*, Couple interested in adoption to Swiss representation in Dhaka, 4 March 1975.

⁶⁶CH-BAR, E2200.187A#2001/81#25*, Swiss representation in Dhaka to Adoptio, 13 September 1987.

⁶⁷CH-BAR, E2200.187A#1995/167#20*. Marcel Schwander, 'Adoptive children' sold to brothels: Terre des hommes Lausanne protests against child trafficking in Bangladesh, in: *Tagess-Anzeiger*, 1 July 1982.

⁶⁸CH-BAR, E2200.187A#1995/167#20*, Abandoned Children Order, '72 repealed, in: *Bangladesh Observer*, 3 June 1982.

⁶⁹CH-BAR, E2200.187A#2001/81#25*, Swiss representation in Dhaka to Adoptio, 13 September 1987.

⁷⁰CH-BAR, E2200.187A#1995/167#20*, Swiss representation in Dhaka to Ministry of Foreign Affairs of the Government of the People's Republic of Bangladesh, 13 Sept. 1987. Cf. also: Swiss representation in Dhaka to Ministry of Foreign Affairs of the Government of the People's Republic of Bangladesh, 4 April 1989.

apparently often went unanswered by the Bangladeshi side; there are no corresponding documents in the case files. The Swiss representation also enquired about the current status of the legal provisions in Bangladesh from the lawyer of trust.⁷¹

Birth parents are deceived

In the context of the scandals surrounding child trafficking, a journalist from the *Tages-Anzeiger* newspaper reported in 1982 that "the good name of the children's aid organisation *Terre des hommes* is being misused by illegal adoptions". He described the illegal practices of a Bangladeshi intermediary: "In the name of 'Terres des hommes Netherlands' he [the intermediary, author's note] had adopted 33 children from needy parents in order to 'feed, care for and educate' them. However, the illiterate parents had put their fingerprints under a document that released the children for adoption." A doctor from *Terre des hommes* Lausanne referred in the article to the organisation's years of struggle, not only "against hunger and death [...] but also against criminal rings that unscrupulously exploit child misery - sometimes under the guise of aid organisations - and degrade children to *commodities*." The newspaper article reported that *Terre des hommes* "filed a complaint with Interpol and the Dutch Ministry of Justice [...] against the local 'facilitator' [...] who has now been arrested by the authorities in Bangladesh". *Terre des hommes* Lausanne could not do more: "We cannot control whether the name *Terre des hommes* is misused", it was too late to protect the name. Nevertheless, the option of no longer arranging adoptions of children from Bangladesh was obviously out of the question for *Terre des hommes* Lausanne, even though the organisation stated in the *Tages-Anzeiger* article that it was "against any kind of child trafficking". In 1982, a representative of *Terre des hommes* Lausanne looked after "around 1,000 children at risk of starvation" in Dhaka and around 10,000 children in Calcutta: "Larger children were educated in training centres: for small children, adoption was often the better solution." According to the newspaper article, however, foreign adoptions in Bangladesh were "prohibited until further notice [...]."⁷² What this meant for the practice of the Swiss placement centres can only be determined in fragments on the basis of the documents in the case files.

⁷¹CH-BAR, E2200.187A#2001/81#25*, Swiss representation in Dhaka to Adoptio, 13 September 1987.

⁷²All quotations in the paragraph from: CH-BAR, E2200.187A#1995/167#20*, Marcel Schwander, 'Adoptivkinder' an Bordelle verschachert: *Terre des hommes* Lausanne protest against child trafficking in Bangladesh, in: *Tages-Anzeiger*, 1 July 1982.

3.2 Further evidence of irregular and problematic practices

The factual dossiers examined contain several enquiries from couples who asked the Swiss representation for information and support in adopting a child from Bangladesh. There was particularly great interest in infants.⁷³ The unclear legal situation was reflected in the ambivalent approach of the Swiss representation to such enquiries. It vacillated between supporting and rejecting them.

Couples wishing to adopt speed up the procedure

Before people interested in adopting a child turned to the Swiss representation, some of them had already tried to find an adoptive child by other means. One case is documented in the files, which shows how a couple proceeded in the mid-1970s. Initially, the couple approached Terre des hommes Lausanne. There they were "put off until later", as the placement centre only put couples on the waiting list who had been married for at least five years. As the couple did not want to put up with the two to three year wait, they continued their search and got in touch with Mother Teresa in Calcutta via the General Councillor of the Swiss Missionary Society in Ingenbohl. She referred the couple to the Missionaries for Charity congregation she had founded in Dhaka. The nun there suggested that the couple travel to Dhaka. Those interested in adoption were willing to do so, but feared that their time on the ground would not be enough to "initiate something decisive" and therefore asked the Swiss representation to "provide the address of a person of Swiss nationality who is as influential as possible and whom you consider suitable to represent our cause". They also wanted the Swiss representation to contact the "necessary formalities for adoption" for them.⁷⁴ This example shows that couples interested in adopting sometimes switched to other placement organisations if the procedures took too long, or they tried to find a child locally on their own responsibility.

Some of the couples interested in adoption were demanding towards the Swiss representation. Almost apologetically, the Swiss chargé d'affaires wrote back to one couple: "Unfortunately, your [...] request is not as easy to resolve as those unfamiliar with local conditions might imagine. [...] these bare facts are quite different from what organisations such as 'Terre des Hommes', Holt etc. imagined at the beginning of 1972. Without going into details, I would just like to point out that instead of the 200,000 Pak soldier children trumpeted to the world

⁷³CH-BAR, E2200.187A#1995/167#20*, Couple from Switzerland interested in adoption to Swiss representation in Dhaka, 22 July 1974.

⁷⁴All quotations from: CH-BAR, E2200.187A#1995/167#20*, Couple from Switzerland interested in adoption to Swiss representation in Dhaka, 22 July 1974. Kolkata was officially named Kolkata from 2001. In view of the period analysed, the official name "Kolkata" until 2001 is used below.

In the end, only about one tenth were born. Five international organisations 'scoured' Bangladesh at great expense for about a year to find a total of around 60 children. If I am correctly informed, the children, most of whom were no longer infants, came from missionary orphanages. The soldiers' children themselves had disappeared from the face of the earth. This means that these illegitimate children were taken in by the families and the population generally avoided the alleged foreign 'buyers'.⁷⁵

At the beginning of the 1970s, placement agencies evidently expected Bangladesh to be another country of origin for adoptable children. Couples interested in adoption also had the idea that parentless children in countries such as Bangladesh were available for adoption. Their interest in Bangladeshi children continued. In 1991, a newspaper article reported that following a "storm surge disaster", the Bangladeshi government was "considering reintroducing a law that would allow foreigners to adopt *parentless and disabled children*".⁷⁶ Just one day after the publication of this small newspaper article, the Swiss representation received an enquiry from an interested couple asking whether a child could be adopted.⁷⁷

Swiss representation hesitates until the end of the 1980s

In 1974, the Swiss chargé d'affaires wrote to a couple interested in adopting that the authorities in Bangladesh were making it difficult to adopt abroad.⁷⁸ Nevertheless, the number of authorised arrivals in Switzerland was at its highest in the mid-1970s. Adoptions of children from Bangladesh to Switzerland took place, although Swiss placement agencies had sometimes withdrawn, as the Swiss chargé d'affaires mentioned. He offered the parents interested in adoption the opportunity to "obtain further information" from the International Adoption Centre in Dhaka, as it could not be ruled out that "despite everything, there are possibilities for adoptions".⁷⁹ A few months later, the Swiss chargé d'affaires made enquiries at the request of the same couple, as they had not heard from the representative of the local placement agency Inter Country Child Adoption Project, Samir Rahimi*. The result of the enquiries indicated a problematic placement practice: The wanted person had moved and was "obviously looking for a

⁷⁵CH-BAR, E2200.187A#1995/167#20*, Swiss chargé d'affaires in Dhaka to a couple from Switzerland interested in adoption, 29 July 1974. A letter from people interested in adoption describes how Terre des hommes warned couples willing to adopt to exercise restraint so that the Bangladeshi government would continue to allow children to be adopted abroad. Couple from Switzerland interested in adoption to the Swiss representation in Dhaka, 4 March 1975.

⁷⁶CH-BAR, E2200.187A#1995/167#20*, Adoption of orphans from Bangladesh?, in: NZZ, 13 June 1991.

⁷⁷CH-BAR, E2200.187A#1995/167#20*, Couple from Switzerland interested in adoption to Swiss representation in Dhaka, 14 June 1991.

⁷⁸CH-BAR, E2200.187A#1995/167#20*, Swiss chargé d'affaires in Dhaka to a couple from Switzerland interested in adoption, 29 July 1974.

⁷⁹CH-BAR, E2200.187A#1995/167#20*, Swiss chargé d'affaires in Dhaka to a couple from Switzerland interested in adoption, 29 July 1974.

contact with the embassy".⁸⁰ In another case, the Swiss chargé d'affaires used his network to help a couple adopt a child, as can be seen in his letter to the Deputy Prime Minister in 1979: "As I told you verbally, one young Swiss couple, at present living in Bangladesh [...] became extremely fond of a small Bangladeshi boy. Consequently, I would deem it a great favour if, with your kind assistance, the enclosed application form could be filed with your Director of Social Welfare for decision in time to come".⁸¹

In the mid-1980s, the Swiss representation sent contradictory signals to placement centres and couples interested in adoption: "The lack of legal provisions also thwarts, at least in theory, the adoption of children from other relatively small faith communities."⁸² It was not until the end of the 1980s that the Swiss representation expressly advised against adopting children from Bangladesh and no longer offered any assistance, "with the exception of legalising signatures and translating documents and forwarding them to the competent Swiss authorities". The Swiss chargé d'affaires also pointed out that the adoption procedure dragged on for several months, if not years, and that "the corresponding dossier gets stuck somewhere in the 'home ministry' if regular enquiries and 'baksheesh' payments are not made". He referred to money payments in the context of adoptions. The Swiss chargé d'affaires made the consequences of this clear to the couple. He did not believe "that there are 'adoption agencies' in Switzerland that can place children from Bangladesh, especially as the local government does not support the activities of such institutions in any way."⁸³ The unclear legal provisions in Bangladesh not only allowed illegal practices for a long time, but also an ambivalent attitude on the part of the Swiss representation. Around twenty years had passed before they advised against the adoption of children from Bangladesh.

⁸⁰CH-BAR, E2200.187A#1995/167#20*, Swiss chargé d'affaires in Dhaka to a couple from Switzerland interested in adoption, 12 February 1975.

⁸¹CH-BAR, E2200.187A#1995/167#20*, Swiss Chargé d'Affaires in Dhaka to Deputy Prime Minister, 29 October 1979.

⁸²CH-BAR, E2200.187A#2001/81#25*, Swiss representation in Dhaka to Adoptio, 13 September 1987.

⁸³All quotations from: CH-BAR, E2200.187A#2001/81#25*, Swiss chargé d'affaires in Daka to couple from Switzerland interested in adoption, 16 August 1989.

4 Adoptions of children from Brazil

Brazil is the third largest of the ten countries of origin, with 1,222 entry permits issued for children for subsequent adoption in Switzerland between 1970 and 1999. The first two entry permits for Brazilian foster children were issued in 1972. During the 1970s, the number of entry permits remained in single figures. From the beginning of the 1980s, the number increased until the highest annual number of 125 was reached in 1990. In the 1990s, the number of entry permits fell back into the double-digit range.

The holdings on Brazil are extensive. As Brazil was the last of the ten countries of origin that we examined, for reasons of labour efficiency we only looked through the documents cursorily, namely the files of the Swiss embassy in the capital Brasilia, those of the two Swiss consulates general in São Paulo and Rio de Janeiro and, of the eight consulates today, the files from Curitiba and Salvador de Bahia. In addition to correspondence with the authorities in Bern, the case files also contain newspaper articles, Swiss and Brazilian legal texts and correspondence between the various Swiss representations in Brazil. Individual case dossiers, which are also included in the documents, were not consulted for the inventory. The Federal Office for Foreigners' Affairs and the Federal Office of Justice hold further case files on Brazil, the contents of which are the subject of Chapters 13.4 and 14.1.

In Brazil, the juvenile courts pronounced the adoption.⁸⁴ Until 1990, married couples who were not resident in Brazil were formally only allowed to adopt a Brazilian child if no Brazilian adoptive parents could be found. However, the birth mother apparently also had "the right to give her child to foreigners".⁸⁵ Whether foreigners should be allowed to adopt Brazilian children was a controversial issue in Brazil,⁸⁶ according to the UNICEF office, not least because of abuses: "In fact, the issue of whether or not non-resident foreigners should be allowed to adopt is controversial in the country, partially as a result of real or suspected abuses of the privilege."⁸⁷ The Swiss embassy in Brasilia recommended that adoptive parents seeking advice should instruct a Brazilian lawyer to carry out the procedure.⁸⁸ In 1990, an amendment to the law facilitated the adoption of Brazilian children by foreigners, who were now entitled to full adoption.⁸⁹ In addition, the period of time that adoptive parents had to comply with

⁸⁴CH-BAR, E2200.114A#1999/62#17*, Fact sheet child adoption in Brazil, Office of the UNICEF Representative in Brasilia, No-vember 1981; CH-BAR, E2200.114A#1994/246#28*, Swiss Embassy in Brasilia to Swiss couple, 9 August 1984; see also the documents in the dossier CH-BAR, E2200.196#1999/87#41*.

⁸⁵CH-BAR, E2200.196#1999/87#41*, memorandum from the Swiss Consulate General in São Paulo, 21 March 1985.

⁸⁶CH-BAR, E2200.196#1995/266#32*, Swiss Consulate General in São Paulo to Swiss couple, 12 October 1987; CH-BAR, E2200.67#1988/211#48*, Adoption of Brazilian Children to Become Difficult for Aliens, in: Brazil Harald, 7.10.1973; CH-BAR, E2200.67#1992/144#28*, Swiss Consul General in Rio de Janeiro to Swiss Embassy in Brasilia, 2.4.1980.

⁸⁷CH-BAR, E2200.114A#1999/62#17*, Fact sheet child adoption in Brazil, Office of the UNICEF Representative in Brasilia, No-vember 1981.

⁸⁸CH-BAR, E2200.114A#1994/246#28*, Swiss Embassy in Brasilia to a Swiss couple, 9 August 1984.

⁸⁹CH-BAR, E2200.114A#1999/62#17*, Swiss Embassy in Brasilia to Federal Office of Justice, Section for Private International and Procedural Law, 11 March 1991.

The time the adoptive parents had to spend in Brazil before leaving the country now corresponded to the age of the adopted child, instead of being decided on a case-by-case basis as in the past.⁹⁰

Since the early 1980s, the number of adoptions of Brazilian children in Switzerland has increased rapidly. Enquiries from interested Swiss nationals were received by all Swiss representations in Brazil during the entire period under investigation.⁹¹ The adoptive parents asked to be supported in their search for children. They explicitly wanted a girl or a boy, sometimes the child should be "as similar as possible to our skin colour, i.e. light-skinned".⁹² The Swiss authorities responded to the increasing number of adoption procedures by asking the Swiss representations in Brazil to send information on the legal basis and Brazilian practice to Bern.⁹³

Various placement centres from Switzerland were present in Brazil. Edmond Kaiser, the head of Terre des hommes Lausanne, travelled to Brazil in the mid-1970s with the aim of establishing contacts for the adoption of Brazilian children.⁹⁴ In 1974, a member of the National Council of the Social Democratic Party asked the Consul General in Rio de Janeiro to support Edmond Kaiser in this project "grâce à votre vaste réseau de relations personnelles".⁹⁵ The FDFA and the Federal Aliens Police signalled to the Consul General that the authorities in Bern had no objections to Terre des hommes Lausanne's plans in Brazil.⁹⁶ Kaiser made further trips to Brazil and was supported by the Swiss representations on the instructions of the FDFA.⁹⁷ Terre des hommes Lausanne worked with Anna Brunner* in Brazil.⁹⁸ In 1981, Edmond Kaiser appeared in Rio de Janeiro as a speaker at a national conference on adoption.⁹⁹ Two years later, Brazilian newspapers reported that a juvenile court judge in Rio de Janeiro was examining whether the adoption of 93 children with disabilities between the ages of two and ten to Swiss adoptive parents was possible. As Brazilian adoptive parents would prefer healthy children under the age of two, the newspaper report said that Terre des hommes Lausanne's offer was a stroke of luck for these children who needed medical treatment.¹⁰⁰ With the youth welfare office in Curitiba

⁹⁰CH-BAR, E2200.114A#1999/62#17*, Adoption by Foreigners - Some Changes for the Better, in: Village News, 1 November 1990.

⁹¹Enquiries from couples and replies from the Swiss representations are filed in all the case files examined.

⁹²CH-BAR, E2200.114A#1994/245#49*, Swiss couple to Swiss embassy in Brasilia/Brazil, 8 July 1980.

⁹³CH-BAR, E2200.114A#1994/246#28*, FDFA to Swiss embassies in Brasilia, Buenos Aires, Lima, Santiago de Chile, Ciudad de Guatemala, Mexico, Bogotá, Caracas, Ottawa (pour les Bahams), Le Havane, 7 July 1980. The documents contain legal texts and correspondence between the Swiss representations and the authorities in Bern. Cf. CH-BAR, E2200.196#1999/87#41*, CH-BAR, E2200.114A#1994/246#28*; CH-BAR, E2200.114A#1999/62#17*, CH-BAR, E2200.114A#2003/126#66*; CH-BAR, E2200.134#1998/119#6*.

⁹⁴For the history of Terre des hommes Lausanne, see Chapter 3 on Bangladesh. The dossier CH-BAR, E2200.67#1992/144#28* contains newspaper articles on Terre des hommes Lausanne.

⁹⁵CH-BAR, E2200.67#1992/144#28*, Letter from the National Council to the Swiss Consul General in Rio de Janeiro, 17 September 1974.

⁹⁶CH-BAR, E2200.67#1992/144#28*, Swiss Consul General in Rio de Janeiro to FDFA, 24.9.1974; FDFA to Swiss Consul General in Rio de Janeiro, 30.9.1974.

⁹⁷CH-BAR, E2200.67#1992/144#28*, Swiss Consul General in Rio de Janeiro to Consul in Salvador, 8 January 1976; FDFA to Swiss Consulate General in Rio de Janeiro and Swiss embassies in Santiago and Quito, 1 July 1977.

⁹⁸CH-BAR, E2200.67#1992/144#28*, Swiss Consul General in Rio de Janeiro to Consul in Salvador, 8 January 1976.

⁹⁹The documents relating to this conference are filed in the dossier CH-BAR, E2200.67#1999/180#44*.

¹⁰⁰CH-BAR, E2200.67#1999/180#44*, Suíça adotar 93 crianças brasileiras, in: O Dia, 2 February 1983; Juiz examina a adoção por suíços de menores com problema de saúde, in: Jornal do Brasil, 17 March 1983.

Terre des hommes Lausanne concluded an agreement in 1987. Three years earlier, Curitiba had been associated with child trafficking.¹⁰¹ After the agreement was concluded, the vice-president of the court in Curitiba praised "the willingness of European and Swiss couples [...] to adopt children with disabilities".¹⁰² The Swiss representations in Brazil recommended that couples interested in adopting should contact Terre des hommes Lausanne,¹⁰³ also referring to the agreement concluded with the youth welfare office in Curitiba.¹⁰⁴ The youth welfare office is "well organised and the adoption procedure complies with strict international standards".¹⁰⁵ The cooperation between future adoptive parents and Terre des hommes Lausanne also works well.¹⁰⁶

Pro Kind Adopt Inform and later Bras Kind were also active in Brazil.¹⁰⁷ The Youth Welfare Office of the Canton of Zurich, which was responsible for supervision, did not consider the activities of Pro Kind Adopt Inform to require a licence at the time of its founding in 1984.¹⁰⁸ The association's annual report states that since its founding in March 1984, "21 children had found a loving home in Switzerland"; one year later, there were 25 children from Chile and five from Brazil.¹⁰⁹ The placement agency Pro Kind Adopt Inform apparently still did not have an additional licence for Brazil in 1987. This was confirmed by the Federal Office of Justice at the request of the Swiss representation in São Paulo. The juvenile court in São Paulo had asked the representation to clarify this.¹¹⁰ Pro Kind Adopt Inform worked locally with the juvenile court judge Pedro Rocha*.¹¹¹ After a conversation with Rocha, the Swiss Consul General in São Paulo was impressed by Pro Kind Adopt Inform's work: "The placement of over 70 Brazilian children in recent years is impressive proof of your commendable work [...]." He advised Pro Kind Adopt Inform "to prevent any misinterpretations [...] to provide factual and comprehensive information to the Brazilian representatives in Switzerland [...]", as "a rather sceptical attitude has recently emerged".

¹⁰¹CH-BAR, E2200.114A#1994/247#19*, Swiss representation in Curitiba to FDJP, Federal Office for Foreigners' Affairs, 6 November 1987; CH-BAR, E2200.134#1998/119#6*, Adélia Maria Lopes, Bastidores das adoções (e exportações de bebês), in: Pano-rama, April 1984; memo from the Swiss representation in Salvador/Bahia, 3 May 1984.

¹⁰²CH-BAR, E2200.134#1998/119#6*, Swiss representation in Curitiba to the Federal Office for Foreigners' Affairs, 8 February 1988; Jorge Andriguetto, Adoção de menores em situação irregular, in: Gazeta do Povo, 3 February 1988.

¹⁰³CH-BAR, E2200.67#1992/144#28*, Swiss Consulate General in Rio de Janeiro to Swiss couple, 15 November 1979; CH-BAR, E2200.67#1999/180#44*, Swiss Consulate General in Rio de Janeiro to Swiss couple, 2 September 1982; CH-BAR, E2200.67#1999/182#56*, Swiss Consulate General in Rio de Janeiro to Swiss couple, 16.5.1986; CH-BAR, E2200.196#1995/266#32*, Swiss Consulate General in São Paulo to Swiss couple, 12.10.1987; CH-BAR, E2200.114A#1999/62#17*, Swiss Embassy in Brasilia to Swiss woman, 25.4.1989.

¹⁰⁴CH-BAR, E2200.134#1998/119#6*, Swiss representation in Curitiba to Federal Office for Foreigners' Affairs, 6 November 1987; Swiss representation in Salvador/Bahia to Swiss couple, 25 September 1989.

¹⁰⁵CH-BAR, E2200.134#1998/119#6*, Swiss representation in Salvador/Bahia to Swiss couple, 25 September 1989.

¹⁰⁶CH-BAR, E2200.134#1995/357#25*, Swiss representation in Curitiba to Swiss couple, 22 February 1988, therein: "Les adoptions [...] se sont déroulées sans aucune difficulté, le représentant brésilien de l'institution ayant accompagné les futures parents adoptives pendant toutes les démarches nécessaires."

¹⁰⁷For Pro Kind Adopt Inform, see Chapter 5 on Chile. In the documents, this placement centre is referred to as Pro Kind or Pro Kind Adopt Inform. For the sake of standardisation, we have chosen Pro Kind Adopt Inform in this report. Other placement centres are also mentioned in the case files on Brazil. In the filed correspondence, the Geneva placement agency Association en faveur de l'adoption internationale (AFAI) is mentioned, CH-BAR, E2200.114A#1994/245#49*, Swiss embassy in Brasilia to Association en faveur de l'adoption internationale, 26 November 1979.

¹⁰⁸CH-BAR, E2200.196#1999/87#41*, Youth Welfare Office of the Canton of Zurich to Verein Pro Kind Adopt Inform, 10 July 1984.

¹⁰⁹CH-BAR, E2200.196#1999/87#41*, Annual Report of the Pro Kind Adopt Inform Association for 1984 and 1985.

¹¹⁰CH-BAR, E2200.196#1995/266#32*, Federal Office of Justice to the Swiss Consulate General in São Paulo, 17 December 1987. Statutes and annual reports of Pro Kind Adopt Inform are filed in the case file CH-BAR, E2200.196#1999/87#41*.

¹¹¹CH-BAR, E2200.196#1999/87#41*, Pedro Rocha, Adoção internacional, in: O Estado de São Paulo, 23 October 1991.

attitude of the local authorities [towards] all adoptions by foreign couples".¹¹²

Pro Kind Adopt Inform split up in 1991. Bras Kind was founded for adoptions of children from Brazil.¹¹³ From then on, the Swiss Consul General in São Paulo recommended Bras Kind to Swiss nationals interested in adopting, alongside Terre des hommes Lausanne.¹¹⁴ Bras Kind continued its collaboration with the juvenile court judge Rocha.¹¹⁵ Between 1985 and 1991, he had "authorised over a hundred adoptions of Brazilian children by Swiss nationals" and had travelled to Switzerland "to ensure that the adoptive children felt comfortable in their new environment". The cooperation between the Swiss Consulate General in São Paulo, the local representatives of Bras Kind and the juvenile court judge was described as "excellent" by all those involved. The local representative of Bras Kind praised the flexibility of the Swiss Consulate General in São Paulo: "Above all, she [the local representative of Bras Kind, ed. author's note] is satisfied that adoptive parents, who usually want to leave as soon as possible after the end of the procedure in Brazil, are also received outside the normal opening hours of the Consulate General."¹¹⁶ In addition to Rocha, Bras Kind worked together with the local representatives Maja Voos*, Marita Silva Greuter Pujol* and Sister Nicole Ida Zehnder*.¹¹⁷ There was also a collaboration with Ingrid Gasser*, although Bras Kind later distanced herself from her and "under no circumstances wanted to be associated with her".¹¹⁸

Alice Honegger's Adoptio agency contacted the Swiss embassy in Brasilia for the first time in 1983.¹¹⁹ Three years later, Adoptio again requested the delivery of legal texts and addresses of orphanages and hospitals.¹²⁰ The Swiss chargé d'affaires ad interim¹²¹ in Brasilia then had an employee ask the FDFA, as he considered "the provision of addresses of orphanages and adoption agencies [...] to be a rather delicate matter". He

¹¹²Both quotations from: CH-BAR, E2200.196#1999/87#41*, Swiss Consul General in São Paulo to Pro Kind Adopt Inform, 18 March 1988.

¹¹³CH-BAR, E2200.134#1998/120#33*, Federal Office of Justice to the Swiss representation in Curitiba, 1993; CH-BAR, E2200.196#2020/371#3*; CH-BAR, E2200.196#2002/81#65*. Bras Kind had a licence from the Canton of Zurich. CH-BAR, E2200.196#2002/81#65*, memorandum from the Swiss Consulate General in São Paulo, 3 June 1991.

¹¹⁴CH-BAR, E2200.196#1999/87#41*, Swiss Consul General in São Paulo to Swiss couple, 4 June 1991. The CH-BAR dossier, E2200.196#2013/258#63*, contains correspondence between the Youth Welfare Office of the Canton of Zurich, which issued the additional permit, the Federal Office of Justice and the Swiss Consulate General in São Paulo from 1993.

¹¹⁵CH-BAR, E2200.196#1999/87#41*, Swiss Consul General in São Paulo to a Swiss couple, 4 June 1991.

¹¹⁶All quotations from: CH-BAR, E2200.196#2002/81#65*, memo from the Swiss Consulate General in São Paulo, 3 June 1991.

¹¹⁷CH-BAR, E2200.196#2013/258#63*, Swiss Consulate General in São Paulo to the Federal Office of Justice, Section for Private International Law and Civil Procedure, 18 October 1995.

¹¹⁸CH-BAR, E2200.196#2002/81#65*, Bras Kind to Swiss Consul General in São Paulo, 3 July 1996. The files document a case in which a Brazilian adoptive child was physically abused by his Swiss adoptive mother and died. The Brazilian authorities questioned the placement process for which Bras Kind was responsible. See CH-BAR, E2200.196#2013/258#63*.

¹¹⁹CH-BAR, E2200.114A#1994/246#28*, Alice Honegger, Haus Seewarte Bolligen, to the Swiss embassy in Brasilia, 18 October 1983.

¹²⁰Adoptio wrote to several Swiss representations in Brazil. CH-BAR, E2200.114A#1994/247#19*, Adoptio to the Swiss embassy in Brasilia, 6 November 1987; CH-BAR, E2200.196#1999/87#41*.

¹²¹A chargé d'affaires ad interim is a person who deputises for the head of mission (ambassador) when his post is vacant, he is not in the country of residence or is unable to perform his function. Cf. ABC of Diplomacy, published by the FDFA, <https://www.eda.admin.ch/eda/de/home/das-eda/publikationen.html/content/publikationen/de/eda/reihe-glossare-der-aussenpo-litik/abc-der-diplomatie>, accessed on 22 August 2022.

He wants to avoid "the embassy being presented sooner or later as a broker of perhaps dubious addresses. My consular district is so vast that it will be impossible for me to determine from the address whether it is a reputable address or not". He feared that Adoptio was "marketing information commercially".¹²² The FDFA replied to the Swiss embassy in Brasilia that the authorisation of the Canton of St. Gallen for Adoptio was limited to the placement of children from India and Sri Lanka. The competent supervisory authority, the Department of Justice and Police of the Canton of St. Gallen, was of the opinion "que rien ne s'oppose à ce que vous fournissiez à la fondation 'Adoptio' la documentation qu'elle vous a sollicitée", although only official Brazilian authorities were allowed to be informed.¹²³ Whether Adoptio in St. Gallen applied for additional authorisation for Brazil would have to be investigated separately. The episode is nonetheless interesting. The Swiss chargé d'affaires ad interim in Brasilia was cautious towards Adoptio because he did not consider a commercial character to be ruled out and because he himself could not judge the seriousness of the Brazilian institutions. This implicitly identified a neuralgic point in the granting of a licence in Switzerland, as the local contacts in the country of origin had to be reliable according to the Swiss Ordinance on Adoption Placement, which could not be assessed in this case. It is also interesting to note that the St. Gallen supervisory authority had no reservations, even though it was aware of child trafficking in Sri Lanka and Alice Honegger's dubious role in the case of adoptions from Sri Lanka at the time.¹²⁴

4.1 Evidence of child trafficking and scandals

Numerous newspaper articles on child trafficking are filed in the material dossiers examined. They were collected by the Swiss representations, sent to Bern and exchanged between the representations in Brazil. The first newspaper articles on child trafficking date from the end of the 1970s.¹²⁵ Media reports on child trafficking also appeared regularly in the 1980s and 1990s. An article from 1987 reported on the conviction of a Brazilian lawyer who had allegedly illegally placed children with adoptive parents for years, including in Switzerland. He was said to have received 8,000 US dollars for each child.¹²⁶ As a result, there were regional adoption freezes.

¹²²All quotes from: CH-BAR, E2200.114A#1994/247#19*, Swiss chargé d'affaires ad interim in Brasilia, i. A., to FDFA, General Secretariat, Inspectorate, 1 September 1987.

¹²³CH-BAR, E2200.196#1999/87#41*, FDFA, Consular Protection Section, to the Swiss Embassy in Brasilia, 29 September 1987.

¹²⁴Cf. Bitter, Bangerter, Ramsauer 2020.

¹²⁵Newspaper reports are **f i l e d** in the following dossiers: CH-BAR, E2200.114A#1994/246#28*, CH-BAR, E2200.196#1999/87#41*, CH-BAR, E2200.114A#1994/247#19*, CH-BAR, E2200.67#1992/144#28*.

¹²⁶CH-BAR, E2200.114A#1994/247#19*, DPF indica advogado que vendia bebê, In: Jornal do Brasil, 10 November 1987.

In addition, illegal documentation practices are documented in the case files and a Swiss investigator was suspected of child trafficking.

Adoptive parents registered as natural parents

The dossiers of the Swiss representations in Brazil document cases of forged documents from various decades, some of which were related to child trafficking. As early as 1970, the Vice Consul of the Consulate General in Rio de Janeiro requested a statement from the Federal Office of Civil Status. He reported that in one case, a local juvenile court judge had ordered the Swiss adoptive parents living in Brazil to be entered as parents on the Brazilian child's birth certificate. "Furthermore, he [the juvenile court judge, author's note] ordered that the word 'adopted' was not to be noted on the birth certificate to be issued, nor was any statement to that effect".¹²⁷ The adoptive father had "openly recounted what had happened" when he brought "the birth certificate of 'his' child" a few days ago. The vice consul added that "a few years ago, this consulate general did not report two births in the Swiss colony to you because we knew that these children were not biological. In fact, in a private clinic in this city, it is possible to receive a newly born child from an unmarried mother and have it registered as your own." Through

"by registering the children directly with the relevant civil registry office, the 'parents' had spared themselves the laborious and costly process of adoption". The Consulate General was "only able to know that these children had been adopted due to the fact that these families were in contact with the Consulate". This posed a "humanitarian and delicate problem" for the consulate general: "If it is [...] a case of compatriots who socialise in the colony, who have connections with us, i.e. 'good Swiss', they are denied the right to register such a child in Switzerland due to this very fact. In a certain sense, they are therefore at a disadvantage because they are doing what is generally expected of them, i.e. maintaining contact with their homeland." The vice-consul pointed out the size of the district to the Office for Civil Status: "This consular district is about 6 times the size of Switzerland. [...] It is therefore understandable that we do not know all families personally and therefore births of non-marital children can be reported without our knowledge."¹²⁸ In its reply, the Federal Office for Civil Status returned the responsibility to the Consulate General: "We would therefore be grateful if you would clarify in cases of doubt whether the child is an adopted child, so that when the documents are forwarded, we can be sure that the child has been adopted.

¹²⁷CH-BAR, E2200.67#1984/88#78*, [signature illegible], Vice-Consul, Swiss Consulate General in Rio de Janeiro, to the Federal Office for Civil Status, 26 February 1970. A copy of the letter was sent to the Swiss Embassy in Brasilia and to the Consul General, who was in Switzerland at the time.

¹²⁸All quotations in this section from: CH-BAR, E2200.67#1984/88#78*, [signature illegible], Vice-Consul, Swiss Consulate General in Rio de Janeiro, to Federal Office of Civil Status, 26 Feb. 1970.

attention is clearly drawn to this fact. If, for example, a birth is only reported years later, this point appears to us to be worth examining. ¹²⁹

Falsified entries in birth certificates are also documented for the state of Paraná from the 1970s.¹³⁰ Similarly, in 1977 Stefan Koch* from the Federal Aliens Police warned the Foreign Consulate in Rio de Janeiro not to entrust any child to prospective adoptive parents prematurely, as entry would have to be refused if the conditions for adoption were not met.¹³¹

In 1980, the Consulate General in São Paulo again asked the Federal Office for Civil Status for an opinion, as it had been confronted with two cases in which Swiss couples had passed off non-biological children as their own,¹³² and received the following reply: "When it comes to the registration of civil status cases that occurred abroad, the principle of register veracity can naturally only be realised to a lesser extent; this applies in particular if the civil status document to be registered originates from a jurisdiction where the exact verification of a declarant's declarations by the civil status officer is not customary or even not permitted." The verification of the documents is not the task of the Swiss representation and the "decision as to whether the documents are to be entered in Swiss registers is the sole responsibility of the competent cantonal civil status supervisory authorities." However, it is not up to them to "take the place of the judge". The Federal Office for Civil Status only hinted that child trafficking may have been involved by mentioning that the children may have been taken away from their biological parents against their will. "Surely it would not be inappropriate if the parties involved in cases such as the one you have described were made aware of the rather unpleasant consequences that an incorrect registration can have for the spouses themselves, but especially also for the child not born to the wife - in some circumstances even years later. Such advice would be of a purely informative nature and should not be given in a threatening tone. ¹³³ The Consulate General in São Paulo passed this information on to the missions in Brasilia, Rio de Janeiro, Curitiba and Salvador - "on the assumption that you have already had to deal with birth registrations where doubts had to be raised about the parentage of the child".¹³⁴ This example shows that the Brazilian judge saw it as the task of the European Office for Civil Status to verify the legality of the adoption, and that the Swiss representations had no means of doing so.

¹²⁹CH-BAR, E2200.67#1984/88#78*, Federal Office for Civil Status to the Swiss Consulate General in Rio de Janeiro, 10 April 1970.

¹³⁰CH-BAR, E2200.134#1989/192#26*.

¹³¹CH-BAR, E2200.114A#1994/245#49*, Stefan Koch*, Federal Aliens Police, to the Swiss Consulate General in Rio de Janeiro, 20 October 1977. See Chapter 13 for details on Stefan Koch and Chapter 13.1 specifically on this letter.

¹³²CH-BAR, E2200.114A#1994/245#49*, Federal Office for Civil Status to the Swiss Consulate General in São Paulo, 18 March 1980. In one case, the adoptive parents maintained that the wife "had given birth to a son after a week's stay in Brazil". "In the other case, a couple living in São Paulo who were about to return to Switzerland 'adopted' a child in this way and openly admitted it."

¹³³All quotes from: CH-BAR, E2200.114A#1994/245#49*, Federal Office for Civil Status to the Swiss Consulate General in São Paulo, 18 March 1980.

¹³⁴CH-BAR, E2200.114A#1994/245#49*, Swiss Consulate General in São Paulo/Brazil to Swiss representations in Brasilia, Rio de Janeiro, Curitiba, Salvador, 1 April 1980.

A memo from the Consulate General in São Paulo from 1985 shows that the practice of false birth entries continued in the 1980s: "For married couples who are resident in Brazil, there is of course also the possibility of adopting a child illegally. This means that the child is simply declared as their own child by means of a medical birth certificate. [...] One [...] advantage of carrying out a legal adoption is that the birth mother can never reclaim her child once the youth welfare office has released a child. [...] Firstly, this simple type of adoption can cause difficulties at a later date if the mother wants her child back. Secondly, difficulties can also arise when the Juiz de Menores (juvenile court judge) draws up the papers, which automatically make it impossible for the adoption to be recognised in Switzerland. "¹³⁵ This illegal practice was reported on in a Brazilian television programme. A memo from the Swiss representation in Salvador is filed in the documents: children are 'legalised' by means of a simple adoption under Brazilian law or "by means of an untrue entry in the birth register".¹³⁶ The report criticised the juvenile court in Curitiba, which "is said to have carried out 10% of all adoptions throughout Brazil in the past year".¹³⁷ Apparently the biological mothers were deceived under the pretext of entrusting their child to a married couple for care. They signed a declaration of renunciation without being fully informed of the consequences.¹³⁸ In response to this practice, all adoptions are now being scrutinised. The Brazilian authorities even seemed to be considering "banning all adoptions by foreigners. "¹³⁹

Increase in international adoptions goes hand in hand with reports of child trafficking

Since the early 1980s, the increase in adoptions of children from Brazil has been accompanied by an increase in reports of child trafficking. UNICEF's country representatives also spoke of illegal methods in their fact sheet on Brazil: "[...] sometimes lawyers active in adoption have been known to shortcut the lengthy legal process through methods that are not only illegal but which also leave the prospective parents open to prosecution for perjury or other charges. "¹⁴⁰ Numerous media reports on child trafficking are filed in the records. For example, detailed reports on child trafficking in Curitiba appeared repeatedly in Brazilian newspapers in the 1980s.¹⁴¹ The Swiss representation in Curitiba sent newspaper articles on child trafficking to the Federal Office for Foreigners' Affairs

¹³⁵CH-BAR, E2200.196#1999/87#41*, memorandum from the Swiss Consulate General in São Paulo, 21 March 1985.

¹³⁶CH-BAR, E2200.134#1998/119#6*, memo from the Swiss representation in Salvador/Bahia, 3 May 1984; see also: Hegnauer, 1982, p. 131 and chapter 5.1.

¹³⁷CH-BAR, E2200.134#1998/119#6*, memo from the Swiss representation in Salvador/Bahia, 3 May 1984.

¹³⁸CH-BAR, E2200.134#1998/119#6*, memorandum from the Swiss representation in Salvador/Bahia, 3 May 1984.

¹³⁹CH-BAR, E2200.134#1998/119#6*, memo from the Swiss representation in Salvador/Bahia, 3 May 1984.

¹⁴⁰CH-BAR, E2200.114A#1999/62#17*, Fact sheet child adoption in Brazil, Office of the UNICEF Representative in Brasilia, November 1981.

¹⁴¹CH-BAR, E2200.134#1998/119#6*, Adélia Maria Lopes, Bastidores das adoções (e exportações de bebês), in: Panorama, April 1984.

and to the Federal Office of Justice.¹⁴² At the same time, prospective adoptive parents complained that the procedure was taking so long - "we have nothing to do with child trafficking".¹⁴³ Also on record in this case file is the entry of a Brazilian child into Switzerland without a foreign police entry permit: "However, the Swiss consulate in Curitiba had been authorised by an employee of the cantonal foreign police [...] to issue a visa. Of course, this procedure in no way complies with the applicable regulations [...]."¹⁴⁴

In 1988, international media repeatedly reported on trafficking in newborns between Brazil and Paraguay. In addition to baby trafficking, there was also talk of trafficking in children's organs, which were sold to American laboratories.¹⁴⁵ As Terre des hommes Lausanne had apparently reported something similar to the Swiss embassy in Guatemala, the FDFA contacted the Swiss embassies in Brasilia and Paraguay in order to obtain further information.¹⁴⁶ The embassy in Brasilia contacted the Brazilian Foreign Ministry and the American embassy and then reported to Bern: "Everyone [sic] is aware that infants from developing countries are being trafficked for the purpose of illegal adoption. This is also known in Europe." However, "there is currently a lack of evidence". The American authorities would credibly deny the allegations. It was "a smear campaign by the various media from the Eastern Bloc countries against the USA".¹⁴⁷ This example shows an aspect that we almost never encountered in the file material: evidence of child trafficking was not investigated with the argument that the accusation of child trafficking was propaganda and that the USA was being defamed with this suspicion for political reasons in the context of the Cold War. Only in the case of adoptions from Romania was the East-West conflict also an argument, but in connection with feared espionage activities by communist countries.

Temporary regional adoption stops

At the beginning of the 1990s, media reports on child trafficking apparently led to temporary suspensions of adoptions, for example in the state of Bahia in 1990.¹⁴⁸ The Swiss embassy in Brasilia informed couples interested in adopting that no more international adoptions would be granted without the authorisation of a newly created commission.¹⁴⁹

¹⁴²CH-BAR, E2200.134#1998/119#6*, Swiss representation in Curitiba to the Federal Office for Foreigners' Affairs, 14 August 1987; Swiss representation in Curitiba to the Federal Office for Foreigners' Affairs, 6 November 1987.

¹⁴³CH-BAR, E2200.134#1998/119#6*, Swiss national to Swiss representation in Salvador/Bahia, 19 September 1989.

¹⁴⁴CH-BAR, E2200.134#1998/119#6*, Federal Office for Foreigners' Affairs to Guardianship Secretary Canton [...], 13 October 1989.

¹⁴⁵CH-BAR, E2200.114A#1994/247#19*, FDFA to Swiss Embassy in Asuncion/Paraguay, 11 August 1988. Documents and newspaper articles are also filed in the dossier CH-BAR, E2200.67#2000/139#49*.

¹⁴⁶CH-BAR, E2200.114A#1994/247#19*, FDFA to Swiss Embassy in Asuncion/Paraguay, 11 August 1988. Documents and newspaper articles are also filed in the dossier CH-BAR, E2200.67#2000/139#49*.

¹⁴⁷All three quotations from: CH-BAR, E2200.196#1999/87#41*, Swiss Embassy in Brasilia to FDFA, 6 September 1988.

¹⁴⁸CH-BAR, E2200.114A#2003/126#66; CH-BAR, E2200.196#1999/87#41*, Ex-padre confessa ter enviado 300 crianças da Ba-hia para italianos, in: unbekannte Zeitung, 19.9.1990.

¹⁴⁹CH-BAR, E2200.114A#2003/126#66.

In 1996, the Swiss chargé d'affaires ad interim in Brasilia reported to the FDJP that adoption proceedings were again being conducted in Bahia.¹⁵⁰ As part of an official trip, he visited Salvador and attended the "final act of the first adoption under the new law" by a Swiss couple. On this trip, the Swiss chargé d'affaires ad interim also met the juvenile court judge responsible. After travelling to Bern, he reported on the judge's "uncertainty" "regarding the control of children adopted abroad". In future, it is planned that adoptive parents in the state of Bahia will have to live with the adopted child in Brazil for at least six months. During this time, the "abilities and actual intentions of the future parents would be tested". As this trial period demanded "very great personal and financial sacrifices" from the adoptive parents, the Swiss chargé d'affaires ad interim intended to explain "the international adoption procedure from a Swiss perspective" to the juvenile court judge and asked the FDJP for a corresponding presentation.¹⁵¹ The welfare of Brazilian adoptive children abroad was a recurring theme in the Brazilian media. Reports of adopted children who were mistreated or victims of organ trafficking put pressure on the Brazilian authorities. The newly introduced probationary period for foreign adoptive parents should be seen in this context. A juvenile court judge travelled to Switzerland, Italy, Belgium and Germany to check the situation of Brazilian adoptive children on site.¹⁵²

In March 1992, when the adoptions from Bahia were being problematised, the Swiss embassy in Brasilia informed the Federal Office of Justice about further media reports on child trafficking. Numerous children had been illegally adopted by Italian couples.¹⁵³ In April 1992, the Swiss ambassador in Brasilia sent the final report of the Brazilian Parliamentary Commission of Inquiry (CPI) on the murder of children and adolescents to the Human Rights Section of the FDFA's Directorate of International Law. According to her accompanying letter, the third part of the report was

"dedicated to child trafficking and international adoption. Switzerland is not on the list of countries labelled as the most important 'child importers'".¹⁵⁴ Copies of this final report were also sent to the Office of the Attorney General of Switzerland, the International Criminal Law Section of the Federal Office of Justice, the Latin America Section DEH of the FDFA and Political Affairs Division II of the FDFA.¹⁵⁵

A year later, in 1993, Brazilian media reported on child trafficking and illegal organ trafficking in the state of Pernambuco.¹⁵⁶ The Swiss embassy in Brasilia informed the FDJP, International Affairs Division, that an adoption ban had been imposed in this state and requested additional information from the competent authorities in Switzerland on what was happening in Pernambuco.

¹⁵⁰CH-BAR, E2200.114A#2003/126#66, B. Lussy*, Swiss chargé d'affaires ad interim in Brasilia, to FDJP, Private International Law and Civil Procedure Section, 3 May 1996.

¹⁵¹All quotations from: CH-BAR, E2200.114A#2003/126#66, B. Lussy*, Swiss chargé d'affaires ad interim in Brasilia, to FDJP, Private International Law and Civil Procedure Section, 7 June 1996.

¹⁵²CH-BAR, E2200.89#1995/97#10*, Juiz vai ao exterior ver menor adotado, in: A Tarde, 3 April 1985. The article mentions a judge from the state of Bahia.

¹⁵³CH-BAR, E2200.114A#1999/62#17*, Swiss Embassy in Brasilia to Federal Office of Justice, 18 March 1992.

¹⁵⁴CH-BAR, E2200.114A#1999/62#17*, Renata Freiburghaus*, Swiss Ambassador in Brasilia, to FDFA, Directorate of International Law, Human Rights Section, 24 April 1992.

¹⁵⁵The final report is available in the dossier in Portuguese. The third part on child trafficking and international adoptions contains a great deal of information on the various groups of actors and on individual districts.

¹⁵⁶CH-BAR, E2200.114A#2003/126#66*.

had been reported in the press.¹⁵⁷ The Federal Office of Justice requested clarification from the embassy on the "further details from official Brazilian authorities".¹⁵⁸

A prospective adoptee from Switzerland was also affected by this stop in the state of Pernambuco. The competent social welfare authority at her place of residence asked the Swiss embassy in Brasilia what the situation was on the ground. A person involved wrote back: "[N]ello stato di Pernambuco/Recife sono usciti [...] scandali, e sfortunatamente per la famiglia [...], proprio in questi giorni. [...] Dicono che gli avvocati che trattano le pratiche di adozione sono corrotti. Naturalmente adesso tutti stanno sul 'chi vive' e se prima le pratiche duravano due mesi, adesso ti puoi immaginare. [...] Inoltre, [...] il 'Juiz' di Recife ha attualmente 250 richieste di adozione in sospeso, in altre parole, bisogna trovare ancora tutti questi bambini".¹⁵⁹

After a few months, the responsible Swiss representation gave the all-clear: "The local state authorities now seem to have realised that our and certainly other consulates are 100% legal adoptions and so the ban on granting new adoptions by foreign couples has been lifted." The Swiss representation in Recife also reported that another adoption procedure for a Swiss couple had already been successfully concluded after it had been in contact "several times [...] with the juvenile court judge": "Such conversations with a juvenile court judge are an appeal by me to the adoptive parents to achieve a quicker conclusion to the process, and in no way an interference on my part in the course of the process."¹⁶⁰

According to documents in the case file, all adoption proceedings in the state of Ceará were also discontinued in 1993 due to child trafficking.¹⁶¹ A couple interested in adoption asked the Swiss embassy to intervene with the Brazilian authorities in order to finalise their proceedings. The Swiss embassy in Brasilia instructed the local consular agency to contact the couple and "then enquire with the competent authorities about the status of the adoption [...] and [by] when the formalities in Fortaleza could be expected to be completed."¹⁶² This intervention was successful, with the result that the Swiss embassy in Brasilia reported the successful conclusion to Bern just a few weeks later.¹⁶³

¹⁵⁷CH-BAR, E2200.114A#2003/126#66*, Swiss Embassy in Brasilia to FDJP, International Affairs Division, 1 October 1993.

¹⁵⁸CH-BAR, E2200.114A#2003/126#66*, Federal Office of Justice, Section for Private International Law and Civil Procedure, to the Swiss Embassy in Brasilia, 6 October 1993.

¹⁵⁹CH-BAR, E2200.114A#2003/126#66*, Swiss Embassy in Brasilia to the social services at the place of residence of the adoption interested party, 18 October 1993.

¹⁶⁰All quotations from: CH-BAR, E2200.114A#2003/126#66*, Swiss representation in Recife/Pernambuco to Swiss embassy in Brasilia, 21/12/1993.

¹⁶¹CH-BAR, E2200.114A#2003/126#66*, Swiss Embassy in Brasilia to Swiss Consular Agency in Fortaleza/Ceará, 30 August 1993; Swiss Consular Agency to Swiss Embassy in Brasilia, 1 September 1993.

¹⁶²CH-BAR, E2200.114A#2003/126#66*, Swiss Embassy in Brasilia to Swiss Consular Agency in Fortaleza/Ceará, 30 August 1993 [emphasis in bold in original].

¹⁶³CH-BAR, E2200.114A#2003/126#66*, Swiss Ambassador in Brasilia to FDJP, International Affairs Division, 15 October 1993. The analysis of any existing individual case files could lead to further findings.

Like other representations, the one in Recife in the state of Pernambuco also sent newspaper articles about child trafficking to the Swiss embassy in Brasilia.¹⁶⁴ The Swiss representation in Brasilia mentioned the negative consequences of these media reports for adoptive parents to couples interested in adoption: "The sensational reports in the international press about child and organ trafficking in connection with international adoptions from Brazil could not be proven to the extent reported, despite investigations. However, the reports have caused great uncertainty among the competent courts and have led to a tightening of the bureaucratic procedure in various places, which is hardly acceptable for foreign adoptive parents".¹⁶⁵ The Swiss embassy advised adoptive parents "*not to* adopt a child in a coastal town in the north-east of Brazil that is overrun by foreign tourists, because this is where irregularities have occurred most frequently and the courts are particularly cautious towards foreign adoptive parents."¹⁶⁶ The embassy gave the embassy's lawyer of confidence as a contact, who "has already taken on such mandates from within Brazil."¹⁶⁷

*Swiss mediator Iris Mettler Kamm**

In 1986, the Federal Office of Justice asked the Swiss Embassy in Brasilia for information about Iris Mettler Kamm*, a local mediator with whom the Adoption Aid Association in Brazil intended to work.¹⁶⁸ The Embassy replied: "It doesn't go a few months without this subject reappearing in one of the journals, regularly involving foreigners. Intermediary activity is generally heavily criticised, both by the competent police authorities and by the press."¹⁶⁹ The intermediary in question was also mentioned in press reports between 1980 and 1985.¹⁷⁰ Mettler Kamm had herself paid 3,000 to 5,000 US dollars per case on the grounds that "qu'il s'a-gissait tout au plus d'une contribution aux frais qu'elle supporte".¹⁷¹ A newspaper article from 1980 reported on the arrest of Iris Mettler Kamm and her brother by the Brazilian police. According to the article, the siblings sought contact with unmarried mothers in order to place their children with foreign adoptive parents.¹⁷² Iris Mettler Kamm was also mentioned in a 1981 newspaper article on child trafficking.¹⁷³ Following the Federal Office of Justice's enquiry, the ambassador in Brasilia refrained from making any further enquiries: "Sauf sur le demande expresse de

¹⁶⁴CH-BAR, E2200.114A#2003/126#66. The Swiss embassy in Brasilia saw the child and organ trafficking scandals in the context of the Brazilian election year, with some "age-old cases" being rehashed. Cf. CH-BAR, E2200.114A#2003/126#66, Swiss Embassy in Brasilia to FDJP, Section for International Private and Civil Procedure Law, 14 September 1994.

¹⁶⁵CH-BAR, E2200.114A#2003/126#66, Swiss Embassy in Brasilia to Swiss couple, 7 October 1996.

¹⁶⁶CH-BAR, E2200.114A#2003/126#66, Swiss Embassy in Brasilia to Swiss couple, 7 October 1996 [emphasis in original underlined]. The states of Bahia, Ceará and Pernambuco are located in the north-east of Brazil.

¹⁶⁷CH-BAR, E2200.114A#2003/126#66, Swiss Embassy in Brasilia to Swiss couple, 7 October 1996.

¹⁶⁸CH-BAR, E2200.114A#1994/247#19*, Federal Office of Justice to the Swiss Embassy in Brasilia, 25 March 1986.

¹⁶⁹CH-BAR, E2200.114A#1994/247#19*, Swiss Embassy in Brasilia to Federal Office of Justice, 22 April 1986.

¹⁷⁰CH-BAR, E2200.114A#1994/247#19*, Swiss Embassy in Brasilia to Federal Office of Justice, 22 April 1986. One article is filed: CH-BAR, E2200.67#1992/144#28*, Preso em Fortaleza intermediário na adoção de crianças, in: O Globo, 15 Aug. 1980.

¹⁷¹CH-BAR, E2200.114A#1994/247#19*, Swiss Embassy in Brasilia to Federal Office of Justice, 22 April 1986.

¹⁷²CH-BAR, E2200.67#1992/144#28*, Preso em Fortaleza intermediário na adoção de crianças, in: O Globo, 15 August 1980.

¹⁷³CH-BAR, E2200.67#1999/180#44*, Tráfico internacional de crianças tem 33 envolvidos, in: O Globo, 17 September 1981.

For your part, I have no intention of asking the Brazilian authorities about Mrs Kamm's activities. In fact, I risk attracting renewed attention to her, which, in my opinion, is not desirable. "¹⁷⁴ He concluded that Iris Mettler Kamm did not meet the legal requirements for Swiss placement agencies.¹⁷⁵ How the Federal Office of Justice dealt with this information from the Swiss embassy and whether the Adoption Aid Association worked with this intermediary in Brazil is not documented in the relevant case file. Consultation of the files of the competent cantonal central authority could provide information.

4.2 Further indications of irregular and problematic practices

In addition to the knowledge of child trafficking, the Swiss representations in Brazil were informed of other issues relating to procedural irregularities and dubious adoption placements.

Return of a Brazilian foster child

In 1979, the Swiss Consul General in Salvador reported to the FDFA about a report on Brazilian television about a Brazilian foster child who was to be returned to Brazil from Switzerland at the request of his biological mother.¹⁷⁶ The Consul General mentioned in the letter that a now retired Swiss Consul General was featured in the television report. He had "intervened in this matter as a private individual for humanitarian reasons during his five-year term of office here. Whether this decision was compatible with his official function is still questionable. "¹⁷⁷ The transcripts of the television programme and the interview with the former consul general are filed in the case file.

Desire for stricter admission conditions

Since the late 1980s, Pastor Paul Noser* from the Igreja Evangélica Suíça in São Paulo had been placing Brazilian children with Swiss adoptive parents.¹⁷⁸ The Swiss Consul General in São

¹⁷⁴CH-BAR, E2200.114A#1994/247#19*, J. Zürcher*, Swiss Ambassador in Brasilia, to the Federal Office of Justice, 22 April 1986.

¹⁷⁵CH-BAR, E2200.114A#1994/247#19*, J. Zürcher, Swiss Ambassador in Brasilia, to Federal Office of Justice, 22 April 1986.

¹⁷⁶CH-BAR, E2200.89#1995/95#11*, Swiss Consul General in Salvador/Bahia to FDFA, 23 July 1979.

¹⁷⁷CH-BAR, E2200.89#1995/95#11*, Swiss Consul General in Salvador/Bahia to FDFA, 23 July 1979.

¹⁷⁸On Paul Noser*, see also Chapter 13.4. CH-BAR, E2200.114A#1994/247#19*, Swiss Embassy in Brasilia to FDFA, 6 September 1988; CH-BAR, E2200.196#1995/266#32*, Federal Office for Foreigners' Affairs to Pastor Noser, Igreja Evangélica Suíça in São Paulo recommended adoptive parents.

Paulo recommended that adoptive parents work with this pastor, as "in many cases [...] he knows more about the origin of the children than, for example, a state orphanage".¹⁷⁹ In 1990, he communicated the pastor's concerns to the Federal Office for Immigration Affairs and the Federal Office of Justice, "that the willingness to take in children in our country favours the lazy practice of releasing particularly black children and some children from disadvantaged backgrounds through the Brazilian juvenile courts." Investigation centres should be better supervised.¹⁸⁰ The statement from the Federal Office of Justice to the Consul General in São Paulo was brief: The concern would be forwarded to the Federal Office for Foreigners' Affairs, and Pastor Noser was asked to "describe the cases known to him with details of the circumstances". In addition, the Federal Office of Justice referred to the Hague Conference on Private International Law, which took place in 1990: "All these problems will probably be discussed in detail there and hopefully solutions will be found that will considerably improve the current situation".¹⁸¹

Departure with child without authorisation and appeal against court decision

A year later, Pastor Noser took the side of a couple who were refused a foster placement licence by the youth welfare office in their canton of residence because they did not have the required social report. The Swiss Consulate General in São Paulo intervened with the Federal Office for Foreigners' Affairs and asked for goodwill: "This case is a borderline case where the old and new law overlap and I believe that a decision should be made in favour of the child and its willing parents and not ride on paragra-phas. We have never had such a difficulty in all these years and I am convinced that with a little flexibility this formality can be resolved."¹⁸² Pastor Noser, who had placed the child with the adoptive parents, also appealed to the Federal Office for Foreigners' Affairs: "It's a shame that bureaucracy and the law take precedence over humanity! [...] When children become available in Brazil, the decision often has to be made very quickly, because hundreds of couples from all over the world are waiting." Father Noser affirmed that "there was no rash action or circumvention of the regulations by the couple [...]."¹⁸³ Despite this intervention, the responsible cantonal youth welfare office did not grant the authorisation and considered filing a criminal complaint against the prospective adoptive parents, especially as the adoptive parents had not yet been able to obtain the authorisation.

Paulo, 19.9.1988; CH-BAR, E2200.196#1999/87#41*, Atestado of the Swiss Consul General in São Paulo, 7.8.1990; CH-BAR, E2200.67#2000/139#49*, Mirjam von Arx, Kinder gibt es überall, in: unbekannte Zeitschrift, undated; CH-BAR, E2200.114A#1999/62#17*, Swiss Embassy in Brasilia to Swiss couple, 8.5.1991.

¹⁷⁹CH-BAR, E2200.196#1999/87#41*, F. Diggelmann*, Swiss Consul General in São Paulo, to Swiss couple, 27 March 1990.

¹⁸⁰Quote from: CH-BAR, E2200.196#1999/87#41*, F. Diggelmann, Swiss Consul General in São Paulo, to the Federal Office for Foreigners' Affairs and the Federal Office of Justice, 29 May 1990; see also Chapter 13.4. on this letter.

¹⁸¹ Both quotations from: CH-BAR, E2200.196#1999/87#41*, Federal Office of Justice, Section for International Private and Civil Procedure Law, to the Swiss Consulate General in São Paulo, 7 June 1990. Cf. also chapter 13.4. on this letter.

¹⁸²CH-BAR, E2200.196#1999/87#41*, Swiss Consul General in São Paulo to the Federal Office for Foreigners' Affairs, 5 March 1991.

¹⁸³Both quotations from: CH-BAR, E2200.196#1999/87#41*, Pastor Paul Noser, Igreja Evangélica Suíça in São Paulo, 5 March 1991.

According to Pastor Noser, "[name of the official from the youth welfare office, author's note] quietly prepared the atomic bomb and let it go off."¹⁸⁴ Whether the cantonal youth welfare office had filed a complaint is not documented in the case file. A year later, the NZZ reported on the case. The prospective adoptive mother had apparently travelled to Switzerland with the Brazilian child in the meantime. Due to the lack of a foster placement licence, the authorities placed the child with another family. After the prospective adopter had visited the child with this foster family and taken him on a trip, she did not bring him back.¹⁸⁶

In another case, there is evidence that in 1990 a Swiss woman travelled out of Brazil with a Brazilian child without judicial permission "to save herself a second trip".¹⁸⁷

A similar case is documented from the mid-1980s. A Swiss couple refused to accept the decision of the Brazilian court, which had awarded an adopted child to a Brazilian family instead of them. The couple refused to hand over the child "who was already with them".¹⁸⁸ Brazilian media subsequently reported on the case and accused the adoptive father of trying to bribe the judge. The adoptive father called in his employer's lawyers. When they were unsuccessful in their appeal to the competent court, the adoptive parents finally handed the child over to the Brazilian authorities and left the country.¹⁸⁹

Adverts for the adoption of children from Brazil in the Corriere del Ticino

At the beginning of October 1990, the daily newspaper *Il Corriere del Ticino* published adverts promoting the adoption of Brazilian children: "Brasile: Milioni di bambini abbandonati. Fatene felice uno. Adotta-telo in tutta serietà e legalità" with the contact details of the lawyer Elena Lucrezia Barlotti* in Rio de Janeiro.¹⁹⁰ The competent Ticino guardianship authority asked the Swiss Consulate General in Rio de Janeiro to obtain information about the lawyer named in the adverts. The Swiss consul general in Rio wrote to Bellinzona: "[...] j'ai appris par un compatriote que l'avocate Elena Lucrezia Barlotti est une de ses bonnes connaissances, qu'elle jouit d'une bonne réputation et qu'elle

¹⁸⁴CH-BAR, E2200.196#1999/87#41*, Kantonales Jugendamt [...] an Pfarrer Paul Noser, Igreja Evangélica Suiça in São Paulo, 6 March 1991; Kantonales Jugendamt [...] an Pfarrer Paul Noser, Igreja Evangélica Suiça in São Paulo, 7 March 1991.

¹⁸⁵CH-BAR, E2200.196#1999/87#41*, Pastor Paul Noser, Igreja Evangélica Suiça in São Paulo, to the Swiss Consul General in São Paulo, 16 April 1991.

¹⁸⁶CH-BAR, E2200.196#1999/87#41*, Frau mit brasilianischem Pflegekind verschwunden, in: NZZ, 17.3.1992. Whether a single case file exists in the Swiss Federal Archives would have to be investigated separately.

¹⁸⁷CH-BAR, E2200.134#1998/119#6*, Swiss representation in Barcelona to Swiss representation in Curitiba, 20 September 1990.

¹⁸⁸CH-BAR, E2200.196#1995/266#32*, memorandum from the Swiss embassy in São Paulo, 13 November 1986.

¹⁸⁹CH-BAR, E2200.196#1995/266#32*, memo from the Swiss embassy in São Paulo, 13 November 1986; Juiz de Carapicuíba ent-rega hoje bebê a casal brasileiro, in: unknown newspaper, undated. Whether there is an individual case-related dossier in the Swiss Federal Archives would have to be clarified.

¹⁹⁰CH-BAR, E2200.114A#1999/62#17*, Dipartimento di Giustizia, Ufficio del Tuttore Ufficiale, to Federal Office of Justice, 23 January 1991. Documents relating to Elena Lucrezia Barlotti* are also filed in the dossiers CH-BAR, E2200.67#2001/175#63*, CH-BAR, E2200.67#2000/139#49* and CH-BAR, E2200.67#2007/179#18*. See also chapter 14.1.

travaille en toute légalité. Il m'a remis à votre intention une documentation la concernant dans laquelle j'ai relevé particulièrement la raccommandation de l'Ambassade de France au Brésil. "¹⁹¹ The cantonal authority was not satisfied with this information and turned to the Federal Office of Justice: "Se-condo noi questo tipo di annuncio rappresenta una violazione grave delle norme vigenti sul servizio di collocamento nonché del segreto dell'adozione. Questi annunci provocherebbero inoltre aspettative fourvianti per le famiglie che in buona fede potrebbero restarvi coinvolte. "¹⁹² In its response, the Federal Office of Justice denied that the secrecy of adoption or the Ordinance on Adoption Mediation were violated by these notifications.¹⁹³ Nevertheless, the Office suggested that the Swiss embassy should contact the Brazilian authorities, as Brazil had signed the UN Convention on the Rights of the Child of 20 November 1989. The convention stipulates that "l'adoption à l'étranger ne doit être envisagée que si l'enfant ne peut, dans son pays d'origine, être placé dans une famille nourricière ou adoptive ou être convenablement élevé. Announcements such as those made by Mrs Barlotti do not seem to us to be sufficiently inspired by the principles enshrined in the United Nations Convention".¹⁹⁴

The Swiss embassy then consulted its lawyer of trust and forwarded his assessment to the Federal Office of Justice: "Within the framework of the ethics of barristers, it is not really recommendable, on the part of a lawyer, to publish adverts that are unlawful in terms of adoption."¹⁹⁵ However, as the lawyer did not violate any Swiss laws and Switzerland had not ratified the Convention on the Rights of the Child, the embassy refrained from intervening with the Brazilian authorities.¹⁹⁶ The responsibility lay with the Brazilian authorities and their legislation to ensure that the Brazilian adoption procedure met international standards. These statements show that the lack of a framework provided by the Convention on the Rights of the Child in 1991 had an impact on adoption practice in Switzerland. As far as can be seen from the case file, the competent Ticino guardianship authority had apparently taken no further action vis-à-vis the federal authorities against the publication of these reports.¹⁹⁷ If it had also been in contact with the competent Ticino supervisory authority in this matter, documents would presumably be in the cantonal archives.

¹⁹¹CH-BAR, E2200.114A#1999/62#17*, M. Maudat*, Swiss Consul General in Rio de Janeiro, to Ufficio del Tutore Ufficiale in Bellinzona, 26 November 1990.

¹⁹²CH-BAR, E2200.114A#1999/62#17*, Dipartimento di Giustizia, Ufficio del Tutore Ufficiale, to Federal Office of Justice, 23 January 1991.

¹⁹³CH-BAR, E2200.114A#1999/62#17*, Federal Office of Justice to the Swiss Embassy in Brasilia, 31 January 1991.

¹⁹⁴CH-BAR, E2200.114A#1999/62#17*, Federal Office of Justice to the Swiss Embassy in Brasilia, 31 January 1991.

¹⁹⁵CH-BAR, E2200.114A#1999/62#17*, Swiss Embassy in Brasilia to Federal Office of Justice, 14 March 1991.

¹⁹⁶CH-BAR, E2200.114A#1999/62#17*, Swiss Embassy in Brasilia to Federal Office of Justice, 14 March 1991.

¹⁹⁷CH-BAR, E2200.67#2000/139#49*, Dipartimento di Giustizia, Ufficio del Tutore Ufficiale, to Federal Office of Justice, Section for International Private and Civil Procedure Law, 2 May 1991.

5 Adoptions of children from Chile

The first entry permit for a child from Chile was issued by the Swiss authorities in 1976. There were two in 1977, three in 1978, eight in 1979 and around a dozen entry permits in the following years.¹⁹⁸ Adoptions of children from Chile were also not very common in other countries in the 1970s, as far as is known at all, in some cases according to the Chilean media. The newspaper *El Mercurio* estimated that a total of around 500 to 800 Chilean children were placed abroad between 1974 and 1978 and predicted that Chile would not become an important country of origin for foreign adoptions.¹⁹⁹ However, this uncritical assessment was made during the Pinochet dictatorship, which lasted from 1973 to 1990. A BBC documentary from autumn 2019 assumes that thousands of Chilean children were taken away from their mothers during the dictatorship and placed for adoption abroad.²⁰⁰ The children of opposition members whom Pinochet had kidnapped and executed are also said to have been placed in orphanages and from there placed abroad for adoption.²⁰¹ In the approximately 2,000 adoptions of Chilean children in Sweden between 1970 and 1990, hundreds of children are said to have been taken away from their parents under duress or coercion, which Sweden is currently investigating more closely.²⁰²

Departures to Switzerland reached a first peak in 1985 with 49 entry permits for Chilean foster children for later adoption or other reasons, and in the following years between 32 and 44 entry permits were issued. In 1990, the highest number of entry permits for children from Chile in the entire period analysed was 52. In 1991 the number fell to 42, in 1992 to 25 and in the following three years to less than 20. In 1998 there were only six and in 1999 four entry permits for children from Chile.²⁰³

During the period under investigation, various mediation centres from Switzerland enquired at the Swiss embassy in Santiago about the Chilean laws and expressed their interest in mediation activities, such as the Association en faveur de l'adoption internationale from Geneva²⁰⁴ or Alice Honegger with Adoptio.²⁰⁵ Based on the documents available in the case files we examined in the Federal Archives, it appears that no mediation activities took place in these cases.

¹⁹⁸See: Appendix 1 to 3.

¹⁹⁹CH-BAR, E2200.144#1993/202#44*, article in: *El Mercurio*, 10.10.1979. Two weeks later, *El Mercurio* speaks of 200 children being given up for adoption abroad from Chile every year. Article in: *El Mercurio*, 28/10/1979.

²⁰⁰Jane Chambers, Chile's Stolen Children: 'I Was Tricked Into Handing Over My Baby', BBC News, 26 September 2019, see: <https://www.bbc.com/news/world-latin-america-48929112>, accessed 12 November 2021.

²⁰¹Terre des hommes, "Wir suchen Eltern für Kinder": Die Geschichte der Adoptionsarbeit von terre des hommes, Eine Doku-mentation, July 2020, p. 12, see: https://www.tdh.de/fileadmin/user_upload/kontakte/04_Was_wir_tun/Themen/Weitere_The-men/Ado/2013-05_Geschichte-der-Adoptionsarbeit_web.pdf, accessed on 12 November 2021.

²⁰²Rudolf Hermann, Kinder stehlen, um Gutes zu tun?, in: NZZ, 14.3.2022, see: <https://www.nzz.ch/international/schweden-adoptionen-aus-chile-werden-endlich-untersucht-ld.1659431?reduced=true>, accessed on 14.3.2022.

²⁰³See: Appendix 1 to 3.

²⁰⁴CH-BAR, E2200.144#1993/393#20*, Association en faveur de l'adoption internationale to Swiss Embassy in Santiago, 13 September 1979; Swiss Embassy in Santiago to Association en faveur de l'adoption internationale, 20 September 1979.

²⁰⁵CH-BAR, E2200.144#1997/19#16*. Adoptio Foundation to Swiss Embassy in Santiago, undated; Swiss Embassy in Santiago to Adoptio Foundation, 21 September 1987.

to be. Terre des hommes had been approached but, according to its own statements, did not want to be an accomplice to a dictatorship.²⁰⁶ The Association for Adoption Aid had been authorised to place Chilean children in Switzerland since 1986 at the latest, and Pro Kind Adopt Inform from the canton of Zurich from 1992 at the latest. Pro Kind Adopt Inform also ran Swiss children's villages in Chile as the Te Amo Foundation, for which it sought funding from the Swiss embassy in the 1990s, albeit in vain.²⁰⁷

In the 1990s, Pro Kind Adopt Inform had tried to persuade the Swiss authorities to adopt a bilateral approach with Chile at a time when the two countries had not yet ratified the Hague Convention.²⁰⁸ In the 1980s, the Association for Adoption Assistance worked with Therese Moser* in Santiago and with the Chilean Casa Nacional del Niño, which the Swiss embassy also regularly named as the responsible Chilean mediation centre when providing Swiss nationals with information about adoption opportunities in Chile. In the 1990s, after Pinochet's dictatorship, the Swiss embassy was in regular contact with the Chilean central authority Servicio Nacional de Menores (SENAME), which was subordinate to the Ministry of Justice and had been in existence since 1979.²⁰⁹ Throughout the period under investigation, the Swiss representation worked with the same lawyer of trust, Werner Reichert*, on the ground in Santiago.

5.1 Evidence of child trafficking and scandals

Under Pinochet's dictatorship, there was only sparse, uncritical media coverage of foreign adoptions. This changed at the beginning of the 1990s, when various articles appeared about illegal activities and forged documents, which were found in the files of the Swiss organisation Terre des hommes.

²⁰⁶Terre des hommes, "Wir suchen Eltern für Kinder": Die Geschichte der Adoptionsarbeit von terre des hommes, Eine Doku-mentation, July 2020, p. 12, see: https://www.tdh.de/fileadmin/user_upload/inhalte/04_Was_wir_tun/Themen/Weitere_The-men/Ado/2013-05_Geschichte-der-Adoptionsarbeit_web.pdf, accessed on 12.11.2021. It is unclear who made the enquiry.

²⁰⁷CH-BAR, E2200.144#1998/318#30*. On the Association for Adoption Assistance, see Federal Office of Justice to the Swiss Embassy in Santiago, 25.3.1986. On Pro Kind Adopt Inform - often referred to simply as Pro Kind in the sources on Chile, but here referred to as Pro Kind Adopt Inform for the sake of standardisation - see the order of 7.1.1992 of the Youth Welfare Office of the Canton of Zurich concerning authorisation for interstate adoption mediation for three years. For the Te Amo Foundation, see the correspondence in the files CH-BAR, E2200.144#2010/151#40* and CH-BAR, E2200.144#2010/165#39*. Pro Kind Adopt Inform, founded by Thea and Mark Ackermann* in 1984, focussed in the early years on Chile and partly on Brazil, then for a short time on Romania and Moldova, before adding Ethiopia in 1994. Between 2002 and 2016, when adoptions from Ethiopia were halted by the Swiss authorities, mediation was limited to this country. According to its own figures, Pro Kind placed 960 children in Switzerland between 1994 and 2021. See: <http://www.prokind.ch/verein.html>, accessed on 16.12.2021. The placement of Brazilian children by Pro Kind Adopt Inform - later organised separately as the Bras Kind placement agency - is described in the chapter on Brazil. On the adoption stop for adoptions of children from Ethiopia, see Directive of the Central Federal Authority for International Adoption of 4 July 2016 on certificates of suitability for the adoption of children from Ethiopia, see [Adoption Ethiopia \(admin.ch\)](http://www.prokind.ch/verein.html), accessed on 9.9.2022.

²⁰⁸CH-BAR, E2200.144#2010/165#39*, Miscellaneous correspondence.

²⁰⁹CH-BAR, E2200.144#2010/165#39*, Miscellaneous correspondence. See also Salvo Agoglia, Alfaro Monsalve 2019, p. 204.

Representation are filed. 1990 was also the year in which most children from Chile were granted entry permits to Switzerland.

Hardly any critical reporting during Pinochet's dictatorship

When Stefan Koch* from the Federal Aliens Police authorised one of the first cantonal entry permits for a child from Chile in 1978, he asked the Swiss embassy in Santiago to inform the Federal Aliens Police about the attitude of the Chilean authorities towards foreign adoptions. The reply from the Swiss chargé d'affaires ad interim mentioned problematic child exportation for the first time, but not with regard to Chile. He used the terminology of child exportation to refer to a conversation with the Chilean Minister of Foreign Affairs and to the assessment of Werner Reichert, the Swiss embassy's counsel of confidence: "Il est bien connu que dans divers pays 'l'exportation' de mineurs à l'étranger en vue de leur adoption a acquis dans ceux-ci une notoriété et provoqué parfois l'intervention des autorités. Ce n'est pas le cas du Chili", the procedures in Chile are in accordance with the law.²¹⁰

In contrast to the other South and Central American countries analysed for this inventory, there were hardly any critical media reports on adoption practices in Chile under Pinochet until the end of the 1980s, or at least the Swiss embassy in Santiago did not collect such articles. In 1981, the newspaper *El Mercurio* urged caution with regard to foreign adoptions.²¹¹ This is one of the few newspaper cuttings in the Swiss embassy's case files from this period.

However, the Swiss representation was certainly aware of cases of abuse, as can be seen indirectly from the information it provided to couples interested in adoption at this time. As in the mid-1970s, it also referred cases to its own lawyer of trust in the 1980s, which could lead to a conflict of interest. In 1983, the embassy staff pointed out that a new adoption law was being drafted. This was "necessary because an increasing number of cases of abuse had recently come to light. It is therefore possible that you will have to be patient. "²¹² The fact that the future adoptive parents had to wait took priority in this argument.

²¹⁰CH-BAR, E2200.144#1993/393#20*, Le Chargé d'affaires de Suisse a.i. in Santiago to the Federal Aliens Police, 26 April 1978, including a summary of a document translated into French by Werner Reichert*; letter from the Chilean Foreign Ministry to the Swiss Embassy with detailed information on the adoption regulations in Chile, 14 April 1978. The Swiss Embassy had previously requested this information from the Ministry of Foreign Affairs in a letter dated 16 March 1978, as it had received many enquiries from couples from Switzerland interested in adoption.

²¹¹CH-BAR, E2200.144#1997/19#16*, article, in: *El Mercurio*, 24.11.1981. The Chilean media coverage of adoptions during and after the dictatorship would require a separate historical study.

²¹²CH-BAR, E2200.144#1997/19#16*, Swiss Embassy in Santiago to an interested couple from Switzerland, 28 November 1983.

At the beginning of the 1990s, the media reported child trafficking in Chile

Only after the end of Pinochet's dictatorship did critical reporting begin, as far as can be inferred from the factual dossiers. In autumn 1990, the Chilean press spoke of more than 860 children being placed abroad every year.²¹³ In response, the Chilean government apparently announced better regulations in spring 1992.²¹⁴ At the beginning of 1990, the FDFA had already contacted the Swiss embassy in Santiago, enclosing an article from the Tribune de Genève. The newspaper had received an advert with the following content: "Adoption: bébés et enfants chiliens - décision juridique simple et rapide - Fundación Solidaridad Christiana Santiago". The Tribune had refused to publish this advert, but was apparently unable to find out anything about the foundation in question.²¹⁵ 1990 was the year in which the most children from Chile were granted entry permits to Switzerland.

As an immediate reaction, the Swiss embassy in Santiago began to be more cautious towards couples from Switzerland interested in adoption than before. It now described itself as not authorised to pass on the names of authorised lawyers in Chile or to recommend placement agencies.²¹⁶ Even shortly before this, it was apparently aware of the problem of knowing too little about the placement agencies. On behalf of the ambassador, an employee had asked the FDFA's Consular Protection Section whether he was allowed to recommend the Pro Kind Adopt Inform mediation centre, as "I am not in a position to judge how serious it is". In its response, the FDFA instructed the embassy to always refer interested couples to the cantonal civil status services, thereby suggesting caution with recommendations. This was probably not least because the embassy employee had described the overall situation as follows in his enquiry:

"The demand for adopted children is particularly high in industrialised countries. Chilean babies and toddlers are particularly popular with Europeans and North Americans because of their white skin colour, which occasionally causes criticism in the press".²¹⁷

A series of articles on foreign adoptions probably appeared in a Swiss Sunday newspaper in 1992. One of these articles reported that the "Chilean baby mafia" placed over 3,000 children from destitute mothers with solvent foreign adoptive parents every year, who paid up to the equivalent of 22,400 francs per child. In 1986, 296 Chilean children were sent to the USA, 153 to Ita-

²¹³CH-BAR, E2200.144#1998/318#30*, article, in: Fortin Mapocho, 1 September 1990.

²¹⁴CH-BAR, E2200.144#1998/318#30*, Gobierno regulará las adopciones de menores, in: La Nación, 10 May 1992.

²¹⁵CH-BAR, E2200.144#1998/318#30*, Fax from the FDFA to the Swiss Embassy in Santiago, 7 February 1990, enclosing the article Trafic de bébés chiliens: Une inquiétante annonce, in: Tribune de Genève, undated.

²¹⁶CH-BAR, E2200.144#1998/318#30*, Swiss Embassy in Santiago to a couple from Switzerland interested in adoption, 20 December 1990 and 14 February 1991.

²¹⁷CH-BAR, E2200.144#1998/318#30*, Both quotations from: The Swiss Ambassador in Santiago, i. A., to FDFA, Consular Protection Section, 18 Oct. 1989. See the following letter for the FDFA's reply: FDFA to Swiss Embassy in Santiago, 20 Oct. 1989.

The number of children who were trafficked to Santiago was 1,000, 126 to France, 41 to Germany and 22 to Switzerland. The child trafficking was organised by lawyers and also involved juvenile court judges who decided on the adoption. According to the newspaper report, the most common method was to enter false birth details in the civil registers, stating that the future adoptive mothers were the biological mothers.²¹⁸

Pro Kind Adopt Inform expressed its dismay to the Swiss embassy in Santiago about this reporting, which was a scandal for the children and for placement centres working correctly. Pro Kind Adopt Inform felt compelled to better present its own work to the Swiss embassy. According to its own information, the placement centre supported children's homes in Chile and recently began placing children for adoption. The letter was accompanied by a map of Switzerland, which showed that by far the majority of the Chilean children placed by Pro Kind Adopt Inform came to the canton of Zurich. An annual report and the authorisation from the Youth Welfare Office of the Canton of Zurich were also enclosed with the letter.²¹⁹ Thea Ackermann* from Pro Kind Adopt Inform even phoned the embassy to establish contact with an Austrian woman who ran several children's villages in Chile under the name Aldeas de Niños SOS.²²⁰

Desire for an adoptive child despite knowledge of child trafficking

In the 1990s, the Swiss embassy's responses to enquiries from those wishing to adopt spoke of child trafficking: "At present, it is very difficult to adopt small, healthy children from Chile. The causes are on the one hand the legal regulations in the country (every abandoned child must first be proposed to a Chilean couple for adoption) and on the other hand the hidden child trafficking. However, we are always keen to explore new possibilities, because there will always be children who need a mother and a father. We want to help these children, because every child on our planet has the right to a dignified existence and to parental love!"²²¹ The embassy staff were aware of child trafficking, but were guided by the argument, which was not critically scrutinised at the time, that a child would have a better life through adoption in Switzerland than in its country of origin.

The fact that prospective adoptive parents wanted to adopt children who were as small and healthy as possible is documented several times in the dossiers. However, the Swiss embassy had been warning since the mid-1990s that the explicit wish for a baby could hardly be fulfilled since the

²¹⁸CH-BAR, E2200.144#1998/318#30*, Ueli Achermann, Kinder aus dem Katalog, in: unbekannte Schweizer Sonntagszeitung, undated. The newspaper title and date are not noted on the cut-out article, which is in the Swiss embassy's files. It is presumably the Sonntagszeitung. In the CH-BAR fonds, E2200.144#1998/318#30*, there are two authorisations from Chilean notaries for adoptions from 1988/89.

²¹⁹CH-BAR, E2200.144#1998/318#30*, Pro Kind to the Swiss Embassy in Santiago, 9 June 1992.

²²⁰CH-BAR, E2200.144#1998/318#30*, Swiss Embassy in Santiago to Thea Ackermann*, Pro Kind, 8 October 1992.

²²¹CH-BAR, E2200.144#2010/151#40*, Swiss Embassy in Santiago to a couple from Switzerland interested in adoption, 27 July 1993.

children were better protected by Chilean law.²²² Sometimes the interested couples emphasised their desire for an adoption with great urgency. Since the 1990s, however, the Swiss embassy has damped confidence: "The simple and unbureaucratic option you are seeking cannot be realised in Chile. Here, children are protected in a way comparable to Switzerland with regard to adoption."²²³ One interested couple expressed the wish to adopt only a healthy child and did not shy away - initially as a mental game - from sending a child brought to Switzerland back to Chile if necessary: "As we expressly wanted a healthy child, we would like to ask you whether, from a purely legal point of view, it is possible for this child to return to Chile as long as it has an identity card and a Chilean passport. Where could we find out about this?"²²⁴

Unlawful behaviour of a couple wishing to adopt a child

One case will be discussed here as an example, which did not lead to a scandal. However, this example, which can be reconstructed on the basis of the documents in the case files, shows that prospective adoptive parents sometimes acted illegally in the children's country of origin, especially if they wanted to adopt a child at any cost. In the mid-1980s, a Swiss couple had heard about abandoned children in Chile and, through friends, about a young Chilean woman who was soon to give birth. It is not clear from the documents why this woman gave up her child for adoption. The Swiss couple wanted to get the process moving quickly at their place of residence so that they could receive the child as soon as possible after the birth and not after it had already spent a few months in an orphanage. The couple realised that this procedure would take a long time and decided to take a different path.

The investigating judge in the couple's canton of residence reconstructed the following events: The woman travelled to Chile a few days before giving birth, not without having her photograph taken at the Swiss airport wearing a maternity dress before departure. Immediately after giving birth, she took over the child from the biological mother and had the clinic issue a false birth certificate. The birth entry in the civil register was also falsified. Two weeks later, a friend appeared at the Swiss embassy with these documents in order to successfully register the baby in the passport of the alleged Swiss mother, who was not present. Only this act by the embassy made it possible for the baby to return to Switzerland. Weeks later, the canton of residence refused to register the child in the civil status register due to the discrepancies in the documents. The authorities opened the case to the examining magistrate, who opened a criminal investigation.

²²²CH-BAR, E2200.144#2010/151#40*, Swiss Embassy in Santiago to a couple from Switzerland interested in adoption, 26 May 1995.

²²³CH-BAR, E2200.144#2010/151#40*, Swiss Embassy in Santiago to a couple from Switzerland interested in adoption, 31 May 1995.

²²⁴CH-BAR, E2200.144#2010/151#40*, Couple from Switzerland interested in adoption to the Swiss Embassy in Santiago, 6 February 1995.

proceedings were initiated. This is unusual, because in our survey of the ten countries of origin and the documents in the case files at the federal offices, we found no other such example in which an investigation relevant to criminal law took place beyond the reprimand of the prospective adoptive parents.

The investigating judge in question contacted the Swiss embassy in Santiago via the General Secretariat of the FDFA. The Swiss couple claimed that the embassy staff had known that the birth was a fake. The investigating judge wanted to know whether the passport entry issued was legitimate or whether the embassy staff had been deceived.²²⁵ The Swiss ambassador took the view that the woman was lying when she claimed that the Swiss embassy often made false passport entries: "It can be assumed that this type of 'adoption' is tolerated by the Chilean side, but certainly not by this embassy." The child entry was made in the belief that the birth certificate was genuine. Now the passport had to be confiscated because the couple had obtained the document by fraud.²²⁶ The further course of this case cannot be found in the case file. Further documents may be held by the canton.

The General Secretariat of the FDFA then informed the investigating judge that the Swiss embassy had had no opportunity to scrutinise the authenticity of the birth certificate. It had made the passport entry on the basis of the Swiss ordinance. The fact that the alleged mother did not have to appear in person was in accordance with Chilean law.²²⁷ According to investigations by the embassy's own lawyer, the Swiss woman's actions were punishable under Chilean law in several respects.²²⁸ This was the end of the case for the Swiss embassy in Santiago. However, even before this incident, the staff were aware that there could be a problem with forged birth certificates, especially if "the birth certificate was not outwardly recognisable": "Although the embassy is not aware of any cases in which Swiss nationals have even been able to obtain a birth certificate in the manner described [forgery, ed. Although the embassy is not aware of any cases of Swiss nationals circumventing the local adoption procedure in the manner described [forgery, author's note], such a procedure is quite possible in Chile. "²²⁹ Despite this assumption, the embassy staff had not become suspicious ten months later in the case described. The General Secretariat of the FDFA accepted the justification.

In an analogous case, which the lawyer and adoption expert Cyril Hegnauer dealt with in the Swiss Guardianship Journal, a Swiss couple had received a child in Brazil in 1979 through friends - together with a forged birth certificate that identified them as the biological parents. The couple had the child noted in their passport as their own by the consulate and

²²⁵CH-BAR, E2200.144#1997/19#16*, investigating judge in the Swiss couple's canton of residence to the FDFA, 13 February 1986; FDFA to the Swiss ambassador in Santiago, 7 March 1986.

²²⁶CH-BAR, E2200.144#1997/19#16*, statement by the Swiss ambassador to the FDFA, General Secretariat, 18 March 1986. The quotation in the preceding sentence is from this document.

²²⁷CH-BAR, E2200.144#1997/19#16*, FDFA to investigating judge in the Swiss couple's canton of residence, 18 April 1986.

²²⁸CH-BAR, E2200.144#1997/19#16*, Swiss Embassy in Santiago to the Federal Office of Police, 27 June 1986, enclosing the statements of the confidential lawyer Werner Reichert of 24 June 1986.

²²⁹CH-BAR, E2200.144#1997/19#16*, Swiss Embassy in Santiago to the Federal Office for Civil Status, 9 August 1985.

arranged for the entry to be made in the family register of his own home municipality. Unlike the example from Chile, in which the embassy did not take action itself, the consulate filed a criminal complaint. The parents were sentenced to prison for falsification of civil status and obtaining a false certificate.²³⁰

5.2 Further evidence of irregular and problematic practices

After an initial orientation phase in the 1970s, in which the Swiss embassy responded to increasing demand by providing information about its own knowledge gaps and lack of language and legal skills, several problems were repeatedly in the spotlight in Chile. These included forged documents and unauthorised brokerage activities.

Embassy staff orientate themselves locally on the subject of adoption

The earliest files of the Swiss representation in Santiago from the 1970s show that the topic of adoption was initially focussed on general orientation. The question for the representation vis-à-vis the Swiss authorities was whether full adoption under the Chilean law of 1965 also applied in Switzerland, and in another example, how the adoption was to be carried out in the case of adoptive parents of Chilean nationality who lived in Switzerland.²³¹ The Swiss representation consulted its local lawyer of trust, who provided it with comprehensive documentation on the adoption regulations applicable in Chile when the Swiss authorities in Bern requested corresponding documentation.²³²

In the initial phase, the Swiss embassy also informed the cantonal authorities on request that a court order was required for an adoption in Chile. It also named the

²³⁰Hegnauer 1982, p. 131.

²³¹CH-BAR, E2200.144#1993/202#44*, Federal Office of Justice to the Swiss Embassy in Santiago, 9 February 1976.

²³²In 1980, for example, the Swiss embassy forwarded the multi-page information from its lawyer of trust, Werner Reichert, to the Federal Office of Justice, Section for Private International Law, after having the text translated from Spanish into German. The lawyer's report explained the most important Chilean procedural provisions. The adoption had to be pronounced by a court, or the decision of an administrative authority with notarisation was not sufficient, which had apparently occurred in practice. CH-BAR, E2200.144#1993/393#20*, FDFA to Swiss embassy in Santiago, 7 July 1980; Swiss embassy in Santiago to counsel of confidence in Santiago, 20 October 1980; counsel of confidence in Santiago to Swiss embassy in Santiago, incl. six-page typewritten document on the laws of Chile, 30 September 1980; Swiss embassy to Federal Office of Justice, Section for Private International Law, 20 October 1980.

Casa National del Niño as the responsible placement centre and recommended contacting the Federal Office for Foreigners' Affairs regarding questions about Chilean law. The juvenile courts were responsible for adoption and there were many social centres that would help with adoption mediation.²³³

On an entry permit issued by the Federal Aliens Police in 1978, Stefan Koch* noted as a precedent: "The demand for adoptive children is so great that it must be expected that other families will also be interested in Chilean children if the exit permit has been granted here. We request information on the conditions under which the Chilean authorities might be prepared to allow children to leave the country for later adoption by local families. "²³⁴ Shortly afterwards, the authorities in Bern documented the Swiss embassy in Santiago with Stefan Koch's presentations, which he had given in Geneva and Savognin. They did the same for other South and Central American and other countries.²³⁵

Increasing demand and support for acquaintances

In fact, numerous enquiries were made to the embassy in Santiago by couples from Switzerland wishing to adopt. At the end of the 1970s, the embassy was still optimistic: "With the necessary patience and a great deal of effort, the adoption of Chilean children [...] should be perfectly feasible." The Swiss embassy recommended the local Casa National del Niño. This was the only agency known to her, according to the Chilean lawyer Pia Berta Gonzales*, who had allegedly worked to the satisfaction of three Swiss couples and charged 800 dollars if the child had already been chosen: "If she [Pia Berta Gonzales, author's note] had to look for a child according to the wishes of the future parents, expenses and fees totalling 2,000 US dollars were to be expected. [...] Although I have only heard good things about Mrs Gonzales, I cannot of course guarantee her services. The disclosure of this address is therefore non-binding. "²³⁶ It is revealing how the Swiss embassy arrived at this assessment, although Gonzales searched for children according to certain desired criteria for considerable additional fees. The Swiss embassy's positive judgement was based on a telephone conversation with the lawyer in question, whose secretary had called at the embassy to request advertising in

²³³CH-BAR, E2200.144#1993/393#20*, Swiss Embassy to Service social cantonal Ticino, 20 September 1979.

²³⁴CH-BAR, E2200.144#1993/393#20*, Federal Aliens Police, entry permit dated 1 March 1978 (date of cantonal application).

²³⁵CH-BAR, E2200.144#1993/393#20*, Federal Aliens Police [at this time already Federal Office for Foreigners' Affairs, author's note] to Swiss representations, S 751.0, 28 August 1979; Federal Aliens Police to Swiss embassy in Santiago, 14 September 1978.

²³⁶Both quotations from: CH-BAR, E2200.144#1993/393#20*, Swiss Embassy in Santiago to couple from Switzerland interested in adoption, 20 June 1980. See for another example: Swiss Embassy in Santiago to couple from Switzerland interested in adoption, 17 January 1978.

The Casa National del Niño regularly recommended the Swiss representation to couples from Switzerland who were interested in adoption in the 1980s.²³⁸

Embassy staff were also contacted by acquaintances or gave them information. In 1979, for example, an employee of a Swiss consulate in another country asked a "cher ami" at the Swiss embassy in Santiago whether he could arrange a contact at Casa del Niño for his wife and sister-in-law in order to adopt two children from Chile.²³⁹ Embassy staff sometimes recommended unauthorised intermediaries: "Another contact person [for adoptions from Chile, author's note] in Switzerland is the wife of a colleague".²⁴⁰ There were also a few such enquiries in the 1980s and 1990s. The Swiss embassy of another country sent a message to the embassy in Santiago in 1984: "Notre compatriote [...], directeur général [of a Swiss company in the country in question], arrivera à Santiago avec sa femme [dans le] courant semaine prochaine afin de procéder à une adoption. Époux [...] are very favourably acquainted with me. At their request, I am authorised to provide your address in case they need assistance. Cordialement [...]."²⁴¹ In 1981, a Swiss ambassador, who was now representing Switzerland in another country, asked his successor in Santiago as "cher collègue et ami" whether he could give him the names of families who had adopted children from Chile, as he could no longer remember the names from his time as ambassador in Santiago. The daughter of a lawyer friend of his wanted to adopt a child from Chile, "because elle a entendu qu'en Suisse il y avait quelques adoptés venant du Chili". He now wanted to arrange contacts with adoptive parents.²⁴² In January 1990, an employee of a Swiss consulate general enquired at the embassy in Santiago on behalf of his brother about adoption opportunities in Chile.²⁴³ In 1991, an expert on science and research in the Department of Home Affairs personally approached the Swiss ambassador in Santiago with a request to help a couple, acquaintances of his wife. He asked whether the couple could write in the further proceedings that the Swiss ambassador had been informed. The ambassador then wrote directly to the interested couple, saying that they would have to wait a long time because of the many pending applications from Switzerland. He replied that he would help the couple with the procedure and that they should seek assistance from an experienced mediation centre.²⁴⁴

²³⁷CH-BAR, E2200.144#1997/19#16*, file note dated 29 January 1980.

²³⁸CH-BAR, E2200.144#1997/19#16*, Swiss representation to couple from Switzerland interested in adoption, 15 June 1987; Swiss representation to couple from Switzerland interested in adoption, 28 November 1986.

²³⁹CH-BAR, E2200.144#1993/393#20*, employee of a Swiss consulate in another country to the Swiss embassy in Santiago, 10 August 1979.

²⁴⁰CH-BAR, E2200.144#1997/19#16*, Swiss embassy to prospective adoptee from Switzerland, 13 June 1988.

²⁴¹CH-BAR, E2200.144#1997/19#16*, fax from the Swiss embassy in another country to the Swiss embassy in Santiago, 8 June 1984.

²⁴²Quotes from: CH-BAR, E2200.144#1997/19#16*, Swiss ambassador in [...] to Swiss ambassador in Santiago, 15 Jan. 1981.

²⁴³CH-BAR, E2200.144#1998/318#30*, Miscellaneous correspondence.

²⁴⁴CH-BAR, E2200.144#1998/318#30*, Inquiring person to Swiss ambassador in Santiago, 28 August 1991; Swiss ambassador in Santiago to inquiring person, 5 September 1991.

Forged documents

The case files of the Swiss representation in Santiago contain numerous copies of adoption licences, some of which are supplemented by other documents relating to the adoption case in question.²⁴⁵ These case-related documents were not analysed for this report. There is no separate collection of individual case dossiers for Chile.

Correspondence with cantonal authorities on problematic procedures is documented in the case files. In 1986, the Swiss embassy in Santiago had to take a stand vis-à-vis the Federal Office for Foreigners' Affairs in a case in which the surname of the future adoptive parents was given directly on the birth certificate of a newborn child. This had come to the attention of the competent supervisory authority, the Directorate of Home Affairs in the adoptive parents' canton of residence, as a procedural error. The Swiss embassy took the position that a newborn child abandoned by its parents could be given any name and that this name would then also be reflected in subsequent documents such as entry permits, passports and visas: "There can [...] be no question of all Chilean papers being consistently wrong from the outset, as this naming is a legal solution [...] recognised by Chilean law."²⁴⁶ The Swiss embassy took this position at a time when it was aware of the problem of forged name registrations due to the criminal case described above.

Unclear situation regarding authorisations for adoption placements in Switzerland

In the 1980s, the Association for Adoption Aid placed Chilean children in Switzerland. It worked locally with Therese Moser*. The Swiss embassy regularly recommended Therese Moser to people interested in adopting from Switzerland, although her status for this activity was unclear: "The official placement centre in Chile is the 'Casa National del Niño' in Santiago. However, this centre is inundated with adoption applications, which is why long waiting times are to be expected. The family [...] therefore tried to find a child more quickly through another channel and came into contact with Mrs Therese Moser, a Swiss national registered at this embassy [...], via a third party in Switzerland. Mrs Moser is very well known to this embassy and does not run an adoption agency. However, she has already offered her help in several cases without any fee claims. This is also the case here."²⁴⁷

²⁴⁵Cf. E.g. CH-BAR, E2200.144#1997/19#16*, CH-BAR, E2200.144#1993/393#20* and CH-BAR, E2200.144#1998/318#30*.

²⁴⁶CH-BAR, E2200.144#1997/19#16*, Der schweizerische Geschäftsträger a. i., i. A., an EJPD, Bundesamt für Ausländerfragen, 9 February 1987.

²⁴⁷CH-BAR, E2200.144#1998/318#30*, Swiss Embassy in Santiago to FDFA, Federal Office for Foreigners' Affairs, 17 June 1985.

In its files, the Swiss embassy regularly listed Therese Moser as the only local contact person in Chile and gave this information to interested couples. In another letter, the representation openly stated that it was unable to verify whether Therese Moser actually worked for free, or rather it relied on the statement of the intermediary herself: "I cannot tell you anything negative about Mrs Therese Moser. She is a Swiss citizen who is close to this embassy and is known to be reputable. She does not run an actual placement centre, but offers her help - as she says herself - free of charge. "²⁴⁸

Such unverified assessments led to problematic circular conclusions in correspondence: When the canton issued a placement licence for the Association for Adoption Assistance, the Private International Law Section of the Federal Office of Justice asked the Swiss embassy in Santiago whether Therese Moser and the Casa National del Niño were sufficient local contacts to meet the requirements of the Swiss ordinance. Apparently, the Swiss embassy found both contacts to be reputable, as the Association for Adoption Assistance received the additional authorisation for Chile from the canton,²⁴⁹ although in the case of Therese Moser it was not clear how she carried out her placement activities.

²⁴⁸CH-BAR, E2200.144#1997/19#16*, Swiss Embassy to FDJP, Federal Office of Justice, Section for International Private Law, 3 April 1986.

²⁴⁹CH-BAR, E2200.144#1997/19#16*, Federal Office of Justice, Section for Private International Law, to the Swiss Embassy in Santiago, 25 March 1986.

6 Adoptions of children from Guatemala

In 1977, the Swiss authorities issued the first two entry permits for children from Guatemala for later adoption in Switzerland. In 1978 there were also two, in 1979 and 1981 one each and in 1984 again two entry permits. No entry permits were issued in 1980, 1982, 1983 and 1985. Until the mid-1980s, only eight children from Guatemala were affected. Seven entry permits were issued in 1986, four in 1987 and five each in 1988 and 1989. In 1990 the number rose to eight and in 1991 it jumped to 21. Between 1992 and 1999, the numbers fluctuated between eight and eleven entry permits per year, with the exception of 1997, when only four children travelled to Switzerland.²⁵⁰ In terms of numbers, entry permits for children from Guatemala were therefore not significant for Switzerland compared to other countries of origin. However, it is interesting to note that the number of entry permits rose sharply in 1991. Shortly after this point in time, the Guatemalan press was talking about child trafficking, and not for the first time. Although not to Switzerland, according to media reports, many children from Guatemala were placed for adoption abroad. The daily newspaper Prensa Libre spoke of 718 children in 1995 alone, and for the first half of 1996 Prensa Libre cited statistics of 595 adoption procedures, many of which were suspected of child trafficking. The USA led the statistics with 304 children, followed by Canada with 67 and France with 66. According to the statistics cited by Prensa Libre, Switzerland was at the bottom of the list with six children.²⁵¹

A lawyer was required for the adoption procedure in Guatemala. This apparently favoured illegal practices because some legal advisors were "only out for quick and lucrative profits", as the Swiss embassy in Ciudad de Guatemala informed couples from Switzerland interested in adoption and therefore rarely made recommendations for lawyers.²⁵²

In addition to the files of the Swiss embassy in Ciudad de Guatemala, the Swiss Federal Archives also hold subject files on the other Central American countries of Honduras, Ecuador and Nicaragua, which were not reviewed for this report.²⁵³ There is also a collection of newspaper reports on Honduras, which can be found in the fonds on Guatemala.²⁵⁴

²⁵⁰See: Appendix 1 to 3.

²⁵¹CH-BAR, E2200.199#2003/57#11*, article, in: Prensa Libre, 3 September 1996 and 4 September 1996. The figures quoted by Prensa Libre for Switzerland differ slightly from the official Swiss figures, see Appendix 3 for the 1990s.

²⁵²Cf. an example in the CH-BAR fonds, E2200.199#2003/57#11*, 1992 to 1996.

²⁵³Cf. bibliography, unpublished sources, section on Guatemala.

²⁵⁴CH-BAR, E2200.199#2003/59#2*.

6.1 References to child trafficking and scandals

The files of the Swiss representation in Guatemala are an example of how important media reports on suspected or proven child trafficking were. The Swiss embassy in Ciudad de Guatemala collected relevant newspaper articles over the entire period analysed. It reacted differently to the various scandals.

Guatemalan lawyer places children in Switzerland and is criticised in 1992

In 1992, the Federal Office for Foreigners' Affairs wrote to the Swiss embassy in Ciudad de Guatemala with the subject "Adoption d'enfants - éventuel trafic au Guatémala", directly addressing the issue of child trafficking.²⁵⁵ The Service vaudois de protection de la jeunesse had drawn the attention of the Federal Office for Foreigners' Affairs to Antonio Lopez*, who was placing children for adoption in Guatemala. The Service vaudois de protection de la jeunesse was concerned about Antonio Lopez's practice because of two major reports on child trafficking that were enclosed with the letter and forwarded by the Federal Office for Foreigners' Affairs to the Swiss embassy in Guatemala. The Time article spoke of a handful of lawyers who dominated the annual business of around 5 million dollars in Guatemala. Their agents sought out poor parents and single mothers in the country who were willing to give up their children for 50 dollars.²⁵⁶

At the time, Antonio Lopez was highly valued by adoptive parents in Vaud, as the Vaudois Service for the Protection of Young People wrote to the Federal Office for Foreigners' Affairs. Most of the children from Guatemala had come to Vaud through his mediation.²⁵⁷ According to the letter to the Federal Office for Foreigners' Affairs, Lopez had explained his mediation activities during a visit to the head and a social worker of the Service vaudois de protection de la jeunesse: he gave the child to a mother elsewhere for care at short notice, handled the legal procedure and received the adoptive parents in his accommodation for around two weeks, after which they were able to travel to Switzerland with the child, "en payant US Dollar 8,000". When the Service vaudois replied that this was the equivalent of 40 months' salary for a civil servant, Lopez explained that he wanted to set up a foundation in Guatemala to support the biological parents. The head of the Service vaudois de protection de

²⁵⁵CH-BAR, E2200.199#2000/376#16*, Federal Office for Foreigners' Affairs to the Swiss Embassy in Ciudad de Guate-mala, 7 April 1992.

²⁵⁶CH-BAR, E2200.199#2000/376#16*, Michael S. Serrill, The Gray Market in Third World Children, in: Time, 4 November 1991; Bébés à vendre, in: Avantages, 2 April 1991.

²⁵⁷CH-BAR, E2200.199#2000/376#16*: The Service vaudois de protection de la jeunesse had given the following figures to the Federal Office for Foreigners' Affairs: 1988: 2, 1989: 3, 1991: 9. For 1992, it spoke of a larger number.

la jeunesse was unable to verify this statement and therefore asked the Federal Office for Foreigners' Affairs to contact the Swiss embassy in Guatemala and, if necessary, to take steps, which the Office did by obtaining the embassy's assessment.²⁵⁸

It was difficult to find out anything about the lawyer Antonio Lopez, according to the reply from an employee to the Federal Office for Foreign Nationals six weeks later, which he wrote on behalf of the Swiss ambassador. The embassy's lawyer of trust had been unable to find out anything. Coincidentally, however, Lopez had appeared at the embassy because of an adoption case. This gave him the opportunity to question him about the foundation. Lopez stated that he had applied to the Guatemalan government for this almost two years ago. He was expecting approval in a month's time. In the author's opinion, the documents relating to the adoption mentioned were in order. "However, in Guatemala, bureaucratic obstacles can generally be overcome quickly and efficiently with money. Unfortunately, I am unable to judge the extent to which the transactions of the lawyer mentioned are in accordance with the law, nor can I judge the origin of the children." According to Lopez, it is "usually lower-class families who would willingly give up children they can no longer support for adoption". The director of the Guatemalan passport authority signed around 600 passport applications for future adoptive children every month, Lopez told the Swiss representation. According to his own information, he himself placed around 40 children per month in France and Switzerland.²⁵⁹ The author refrained from making a final assessment in his reply to the Federal Office for Foreigners' Affairs. He merely referred once again to the specific adoption case in question: "To summarise, I can say that the lawyer Lopez in the case mentioned [...] is very well documented."²⁶⁰ Although Antonio Lopez had freely admitted to the Service vaudois de protection de la jeunesse that he earned USD 8,000 per adoption, no further investigations are documented. There are no further documents on Lopez's mediation activities in this dossier of the Swiss representation. Further documents could be found in the archives of the Canton of Vaud.

Media reports on child trafficking in 1993/94 lead to an exchange of information between the embassies

The Swiss representation on the ground collected many media reports on child trafficking in Guatemala. After the Guatemalan authorities discovered an illegal children's home at the end of December 1993,²⁶¹ and after reports of over 300 children disappearing, stolen and sold every year in August 1993, the Swiss embassy in Guatemala began to exchange information.

²⁵⁸CH-BAR, E2200.199#2000/376#16*, Federal Office for Foreigners' Affairs to the Swiss Embassy in Ciudad de Guatemala, 7 April 1992. The quotation in the paragraph comes from this document.

²⁵⁹All quotations from: CH-BAR, E2200.199#2000/376#16*, Swiss Mission Guatemala, on behalf of the Swiss Ambassador to FDJP, Federal Office for Foreigners' Affairs, 26 May 1992, concerning "Adoption of children - possible abuse in Guatemala".²⁶⁰CH-BAR, E2200.199#2000/376#16*, Swiss Mission Guatemala, on behalf of the Swiss Ambassador to the FDJP, Federal Office for Foreigners' Affairs, 26 May 1992, concerning "Adoption of children - possible abuse in Guatemala".

²⁶¹CH-BAR, E2200.199#2003/57#11*, Desubren casa cunna ilegal, in: Siglo Veintiuno, 29 December 1993.

children.²⁶² Guatemalan newspapers reported at the beginning of 1994 that the competent authority Bienestar social was investigating various cases of child trafficking, that there was a lack of control over adoptions abroad and that newborns had disappeared. The media repeatedly reported that prospective adoptive parents paid between 10,000 and 20,000 dol-lars for a child. At the beginning of February 1994, the wife of a high-ranking military officer was arrested. She was accused of being involved in child trafficking.²⁶³ In the wake of this persistent media publicity, Guatemalan members of parliament apparently sought a coordinated approach with foreign embassies and in March 1994 La Hora reported on a government project to standardise the adoption process.²⁶⁴

The representations of various countries in Ciudad de Guatemala became active. The dossiers of the Swiss embassy contain documents on two exchange meetings of embassy staff that took place in June and November 1995 at the invitation of the Canadian embassy. The first meeting was attended by the Swiss embassy as well as the representations of Mexico, Italy, France, Great Britain and the USA. The fact that Guatemalan lawyers were exerting pressure on mothers to give up their children for adoption was discussed as a particularly sensitive issue. Those present decided to keep a running list of suspicious lawyers and to report any irregularities to the responsible Guatemalan ministerio publico. The intention was to meet again every two months. It is not possible to say from the files whether these meetings subsequently took place on a regular basis. Members of the Swiss embassy only took part in another informal meeting in November 1995. In its invitation, the Canadian embassy stated that the purpose of the exchange was to find ways and means to stop abuse on the part of the embassies and to promote the corresponding transfer of information between them. The Canadian embassy referred to the rumours circulating in the Guatemalan press about the sale of children and the theft of children by foreign adoptive parents. The aim must be to only place abandoned or orphaned children for adoption. Surrendering mothers, on the other hand, should be carefully questioned about their motives and, in the case of missing children, they should be reunited with their biological mothers by means of DNA tests.²⁶⁵ It is not possible to say which of these proposals were translated into measures on the basis of the documents in the dossier. However, the Swiss Federal Archives hold recommendations from the Canadian embassy for those interested in adoption and a multi-page memo on the subject.

²⁶²CH-BAR, E2200.199#2003/57#11*, article, in: Prensa Libre, 10 Aug. 1993 and 16 Aug. 1993. The Swiss embassy staff filed many other newspaper articles from 1993 under this archive signature.

²⁶³CH-BAR, E2200.199#2003/57#11*, various articles, e.g. in: Siglo Veintiuno, 9 Feb. 1994 and 24 Feb. 1994 as well as grosse Re-portage, 17 Feb. 1994. Further articles in: Guatemala News, 18.2.1994, Grafico, 12.1.1994 and 10.2.1994.

²⁶⁴CH-BAR, E2200.199#2003/57#11*, article in: La Hora, 11/1/1994 and 3/3/1994.

²⁶⁵Various documents and handwritten notes on the two meetings in the fonds CH-BAR, E2200.199#2003/57#11*.

The Swiss embassy also issued a letter from the US embassy, which at the end recommended not to choose a lawyer who accepted forged documents simply to speed up the proceedings. The Swiss embassy appears to have copied some of these documents for Swiss adopters.²⁶⁶

However, the media reports on child trafficking in Guatemala continued unabated. The newspaper *Siglo Veintiuno*, for example, reported in 1996 on investigations by the public prosecutor's office into irregularities in adoption procedures. In one case, a child had two different birth certificates. The same newspaper lamented the fact that the number of adoptions was increasing, but that Guatemala still had no effective adoption legislation,²⁶⁷ and also continued to report on mafia-like conditions.²⁶⁸ According to *Siglo Veintiuno*, in 1997, 97% of adopted children from Guatemala had been placed abroad, often in the context of child trafficking.²⁶⁹ For the period around the year 2000, the corresponding dossier of the Swiss representation also contains mail correspondence on child trafficking and a newspaper report that appeared in the Swiss Confederation, as well as a detailed United Nations country report on children's rights. In this report, child trafficking in international adoptions was described as a serious problem in Guatemala.²⁷⁰

6.2 Further references to irregular and problematic practices

The Swiss embassy responded to various irregular and problematic practices and procedures that it was confronted with on the ground.

Advising against local mediation

In December 1981, the newspaper *Prensa Libre* reported on arrests for child trafficking, including that of a lawyer.²⁷¹ At that time, the management of Adoption International in Kreuzlingen had contacted the Swiss embassy in Guatemala with a request to provide local support for a representative who was about to arrive from St. Gallen: "Adoption International is still a young but very active organisation which, among other things, focuses on helping orphaned children in the Third World.

²⁶⁶CH-BAR, E2200.199#2003/57#11*, fax from the Swiss embassy in Ciudad de Guatemala to the Swiss consulate in Texas, for the attention of couples interested in adoption, 16 April 1993.

²⁶⁷CH-BAR, E2200.199#2003/57#11*, article in: *Siglo Veintiuno*, 13.5.1996 and 28.5.1996.

²⁶⁸CH-BAR, E2200.199#2005/347#15*, article in: *Siglo Veintiuno*, 7 Aug. 2000.

²⁶⁹CH-BAR, E2200.199#2005/347#15*, article in: *Siglo Veintiuno*, 24/9/1997.

²⁷⁰CH-BAR, E2200.199#2005/347#15*, United Nations, Commission of Human Rights, Rights of the Child, Report on the Mission to Guatemala, E/CN.4/2000/73/Add.2, 27 January 2000; Carl Goerdeler, Wunschkinder für wohlhabende "Gringos", in: *Der Bund*, 3 January 1998.

²⁷¹CH-BAR, E2200.199#2000/371#25*, article in: *Prensa Libre*, 5/12/1981.

is concerned. One of our special concerns is to integrate orphans who cannot be integrated into a humane community in their country of birth [...] into the love and security of a family through adoption. By providing direct help, we want to help prevent these innocent children from degenerating into misery, crime and prostitution. "²⁷²

In his response, the Swiss ambassador advised against this plan. The "timing [is] extremely unfavourable" because "a few weeks ago, the local press raised the alarm about child trafficking with Ka-nada. The lawyer who had organised the completely legal adoptions was arrested together with the adoptive parents who wanted to pick up their protégés and the mothers of the children and held in indescribable conditions." It would be impossible to find a lawyer who would jeopardise their reputation by arranging adoptions in the next few years: "The local mentality is particularly nationalistic; if a child is placed abroad, it is immediately assumed that it has been sold into slavery; the fact that the local law recognises adoption is completely ignored." If the representative of Adoption International is arrested, the embassy can only provide a lawyer. Adoption in Guatemala is also very time-consuming. The procedure had previously taken over two years and "cost an enormous amount of money until all the papers were obtained. "²⁷³ A copy was sent to the Consular Protection Section of the FDFA. Ten days later, the designated mediator spoke to an employee of the embassy in Ciudad de Guatemala. The two agreed that she would not accept the mandate from Adoption International.²⁷⁴

Knowledge status review at the end of the 1970s

The first adoptions of children from Guatemala to Switzerland at the end of the 1970s led to correspondence between the Swiss embassy and various federal authorities in Bern. The Federal Office for Civil Status pointed out that the "falsification of birth certificates to circumvent adoption formalities" reported by the Swiss embassy was unacceptable: "It goes without saying that such manipulations cannot be recognised in Switzerland. We would ask you to clearly indicate that such a case exists when you send us the relevant birth certificates. We would be grateful if you could provide as precise information as possible about the facts of the specific case. "²⁷⁵

This was the Federal Office for Civil Status's response to a letter to the Federal Office of Justice written by an employee on behalf of the Swiss ambassador, which was signed with

²⁷²CH-BAR, E2200.199#2000/371#25*, Alain Gubler*, Management, Adoption International, to the Swiss Embassy in Guatemala, 22 December 1981.

²⁷³All quotations from: CH-BAR, E2200.199#2000/371#25*, letter from the Swiss ambassador to the management of Adoption International, Kreuzlingen, 28 Dec. 1981 Cf. chapter 14.3 on Adoption International based in Kreuzlingen/Thurgau.

²⁷⁴CH-BAR, E2200.199#2000/371#25*, file note dated 8 January 1982.

²⁷⁵Quotes from: CH-BAR, 2200.199#1994/108#48*, Federal Office for Civil Status to Swiss Embassy in Guatemala, 28 Sept. 1979.

Copy also sent to the embassy in San Salvador: "It is an open secret that in my host country as well as in other Central American countries, civil status certificates are issued 'on demand'. Childless couples who are keen to adopt [...] choose a newborn child in an orphanage or with the help of friends, who is then officially declared as a legitimate child at the relevant civil registry office. This allows the couple to avoid lengthy and costly adoption formalities and foreign police regulations. What does a Swiss representation have to do if such a birth certificate, which has been issued by the competent authorities but is false, is presented to it for transmission to Switzerland?"²⁷⁶

During this initial phase, the FDFA enquired at the representations in Latin America about the legislation of the host country, because foreign adoptions were increasingly moving to South America. This was accompanied by the challenge for the cantonal authorities, according to the FDFA in 1980, of understanding the foreign documents.²⁷⁷ The embassy in Guatemala then commissioned its lawyer of confidence with the clarifications. He compiled a memorandum with detailed information on Guatemalan adoption regulations.²⁷⁸ The embassy had also compiled a list of the agencies that placed children for adoption in Guatemala. It is interesting to note that it referred to orphanages in the first and last letters, possibly in the knowledge that the children in these institutions were often not orphans.²⁷⁹ As in this initial orientation phase, correspondence with the competent federal authorities also took place later, for example in 1989, when changes to the law on adoptions were pending in Guatemala.²⁸⁰

Correspondence with couples interested in adoption, cantonal authorities and placement centres

In the initial phase of the adoptions, the Swiss embassy in Guatemala, like other representations in South and Central America, received a presentation from Stefan Koch* in 1979.²⁸¹ The Swiss embassy subsequently recommended that anyone interested in adopting a child should contact the Aliens Police.

²⁷⁶CH-BAR, 2200.199#1994/108#48*, employee of the Swiss embassy in Guatemala to the Federal Office of Justice, 18 September 1979.

²⁷⁷CH-BAR, E2200.199#2000/371#25*, FDFA to the Swiss embassies in Buenos Aires, Lima, Brasilia, Santiago du Chili, Ciudad de Guatemala, Mexico, Bogotá, Caracas, Ottawa (for Bahamas), La Havane, 7 July 1980.

²⁷⁸The reply from the Swiss embassy reached the FDFA ten months later. CH-BAR, E2200.199#2000/371#25*, Swiss Embassy in Ciudad de Guatemala to FDFA, 27 May 1981.

²⁷⁹CH-BAR, E2200.199#2000/371#25*, file note dated 14 January 1981.

²⁸⁰Cf. the correspondence with federal authorities in CH-BAR, E2200.199#2000/370#16* and in the same file: Comisión Protectora de los Menores, Congreso de la República Guatemala, [...], Diputado, to Swiss Ambassador, 20 April 1989.

²⁸¹CH-BAR, 2200.199#1994/108#48*, Federal Aliens Police [at this time already Federal Office for Foreigners' Affairs, author's note] to the Swiss representations abroad, 28 August 1979. The Federal Aliens Police sent Stefan Koch's presentation of 7/8 June 1979 in Geneva to the Swiss representations with an accompanying letter: every application would be carefully checked by the Aliens Police before an entry permit was issued. The dispatch also contained a letter from the Federal Department of Justice dated 28 May 1975 to the cantonal supervisory authorities for civil status and the supervisory authorities responsible under cantonal law on the procedure and procedure and the legal basis, with a detailed appendix on the provisions in various countries of origin.

The lawyer also recommended a lawyer in Guatemala who spoke German. It also recommended a lawyer in Guatemala who spoke German.²⁸² Such a specific recommendation was problematic in view of the well-known problem that lawyers in Guatemala were regularly involved in child trafficking cases. The Swiss representation drew the attention of Swiss couples wishing to adopt to the Guatemalan government's endeavours to prevent cases of abuse. This was the reason why the procedures were delayed.²⁸³

In individual cases, the Swiss embassy had to respond to enquiries from the cantons that had discovered irregularities in the adoption documents, such as in a case in 1990 when a municipal guardianship office enquired. The case concerned the fact that a mother had stated in writing that her child had been placed in care but not explicitly for adoption.²⁸⁴

The Swiss representation in Guatemala was also in contact with mediation centres that wanted to expand their field of activity to Guatemala. As already shown, the embassy had advised against such activities in Guatemala during an acute phase of suspicion of child trafficking. However, when the media in Guatemala announced the introduction of new adoption regulations in 1987 and Alice Honegger and her Adoptio Foundation came forward at this time, the Swiss representation saw no obstacles to Adoptio's possible placement activities in Guatemala.²⁸⁵

For the same period, a note from a member of the embassy staff is on file, which shows that the Swiss representation was aware of the problem of child trafficking. By chance, two lawyers had visited the embassy at this time to enquire about adoption legislation in Switzerland. Conversely, the author of the note took this opportunity to find out about the procedure on the Guatemalan side: "I also spoke to the two lawyers about the abuses that were being committed, especially with young children, and was assured that they [the lawyers, author's note] were doing everything right [sic] and that the Guatemalan state was now particularly strict in this matter." From this, the author of the note drew the following conclusion: "As long as we have a court decision and a passport in the name of the adoptive parents, there is nothing to prevent us from assuming that this is a legal adoption. Moreover, in such cases a Swiss entry permit is usually already available."²⁸⁶

²⁸²CH-BAR, 2200.199#1994/108#48*, cf. e.g. letter from an employee of the Swiss embassy to a couple from Switzerland interested in adoption, 1 February 1979, or CH-BAR, E2200.199#2000/371#25*, e.g. file note dated 5 January 1981.

²⁸³CH-BAR, E2200.199#2000/371#25*, employee of the Swiss embassy to a couple from Switzerland interested in adoption, 4 October 1979. For individual examples, see also the fonds CH-BAR, E2200.199#2000/370#16*.

²⁸⁴CH-BAR, E2200.199#2000/370#16*, official guardianship of the municipality of residence to the Swiss embassy in Guatemala, 22 November 1990, and Swiss chargé d'affaires in Guatemala to the official guardianship of the municipality of residence, 4 December 1990. ⁽²⁸⁵⁾ For her reply to Alice Honegger, she had obtained the current adoption regulations from the competent central authority Bienestar social and enclosed brochures on the Guatemalan adoption programmes. CH-BAR, E2200.199#2000/370#16*, newspaper article on new adoption regulations from April 1987; Alice Honegger, Adoptio Foundation, undated, to the Swiss embassy in Ciudad de Guatemala and reply on behalf of the Swiss chargé d'affaires to Adoptio, 19 October 1987.

²⁸⁶Both quotations from: CH-BAR, E2200.199#2000/370#16*, file note, undated.

7 Adoptions of children from India

In the 1970s, India was the third most important country of origin from which prospective adoptive children travelled to Switzerland after Korea and Colombia. While only one child from India came to Switzerland for adoption purposes in 1970, there were 144 entry authorisations in 1979. In the 1980s and 1990s, most entry permits to Switzerland were issued for children from India. From 1980 to 1989, 1,571 Indian children travelled to Switzerland for adoption or other reasons. The numbers decreased in the 1990s. In the entire decade, a total of 867 entry permits were issued, with a peak of 149 entry permits in 1991. In 1999, only 49 entry permits were issued.²⁸⁷

The fonds of the Swiss Federal Archives that were consulted contain a great deal of material on the legal provisions in force in India and ongoing legislative processes that were collected by the Swiss representations on the ground. It is clear from this that no standardised adoption law existed in India until the end of the 1980s. The immediate adoption of children by foreigners was not permitted. However, based on the Guardian and Wards Act of 1890, they could apply to the Supreme Court for guardianship of Indian children.²⁸⁸ The child was later adopted under Swiss law. Until the adoption in Switzerland, the child retained Indian citizenship.

In the 1960s and early 1980s, new adoption laws were drafted, but these did not materialise due to opposition from religious and political groups. Instead, in 1984, the Supreme Court laid down detailed guidelines for the placement of Indian children with foreigners in order to prevent illegal adoptions and child trafficking. From then on, only agencies registered under public law were allowed to place children abroad. They had to provide proof that the children had been orphaned or abandoned by their parents. The foreign placement agencies also had to be recognised by their respective governments. The new guidelines also stipulated that the prospective adoptive parents had to be cleared by means of a so-called Home Study Report, a social report, and that the foreign placement agencies had to report to the Indian authorities every six months for the first two years after the child left the country. In addition, the expenses for the placement of an Indian child abroad were limited by a maximum amount.²⁸⁹ From July 1989, India further tightened the regulations. Now adoptions abroad were only possible as justifiable exceptions.²⁹⁰

²⁸⁷See: Appendix 1 to 3.

²⁸⁸CH-BAR, E2200.64#1994/107#34*, Swiss Embassy in New Delhi to the Federal Aliens Police, 4 September 1970.

²⁸⁹CH-BAR, E2200.110#1994/350#19*, document "International Adoptions in Bangalore", undated; CH-BAR, E2200.64#2002/12#36*, SC Guidelines on Adoption, in: The Times of India, 8 February 1984.

²⁹⁰CH-BAR, E2200.64#2002/12#36*, Swiss Embassy in New Delhi to Federal Office of Justice, Private International Law Section, 24 October 1989, concerning "New Guidelines in the Adoption Procedure of Indian Children".

The Swiss representations in India consisted of the Swiss Embassy in New Delhi and the Consulate General in Bombay.²⁹¹ They issued a visa for the Indian child as soon as the Swiss authorities issued an entry permit and the Indian authorities issued an exit permit. The representations were also the point of contact for Swiss authorities. In 1978, for example, the City of Schaffhausen's foster child supervisory authority asked the Swiss representations in India for information

"on the best route to take "²⁹² to adopt a child from India. As in other cases, the Swiss embassy in New Delhi had previously advised the Schaffhausen foster child welfare organisation that the prospective adoptive parents should "engage a lawyer who can deal with such cases" and recommended the embassy's "trusted lawyer Man* and Co. from New Delhi "²⁹³. She had further referred to the consulate in Bombay as it had already dealt with many adoption cases. The consul there confirmed to the Schaffhausen foster children's supervisory authority that the "persons and institutions recommended by the embassy [...] are recognised and experienced placement agencies for adoptive children from India" and also advised the involvement of an Indian lawyer "who is familiar with these cases and can help with the placement of a child from a private home." In addition to the lawyer of trust at the embassy in New Delhi, the consul named the lawyer A. F. Bak* from Bombay. He referred to two Swiss families who were both in contact with Bak and who had "had good experiences with the adoption of Indian children".²⁹⁴ Such local lawyers had a not unproblematic role in the placement of adoptive children. If the embassy recommended their lawyer of trust, this could lead to conflicts of interest. It also seems awkward to base suggestions for lawyers solely on the judgement of other Swiss adoptive parents, as the Consulate General did.

The Swiss representations were often contacted directly by couples who wanted to adopt an Indian child. In 1981, for example, a Swiss couple wrote to the Consulate General in Bombay that they wanted to adopt a child from a home in Bombay and were planning to travel to India to do so. They enquired whether the consulate knew the institution and asked for further information: "It would be a great help to us if we could find out as much as possible. We both speak almost no English, which could cause us a lot of problems. If we have problems in Bombay, could we get help from you? [...] A woman we know had to go to various offices in Bombay with the baby before she could go home. We hope not for our sake. Please tell us what you know about adoption in India and what kind of help you can give us in India."²⁹⁵ The letter documents the couple's ignorance and uncertainty about adopting an Indian child on the one hand, and on the other

²⁹¹From 1996 Mumbai: capital of the state of Maharashtra, economic centre of India. In view of the period under review, the official name "Bombay" is always used in the following until 1996.

²⁹²CH-BAR, E2200.110#1992/231#16*, enquiry foster child supervision, City of Schaffhausen, to the Swiss Consulate General in Bombay, 12 May 1978.

²⁹³CH-BAR, E2200.110#1992/231#16*, Swiss Embassy in New Delhi to Foster Child Supervision, City of Schaffhausen, 21 April 1978. Cf. also Chapter 3 on Bangladesh regarding the activities of lawyer Man*.

²⁹⁴Quotes from: CH-BAR, E2200.110#1992/231#16*, Consul General in Bombay to Pflegekinderaufsicht Stadt Schaffhausen, 30 May 1978.

²⁹⁵CH-BAR, E2200.110#1994/350#19*, Couple from Switzerland interested in adoption to Swiss Consulate, Bombay, 18 July 1981.

It referred to the fact that many couples enquired about adoption in their private lives. In its reply, the Consulate General in Bombay also referred to lawyer Bak in this case, "he is familiar with this matter and handles the applications with efficiency. "²⁹⁶

7.1 References to child trafficking and scandals

The case files show that the Swiss representations on the ground repeatedly had to deal with the issue of child trafficking and that they were also confronted with various scandalous events in connection with adoptions of Indian children by Swiss nationals. In 1981, the Federal Office of Justice, Section for International Private Law, wrote to the Federal Office for Immigration Affairs regarding an opinion on a specific adoption case: "Furthermore, it should not be overlooked that the Indian practice described here harbours certain dangers of commercialisation. The Swiss authorities responsible for entry permits and also our diplomatic and consular representations in India should be aware of these dangers and prevent child trafficking from being practised here. "²⁹⁷ The fact that the Swiss representations in India were well aware of these "dangers" and knew about the commercial and sometimes illegal adoption practices is shown, among other things, by the numerous articles they collected from Indian newspapers. The Swiss representations on the ground sometimes kept up to date with legislative processes via the media. In some cases, the Federal Office for Foreigners' Affairs also sent them articles from Swiss newspapers. In addition to the legal basis, many of these articles also dealt with illegal adoption practices.²⁹⁸

Reaction to reputationally damaging media reports

On 1 July 1978, Anandabazar Patrika, a major Indian-Bangladeshi daily newspaper, reported that Indian children were being taken abroad as medical guinea pigs. Switzerland and Terre des hommes played a prominent role in the article. It was reported that the

²⁹⁶CH-BAR, E2200.110#1994/350#19*, Swiss Consulate General in Bombay to a couple from Switzerland interested in adoption, 30 July 1981.

²⁹⁷CH-BAR, E2200.110#1999/253#33*, Federal Office of Justice, Private International Law Section, to Federal Office for Foreigners' Affairs, 8 April 1981.

²⁹⁸CH-BAR, E2200.64#2002/12#36*, Adoptions: Govt. Has No List of Agencies, in: The Hindu Madras, 23 December 1983. Has No List of Agencies, in: The Hindu Madras, 23.12.1983. The article Petition Against "Sale" of Abandoned Children, in: The Times of India New Delhi, 26.10.1983, speaks of child trafficking and the sale of children, of illegal practices and illegal adoptions. In January 1983, the tabloid Blitz reported on a hospital where babies were stolen from their mothers and given up for adoption: Pradeep Kapoor, Big Biz in Snatchin New-Borns, in Blitz Bombay, 1 Jan 1983.

Indian government wanted to send detectives to Switzerland to investigate the incidents.²⁹⁹ The Indian nun and missionary Mother Teresa was concerned about the negative impact the article could have on her work. She visited the Swiss embassy in New Delhi to draw attention to the article. The Roman Catholic religious order Missionaries of Charity, which she had founded in Calcutta, ran children's homes from which children were also placed abroad for adoption.³⁰⁰ The Swiss businessman ad interim feared a scandal that could damage Switzerland's image. He therefore suggested diplomatic steps to the Federal Department of Political Affairs (FDFA)³⁰¹: "C'est pourquoi il me semblerait opportun d'effectuer une démarche auprès du Ministère des affaires étrangères marquant notre étonnement à propos des allégations reproduites dans cet article, demandant des explications notamment sur 'l'envoi de détectives en Suisse', et rétablissant les faits quant à la situation des enfants adoptés en Suisse."³⁰²

The EPD, on the other hand, saw no cause for concern in a single article and telegraphed to the embassy that it should "refrain from formal protests until the background to [the] matter is clearer".³⁰³ Two months later, however, the EPD did see a need for action. At the suggestion of the Indian embassy in Bern, the FPS demanded "discreet clarifications" from the Federal Aliens Police regarding various Indian adoptive children named by name who had been placed by Terre des hommes. "According to confidential information from the Indian embassy, this issue could at best be exploited in the Indian parliament if the government does not have certain concrete indications in good time regarding the fate of individual children who are apparently known by name."³⁰⁴ In October 1978, the Federal Aliens Police in turn asked the aliens police authorities of four cantons to clarify whether these children were still in the same foster family and how they were developing.³⁰⁵

The EPD then informed the Indian embassy in Bern that none of the children concerned had changed families and that they were all doing well. The FDPD took the opportunity to draw the Indian embassy's attention to a problem concerning the departure of Indian children for adoption purposes: The correct procedure for the departure of children must also be observed by the Indian side.

²⁹⁹CH-BAR, E2200.64#1994/107#34*, Children Sent/Smuggled Abroad for Research Work, in: Anandabazar Patrika, 1 July 1978, English translation of the article. It is not clear from the documents we consulted whether the organisation in question was Terre des hommes Lausanne or Terre des hommes Switzerland.

³⁰⁰Bitter, Bangerter, Ramsauer 2020, p. 116.

³⁰¹From 1979 Federal Department of Foreign Affairs (FDFA).

³⁰²CH-BAR, E2200.64#1994/107#34*, Swiss Embassy in New Delhi to FDFA, Directorate of Political Affairs Division II, 4 August 1978. The document is signed with the function Chargé d'affaires ad interim. The letter was addressed to an ambassador. It remains unclear whether this refers to the Swiss ambassador in New Delhi, who was possibly in Switzerland at the time, or a representative of the EPD.

³⁰³CH-BAR, E2200.64#1994/107#34*, telegram EPD, Political Directorate Division II, to the Swiss Embassy in New Delhi, 11 August 1978

³⁰⁴All quotations from: CH-BAR, E2200.64#1994/107#34*, telegram EPD, Directorate of Political Affairs Division II, to Swiss Embassy in New Delhi, 19 October 1978.

³⁰⁵CH-BAR, E2200.64#1994/107#34*, Federal Aliens Police to the aliens police authorities of the cantons [four cantons named, author's note], 19 October 1978.

"qu'aucune demande ne soit examinée sur le plan indien avant qu'elle n'ait délivré une autorisation formelle d'entrée à l'Ambassade de Suisse à New Delhi ou au Consulat général de Suisse à Bombay."³⁰⁶

The accusation that foreign agencies, including Terre des hommes in particular, were taking babies abroad for experimental purposes still haunted the media landscape in 1982. The Swiss embassy reported to the FDFA that the Indian tabloid Blitz was accusing Terre des hommes of bringing infants to Switzerland to be used as laboratory guinea pigs. The Supreme Court is now working with the Indian Council of Child Welfare to draw up new guidelines for adoptions. "À l'intention des autorités cantonales et plus particulièrement aux bureaux d'assistance sociale et de tutelle chargés de faire rapport sur les couples adoptants, je vous tiendrai au courant de toute évolution importante dans ce domaine."³⁰⁷ The persistent rumour persisted for a long time and triggered investigations and activities on the part of the Swiss authorities. What is remarkable, however, is not only their attempt to verify the truth of the rumour, but also the fact that the authorities reacted immediately to media reports that threatened to damage Switzerland's reputation.

Scandal in Sri Lanka triggers investigations

The child trafficking scandal in Sri Lanka in 1982 also had repercussions in neighbouring India. It resulted in various statements and reports by Swiss representations in India on adoption practices there. The Swiss embassy in New Delhi wrote a report on the situation in India, which was sent to the Consular Protection Division of the FDFA.³⁰⁸

Lukas Binder*, Swiss ambassador in New Delhi, reported to Switzerland that the Indian newspapers had been reporting on the events in Sri Lanka for days. There is a great deal of mistrust in India towards foreign adoptions, and the events in Sri Lanka have further strengthened this critical public opinion. Ambassador Binder attested to the good reputation of the local institutions and individuals involved in adoptions. To the embassy's knowledge, they strictly adhere to the applicable laws. Nevertheless, "les malversations, les abus, les pots-de-vin" cannot be ruled out. One is not completely immune to a "scandal like the one that erupted in Sri Lanka."³⁰⁹

Binder therefore called for an awareness campaign. He referred to the duty of the cantonal authorities, for whom he saw an urgent need to raise awareness: "L'acharnement à s'emparer d'enfants asiatiques par des moyens douteux et même ignobles peut probablement être atténué par les autorités

³⁰⁶CH-BAR, E2200.64#1994/107#34*, EPD to Indian Embassy Bern, 5 February 1979.

³⁰⁷CH-BAR, E2200.64#2002/12#36*, Swiss Embassy in New Delhi to FDFA, 6 September 1982.

³⁰⁸CH-BAR, E2200.64#1994/251#23*, Swiss Ambassador to FDFA, Consular Protection Section, 19 May 1982.

³⁰⁹Quotes from: CH-BAR, E2200.64#1994/251#23*, Swiss Ambassador to FDFA, Consular Protection Section, 19 May 1982.

cantonales, bureau d'assistance sociale et de tutelle chargés de faire rapport sur les couples adoptants; il est important que ces institutions soient conscientes de ces quelques aspects parfois ignorés de l'adoption.

³¹⁰

Also alarmed by the scandal in Sri Lanka, the St. Gallen Department of Justice and Police contacted the Swiss Consulate General in Bombay in July 1982 and requested a report on Alice Honegger, who not only placed children from Sri Lanka but also from India for adoption in Switzerland. After the authorities had withdrawn Honegger's licence to act as an intermediary for Sri Lanka as a precautionary measure, they asked in Bombay "whether the adoption intermediary activities carried out by Mrs A. Honegger to date were lawful and responsible?"³¹¹

The Swiss vice consul in Bombay took this enquiry as an opportunity to summarise the experiences with adoptions of Indian children in general in a document. He sent this to the St. Gallen Department of Justice and Police with a copy to the FDFA, the Federal Office for Foreigners' Affairs and the Federal Office of Justice. His report, which informed all relevant federal authorities, is a key document on the question of what the local representations knew about the adoption practice. The vice-consul emphasised that the consulate complied with Indian law when issuing visas for Indian children to travel to Switzerland. However, he could not judge what happens outside the consulate: "Whether children in India are tracked down by 'middlemen' in a dishonest way and then placed through some agency is beyond the knowledge of this consulate general. Whether in isolated cases 'extra contributions' have been paid outside the aforementioned costs, e.g. to lawyers or other persons, cannot be assessed by us [...]. Only the foster parents concerned can know and confirm this, if they wish to do so at all in the case in question!"³¹² Little is also known to the consul about the activities of the Swiss placement centres on the ground. On several occasions, the consul and other staff had recommended Doris Kälin*, a mediator working in the canton of Zurich, on request. Kälin had advertised her adoption agency in a newspaper article, whereupon the Swiss representation had asked the FDFA whether she could be "recommended with a clear conscience". An answer is still pending. However, according to a "survey of local competent bodies", there are no indications,

"that there were doubts on the part of Switzerland as to the lawfulness of the placement activities."³¹³ The vice consul distanced himself by pointing out that he had no knowledge of any illegal adoption practices and by placing the references to such practices in quotation marks. In addition, he mainly located the problem with the adoptive parents.

³¹⁰CH-BAR, E2200.64#1994/251#23*, Swiss Ambassador to the FDFA, Consular Protection Division, 19 May 1982.

³¹¹CH-BAR, E2200.110#1994/350#19*, Department of Justice and Police St. Gallen to Swiss Consulate General Bombay, 21 July 1982.

³¹²CH-BAR, E2200.64#2002/12#36*, memorandum K. Zollinger*, Swiss Vice Consul in Bombay, 6 August 1982.

³¹³CH-BAR, E2200.64#2002/12#36*, file note K. Zollinger, Swiss Vice-Consul in Bombay, 6 August 1982.

The consulate has not yet heard any complaints about the Indian placement centres either. In the view of the Vice Consul, they are endeavouring "to comply with the request for a foster child and are taking the legal steps prescribed by law. [...] the mediators we know in Bombay are obviously very familiar with the legal requirements; some of them are doctors, lawyers or commercially trained persons who know English." At the end of his report, he emphasised once again that the mediation process in India was proceeding correctly and that "the legal basis for the release of the children had been granted". Although he conceded that corruption was commonplace in India, he saw no reason to question adoptions as such. "If in isolated cases, which is difficult to prove, smaller or larger 'tips' have been or are paid under the table, which would not be impossible in India, this should not be a reason to put obstacles in the way of the noble desire for honest adoption." He did not take a clear position on the "Alice Honegger case" in the report. However, he did mention the home that Honegger was working with. He had spoken to its deputy director personally and she made "an excellent impression." He only went on to say that the vice-director wanted to be informed "if there was anything against Mrs Honegger so that she could take appropriate action".³¹⁴ The vice-consul promised to do so.

The St. Gallen Department of Justice and Police interpreted this information in Honegger's favour. In addition to a letter from Interpol, the report from Bombay was used to exonerate Honegger.³¹⁵ In October 1982, the St. Gallen Justice and Police Department again authorised her to place children from Sri Lanka and India. The order of the St. Gallen Department of Justice and Police on the revocation of the precautionary measure for the interstate placement of children from Sri Lanka and India stated, among other things: "The Swiss Consulate General in Bombay confirmed in a letter dated 9 August 1982 that Mrs A. Honegger's cooperation with the 'Maharashtra State Women's Council' [sic] in the placement from India gave no cause for concern. The authorisation for adoption placement from India can therefore be granted to the applicant. It is assumed that this path will continue to be pursued."³¹⁶ The vice-consul had not found out anything about Alice Honegger on site, but he attested to the deputy head of the home's seriousness. On this basis, the St. Gallen Department of Justice and Police decided to authorise Honegger's mediation activities again. This was despite the fact that the report from Bombay did not actually provide any evidence that could dispel the concerns.

³¹⁴All quotes from: CH-BAR, E2200.64#2002/12#36*, file note K. Zollinger, Swiss Vice-Consul in Bombay, 6 August 1982.

³¹⁵On the Interpol report, see Bitter, Bangerter, Ramsauer 2020, p. 161.

³¹⁶CH-BAR, E2200.110#1994/350#19*, Order of the St. Gallen Department of Justice and Police on the cancellation of the precautionary measure for the placement from Sri Lanka/adoption placement permit for Alice Honegger, 18 October 1982.

Scandal surrounding a Catholic nun

Also in 1982, the Swiss representations in India were confronted with another scandalous case. The Catholic nun Hildegard*, a Swiss woman, placed Indian children for adoption in Switzerland. In 1981, when she transferred guardianship of an Indian baby to a Swiss couple, she testified in court that the baby had been abandoned at the entrance to her Holy Cross home and that the baby's parents were unknown. However, it later transpired that the child had been taken from the mother by deception. The child was already with a couple in Switzerland. The foster father told the Federal Office for Foreigners' Affairs that he was "astonished by the report from India." He had believed that "everything had happened legally." His wife in particular was "very attached to the child". An employee of the Federal Office for Foreign Nationals drew his attention to the fact that "first and foremost, the wishes of the birth mother, from whom the child was taken away in an extremely mean way, must be respected." The interests of the biological mother took precedence and the foster parents' wish to keep the child could not be taken into account. The employee pointed out that the couple should have "pricked up their ears" when they had to pay 25,000 RS for the placement. In the end, the foster father agreed to return the child. However, he wanted Man*, the lawyer of trust at the Swiss embassy in New Delhi, to bring "another child of about the same age with him on his next trip to Switzerland."³¹⁷ As a result of these incidents, the Federal Office of Police requested a detailed report on the situation in India. In particular, they wanted to know whether the practices carried out and the local authorities, who had the authority to authorise the expatriation of children for adoption, respected the legal provisions in the country.³¹⁸

The Swiss ambassador, Lukas Binder*, gave a detailed report at the end of December 1982. He summarised the legal basis for the adoption of Indian children by foreigners and reported that foreign adoptions met with rejection in India. He also referred to the aforementioned detailed report by the consulate in Bombay from August 1982, after which he stated that illegal practices fell into the adoption placement phase, which was before the official authorities came into play: "Nous n'avons aucune raison de douter de l'intégrité des tribunaux qui délivrent l'autorisation de confier l'enfant aux parents adoptifs. The abuses are produced at the early stage of the process, i.e. between the abandonment of the child and the 'petition' presented to the court [...]."³¹⁹

In this letter, the ambassador drew the attention of the Federal Office for Foreign Nationals to other problematic aspects of adoption practice. He mentioned, for example, the provision that a

³¹⁷All quotations from: CH-BAR, E4300C-01#1998/299#1778*, file note by Hohler*, Federal Office for Foreigners' Affairs, 24.11.1982, regarding telephone conversation with foster father of an illegally adopted child on 22.11.1982.

³¹⁸CH-BAR, E2200.64#1994/251#23*, telegram from the Federal Office of Police to the Swiss Embassy in New Delhi, 16 December 1982.

³¹⁹CH-BAR, E2200.64#2002/12#36*, Lukas Binder*, Swiss Ambassador in New Delhi, to Federal Office for Foreigners' Affairs, 28 December 1982, concerning "Adoptions en Inde; votre télégramme 437 du 16.12.1982".

child who came to Switzerland for adoption purposes had to be abandoned or orphaned. The definition "de l'abandon de l'enfant" is, however, "très vague". Furthermore, many couples are looking for a child without state-recognised placement agencies. An approach that he judged to be "excessively dange-reuse"; "in effect, the parents adoptifs risk being confronted by the grandfather or uncle or father of the child suggesting a sale for quelques milliers de roupies. Once the 'market' has been closed, it will be necessary to find a lawyer, a trusted agency, to obtain the approval of the district judge, a man who is deeply involved and who rarely has the time to study his innumerable dossiers in depth." Evidence of this problem is the adoption arranged by Sister Hildegard: "Sister Hildegard was lamentably duped by a lawyer. Comble de la négligence ou de l'inconscience, elle a signé la 'pétition' sans même la lire." Such a case, the ambassador continued, must not be repeated. Until clear guidelines are provided by the Indian Supreme Court, he recommended that adoptions should only be processed through one of five recognised adoption agencies in the New Delhi district. The fact that these agencies are slow and bureaucratic is one reason why many couples have turned to Sister Hildegard, he said. The placements of Indian babies in Switzerland had increased because of her.³²⁰

The ambassador therefore strongly advised parents not to look for a child themselves. Driven by their great desire to have children, they are prepared to do almost anything, which in turn encourages illegality. "They are pressés and often willing to pay the price - another negative aspect of foreign adoption qualified as 'nouvel impérialisme occidental' by certain intellectual milieux - which, on the one hand, reflects a conception of human dignity and, on the other hand, makes them vulnerable to the tightening of the baby-racket." The ambassador was aware of the problematic nature of adoptions. He also warned against a scandal that would damage Switzerland's reputation: "One day or another, the scandal will erupt and the press will be prompted to highlight an affair that will seriously damage the reputation of our country. It is easy to imagine the repercussions, or even the political implications, that such an incident could not fail to provoke." It is therefore high time "that we stop considering India as a voyeur or even a reservoir of impure children." He called for an information campaign to sensitise people from Switzerland who are interested in adopting. "A quoi bon maintenir l'illusion? La déception en sera d'autant plus cruelle."³²¹ It seems interesting here that the ambassador listed many highly problematic aspects, but then nevertheless only recommended sensitising parents as a measure.

In the spring of 1983, Sister Hildegard was invited to Bern, where the Federal Office for Foreign Nationals communicated to her "le nostre preoccupazioni"³²² regarding her adoption practices. At this meeting, a case was also brought up in which a child placed by Sister Hildegard had been adopted.

³²⁰All quotes in the paragraph from: CH-BAR, E2200.64#2002/12#36*, Lukas Binder*, Swiss Ambassador in New Delhi, to Federal Office for Foreigners' Affairs, 28 December 1982, regarding "Adoptions en Inde; votre télégramme 437 du 16.12.1982".

³²¹All quotes in the paragraph from: CH-BAR, E2200.64#2002/12#36*, Lukas Binder, Swiss Ambassador in New Delhi, to Federal Office for Foreigners' Affairs, 28.12.1982, concerning "Adoptions en Inde; votre télégramme 437 du 16.12.1982".

³²²CH-BAR, E2200.64#1994/251#23*, telegram from the Federal Office for Foreigners' Affairs to the Swiss Embassy in New Delhi, 21 March 1983.

was sent back to India by the foster parents after a year, as it had allegedly been unable to integrate into the family and the social environment.³²³

Nevertheless, the adoptions arranged by Sister Hildegard continued in 1983 and even increased. For this reason, she and her lawyer were summoned to a meeting at the Swiss embassy in New Delhi in the autumn.³²⁴ On this occasion, the exponents of the Swiss representation once again emphasised that everything was proceeding correctly on their part. "In fact, the procedure for us is very simple and without ambiguity: on presentation of the authorisation from the federal police and the 'court papers', we grant the visa within 24 hours on condition, of course, that the child is the holder of a valid Indian passport."³²⁵ It was also emphasised again that abuses and child trafficking take place at an earlier stage, "*c'est-à-dire entre l'abandon de l'enfant et la prise en charge par Holy Cross. [...] However, we must always be aware of the fact that the abuses, the sale of children and the 'baby racket' are produced right at this level*"³²⁶.

In addition to child trafficking, attention was drawn to two other dangers: fathers who wanted to get rid of their children without the mother's consent and parents who deposited their children in children's homes and later regretted it. In the notes of the meeting with Sister Hildegard, her missionary zeal was mentioned. She was pathetic, had the divine idea of offering the poor children a better world and could hardly understand why this "*bonne cause*"³²⁷ could be questioned. The embassy suggested that Sister Hildegard should provide additional information in each case, such as the place of birth, the exact circumstances and date of the child's abandonment, the parents' written declaration of consent to hand over their child to the home, or the approximate age of the child. Finally, it was pointed out once again that the embassy had no "*droit de regard*" (right of inspection) in adoptions and that the aim was to persuade the orphanage's lawyer and nurses to "*à redoubler de prudence dans leurs action*".³²⁸ The aim was therefore not only to sensitise adoptive parents, but also to persuade local actors to comply with the law.

³²³CH-BAR, E2200.64#1994/251#23*, telegram from the Federal Office for Foreigners' Affairs to the Swiss Embassy in New Delhi, 21 March 1983.

³²⁴CH-BAR, E2200.64#2002/12#36*, note on meeting between Sister Hildegard, her lawyer Johannes Nager* and Alfred Seiler* for the Swiss Ambassador and Mr Räber*, 28.9.1983.

³²⁵CH-BAR, E2200.64#2002/12#36*, note on meeting between Sister Hildegard, her lawyer Johannes Nager and Alfred Seiler for the Swiss ambassador and Mr Räber, 28.9.1983.

³²⁶CH-BAR, E2200.64#2002/12#36*, note on meeting between Sister Hildegard, her lawyer Johannes Nager and Alfred Seiler for the Swiss ambassador and Mr Räber, 28.9.1983.

³²⁷CH-BAR, E2200.64#2002/12#36*, note on meeting between Sister Hildegard, her lawyer Johannes Nager and Alfred Seiler for the Swiss ambassador and Mr Räber, 28.9.1983.

³²⁸CH-BAR, E2200.64#2002/12#36*, note on meeting between Sister Hildegard, her lawyer Johannes Nager and Alfred Seiler for the Swiss Ambassador and Mr Räber, 28.9.1983.

The adoption agencies Ursula Smith and Doris Kälin* criticised*

Also in 1983, the adoption agency Divali Adoption Service run by Ursula Smith* from Geneva came under criticism in India. The secretary of an Indian opposition party reported to the Swiss embassy that the practice of this placement agency was grossly irregular.³²⁹ The Swiss ambassador then informed the Federal Office for Foreigners' Affairs of his concern in this regard, particularly as Smith had also worked with Sister Hildegard. "Vous savez aussi que l'activité de Mme Smith, qui travaille en étroite collaboration avec Sœur Hildegard, n'est pas pour plaire à cette Ambassade."³³⁰ He did not explicitly state the reasons for his unease, but they may have been related to his experiences with Sister Hildegard.

The Federal Office for Foreign Nationals, on the other hand, was surprised by the accusations. The Geneva authorities, who worked with Smith, were consistently satisfied with her, which is why they saw no need for action. "À défaut de cas précis sur lesquels vous pourriez enquêter nous sommes d'avis, en l'état du dossier, de ne rien entreprendre contre Mme Smith, ses activités en Suisse n'étant en aucun cas contraire à quelque disposition légale que ce soit."³³¹ According to the documents in the dossier, nothing further happened. The Divali Adoption Service was criticised again in 1985. Now Ursula Smith turned directly to the Federal Office for Immigration Affairs, rejected the accusations and accused jealous actors in India of a smear campaign. In a letter to the Swiss embassy, the Federal Office for Immigration Affairs once again stood up for her.

In 1983, the lawyer A. F. Bak*, who worked together with the Swiss mediator Doris Kälin*, founded the aid organisation Bak* and Kälin* Social Activities Association with her in 1982 and was repeatedly recommended as a trustworthy lawyer by the Swiss representations, came under fire from the Indian public. This was triggered by the fact that the origin of the children he placed could not be clarified. The consulate in Bombay informed the Federal Office for Foreigners' Affairs about this and sent a photocopy of a court judgement on the matter to Switzerland. The Consul General himself considered the practice applied by Bak as "not conducive to the cause, as the origin of the child in question can only be clarified with difficulty, if at all, and could lead to abuse with scandalous consequences. Well, this practice is, I hope, a thing of the past and I hope that Mr A. F. Bak will also abide by these legal rules in the future." The Consul General considered it appropriate to take a closer look at the Bak* and Kälin* Social Activities Association in [...], which is registered in the Commercial Register of the Canton of Zurich, and to "if necessary, to verify, if not to doubt, the charitable aspect of the activities of this organisation."³³² In both cases, it is interesting to note that the federal authorities did not

³²⁹CH-BAR, E2200.64#1998/111#22*, Secretary Mal Block Janata Party to the Swiss Embassy in New Delhi, 29 October 1983.

³³⁰CH-BAR, E2200.64#1998/111#22*, Lukas Binder*, Swiss Ambassador in New Delhi, to Federal Office for Foreigners' Affairs, 16 November 1983.

³³¹CH-BAR, E2200.64#1998/111#22*, Norbert Länzlinger*, Deputy Director of the Federal Office for Foreigners' Affairs, to the Swiss Embassy in New Delhi, 28 November 1983.

³³²Both quotations from: CH-BAR, E2200.64#2002/12#36*, Swiss Consul General in Bombay to Federal Office for Foreigners' Affairs, 5 August 1983.

The cantonal authorities in charge of the case were taken as guarantors for the attestation of good practice - as in the Smith case - or delegated further clarifications to the cantons - as happened in the Kälin case. In the case of Bak, there are tendencies towards trivialisation. The Consul General expressed the hope that the practice used by Bak would be a thing of the past. The Swiss representations in India were aware of some illegal adoptions. They identified the problems primarily with the adoptive parents or placement centres. These actors and the cantonal authorities were seen as being responsible.

7.2 Further indications of irregular and problematic practices

In addition to cases of child trafficking and illegal adoptions, the authorities addressed other irregular and problematic aspects of adoption placements from India to Switzerland.

Clarification of the trustworthiness of the placement centres

The Swiss representations were repeatedly asked by both private individuals and the Swiss authorities whether a specific placement centre was reputable and trustworthy. For example, the Federal Office for Foreigners' Affairs asked the Swiss embassy for lists of adoption agencies recognised in India. Occasionally, the Swiss representations also asked the Federal Office for Immigration Affairs to check whether a Swiss placement agency was actually recognised locally by the relevant cantonal authorities.

As already mentioned, the Consulate General in Bombay asked the Federal Department of Foreign Affairs in 1982, for example, whether Doris Kälin* was known to the department and whether she could be "recommended with a clear conscience "³³³. The FDFA in turn asked the Federal Office of Police whether Kälin was known to the office. If so, they would be pleased to hear from the Swiss representations in India about her "reputation and reliability". The FDFA sent along a newspaper article with an interview with Doris Kälin.³³⁴ The files of the Swiss representations in India do not contain a reply from the Federal Office of Police. Six months later, the vice consul noted in a memo that "a reply has not yet been received."³³⁵ It would appear that no authority knew Kälin or was aware of the Swiss representation in India.

³³³CH-BAR, E2200.64#1994/251#23*, FDFA to Federal Office of Police, FDJP, 18 February 1982.

³³⁴CH-BAR, E2200.64#1994/251#23*, FDFA to Federal Office of Police, FDJP, 18 February 1982.

³³⁵CH-BAR, E2200.64#2002/12#36*, memo from the Swiss Vice-Consul in Bombay, 6 August 1982.

in India could give a recommendation. The authorities passed the responsibility back to each other. The example also indicates little knowledge of the supervisory procedures. The Youth Welfare Office of the Canton of Zurich was responsible for supervising Doris Kälin. This would have been the right address to obtain information.

Licensed mediation was essential, but it was sometimes difficult to monitor and verify. The local agencies were also often not exactly in the picture or had to rely on sources of information that were themselves not impartial. One example of this is clarifications regarding the organisation Adoption International. In 1983, the organisation had applied to the cantonal government of Berne for a permit to arrange adoptions from India, naming five local experts with whom it wanted to work. The Federal Office of Justice then enquired at the Swiss embassy in New Delhi whether the persons named were "reputable people or whether complaints had been made about their international mediation activities".³³⁶ The embassy in turn enquired with employees of Adoption International because they knew the persons named. It ignored the fact that they were in a relationship of loyalty to their colleagues and superiors and could not provide an independent reference. The same kind of concealment of entanglements also applied to the mediators and lawyers recommended to those interested in adoption. The Swiss representation repeatedly referred to lawyer Bak and characterised him as efficient and reputable. He had been recommended by the intermediary Doris Kälin.³³⁷ As shown, however, the Swiss representation had no reliable references about Doris Kälin either. The two had even founded an aid organisation together, for which there was an entry in the commercial register in the canton of Zurich.

Another example of the problematic nature of such checks is the case of nun Mar-gret Bucher*. In 1978, she applied for a licence to place Indian adoptive children in Switzerland. The application was rejected because essential requirements such as knowledge of international and Indian law were lacking. The competent supervisory authority, the Civil Status Service of the Canton of Appenzell Ausserrhoden, prohibited her from placing children with immediate effect.³³⁸ However, Margret Bucher continued to run the At Home children's home in Madras. It is not clear from the files whether she continued to mediate. However, the fact that there were people interested in adopting children at the home suggests that she continued to act as an intermediary. In September 1979, the Federal Office for Foreigners' Affairs received complaints from adoptive parents that this home was being poorly run.³³⁹ The Federal Office for Foreigners' Affairs asked the Swiss Consulate General in Bombay whether it would be possible for a trusted person in Madras to inspect the children's home.

³³⁶CH-BAR, E2200.110#1994/350#19*, Federal Office of Justice to the Swiss Embassy, New Delhi, 20 May 1983. Cf. also Chapter 8 on Colombia for Adoption International, based in the Canton of Bern.

³³⁷CH-BAR, E2200.110#1994/350#19*, Swiss Consul General in Bombay to a private individual, 9 September 1981.

³³⁸CH-BAR, E2200.110#1994/350#19*, Civil Status Service Canton Appenzell A.Rh. to Margret Bucher*, 26 January 1979.

³³⁹CH-BAR, E2200.110#1994/350#19*, letter from a private individual to the Federal Aliens Police, 18 September 1979. Some letters from this period were still addressed to the Federal Aliens Police, even though it had already been renamed the Federal Office for Foreigners' Affairs.

to be taken. In the consul's reply, the difficulties of such clarifications become clear: "I would have to contact Sister Aida Gubser* for this, but I hesitate to do so because, as you know, Mrs P. L.*, who works with Sister Margret Bucher, is a rich businesswoman with influence in Madras and Sister Aida Gubser, as a Swiss citizen without any diplomatic protection, could possibly get into trouble by intervening on our behalf. However, should I or one of my colleagues have the opportunity to visit Madras, we would be happy to try to make more detailed enquiries on the spot."³⁴⁰

The files consulted make it clear that these investigations were often circular conclusions based on unverifiable references. Sometimes the local representatives justified their reluctance to initiate investigations with the argument that this would jeopardise the local actors. Finally, there appear to have been influential people on the ground who were able to obstruct or stop any investigations. In any case, the findings confirm the findings of the Sri Lanka report that the authorities did little to investigate the problematic conditions.³⁴¹

Further irregularities and enforcement problems

Irregularities in the proceedings and enforcement problems are a recurring theme in the files. For example, the Swiss representations repeatedly criticised the fact that Indian courts issued exit permits before approval had been granted by the Federal Aliens Police or the Federal Office for Foreigners' Affairs. In some cases, this was granted retrospectively.³⁴² But Stefan Koch* from the Federal Aliens Police also sometimes admonished Swiss representations to ask those interested in adoption who contacted the embassy directly to "de s'as-surer préalablement si les conditions d'accueil sur le plan suisse sont remplies, et ensuite seulement d'entreprendre de longues démarches sur place qui aboutissent à un acte de tutelle.

³⁴³

Overall, the adoption process, in which competences were distributed among different authorities and the actors were often only familiar with their own area, led to errors. People involved were no longer able to follow every step of the process. In this way, responsibility for problematic or irregular practices was sometimes shifted. For example, members of the authorities repeatedly stated that they were unaware of

³⁴⁰CH-BAR, E2200.110#1994/350#19*, Swiss Consul General in Bombay to the Federal Aliens Police, 27 November 1979.

³⁴¹Bitter, Bangerter, Ramsauer 2020, p. 109.

³⁴²CH-BAR, E2200.64#1994/251#23*, memorandum M. Weber* on meeting with staff of the Indian Embassy in Bern, 16 March 1979.

³⁴³CH-BAR, E2200.64#1994/107#34*, Stefan Koch*, Federal Aliens Police, to the Swiss Embassy in New Delhi, 12 February 1975. In 1979, the Federal Office for Foreigners' Affairs asked the representatives of the Swiss representations in New Delhi and Bombay to intervene with the Indian authorities to prevent the Indian exit formalities - judicial permission to allow a child to leave the country for the purpose of later adoption, passport issue - from being completed before a foreign police entry permit had been obtained from the Swiss side. CH-BAR, E2200.64#1994/251#23*, Stefan Koch, Federal Aliens Police to EPD, Political Directorate Division II, 1.5.1979. From 1979, the Federal Aliens Police was known as the Federal Office for Foreigners' Affairs. The old letterhead was still used in some cases.

were not informed of the next steps. Knowledge about the decision-making process was made even more difficult by the fact that the legal basis and language barriers in India were sometimes unclear or difficult to understand, even for the Swiss representations.

This was particularly true in the early 1970s, when adoptions from India began. During this orientation phase, there were many uncertainties regarding responsibilities and the legal situation on the ground.³⁴⁴ This also made it difficult for parents wishing to adopt to follow the procedure correctly or to keep track of things at all. One example of this is a letter from the Federal Aliens Police in 1970 to a family who wanted to adopt an Indian child. In it, the immigration police mentioned the guidelines that had been drawn up by the FDJP for foster parents and then stated: "Unfortunately, we are not exactly informed about the steps to be taken in India to obtain the child's exit permit. In any case, there is no agreement between Switzerland and India. According to enquiries made by the Swiss Embassy in New Delhi some time ago, the following formalities are said to be necessary: [...]. We are currently not aware of any new law. Should such a law have come into force, the regulations described above may have been amended in whole or in part."³⁴⁵ This letter was forwarded as a copy to the Swiss Embassy in New Delhi "with the request to inform you whether you are aware of any new law on the adoption of Indian children by foreign parents."³⁴⁶

In the files of the Swiss representations there are various letters from Swiss couples who complained about the procedure and also expressed uncertainty about the correctness of the procedures: "We are very keen to have a child, but we want to take the legal route and our financial resources are limited."³⁴⁷ Another problem was children who entered Switzerland without a valid visa and parents who presented the authorities with a *fait accom-pli*.³⁴⁸

The Swiss authorities frequently addressed the issue of unauthorised parents who adopted a child themselves locally. Stefan Koch from the Federal Aliens Police pointed out in a lecture in 1978 that married couples were increasingly resorting to self-help, i.e. choosing their adoptive children directly abroad.

"Although the cases are examined by the competent guardianship or youth protection authorities when an application is made, the circumstances are often assessed using different standards. The

³⁴⁴Cf. E.g. CH-BAR, E2200.64#1994/107#34*, Swiss Embassy in New Delhi to the Federal Aliens Police, 4 September 1970.

³⁴⁵CH-BAR, E2200.64#1994/107#34*, Federal Aliens Police to prospective adoptee from Switzerland, 17 July 1970.

³⁴⁶CH-BAR, E2200.64#1994/107#34*, Federal Aliens Police to prospective adoptee from Switzerland, 17 July 1970.

³⁴⁷CH-BAR, E2200.110#1992/231#16*, Couple interested in adoption from Switzerland to Swiss Consulate General Bombay, 16 June 1978.

³⁴⁸Cf. e.g. CH-BAR, E2200.64#1994/107#34*, correspondence between the Federal Aliens Police and the Swiss Embassy in New Delhi, including 24 November 1977, and Terre des hommes Lausanne. Cf. in detail Chapter 13 on the Federal Office for Foreigners.

The survey reports were based on an in-depth, but mostly one-off interview. ³⁴⁹ This is also repeatedly discussed in the files of the Swiss representations in India.

For India, on the other hand, the recognition of adoptions in Switzerland was not a priority issue because India did not grant adoptions, but appointed the adoptive parents as guardians and a court issued a certificate of departure. Nevertheless, in 1990 the Federal Office of Justice, Section for Private International Law, reported to the Swiss embassy in New Delhi that there were repeated problems regarding the recognition of Indian adoptions in Switzerland.³⁵⁰

³⁴⁹CH-BAR, E2200.64#1994/251#23*, presentation "Die Praxis hinsichtlich der Erteilung von Aufenthaltsbewilligungen für ausländische Pflege- und Adoptivkinder in der Schweiz" by Stefan Koch, adjunct at the Federal Aliens Police, at the regional conference of aliens police chiefs and their deputies from the eastern Swiss cantons on 8/9 June 1978 in Savog-nin. Cf. in detail Chapter 13 on the Federal Office for Foreigners' Affairs.

³⁵⁰CH-BAR, E2200.110#2003/443#26*, Federal Office of Justice, Private International Law Section, to the Swiss Embassy in New Delhi, 23 April 1990.

8 Adoptions of children from Colombia

The first seven entry permits for children from Colombia were issued by the Swiss authorities in 1972. In the following years, the number rose steadily to 115 permits in 1979. In 1980, the number of entry permits almost doubled compared to the previous year, reaching a peak of 227. From 1982 to 1989, the number of entry permits issued each year fluctuated between 56 and 88. In 1990, another 99 were issued, in 1991 a total of 117 and in 1992 a total of 96 entry permits. In the following year, 1993, the numbers fell abruptly to 34, before levelling off again between 44 and 78 by the end of the 1990s.³⁵¹

The Swiss embassy in Bogotá was in regular contact with the Colombian central authority responsible for adoptions, the Instituto Colombiano de Bienestar Familiar (ICBF), throughout the period under investigation. In the 1970s, Frieda Müller* placed Colombian children in Switzerland on behalf of Terre des hommes Lausanne, until the Colombian government prohibited her from doing so in 1979.³⁵² Terre des hommes Lausanne was represented in Medellín in 1981. The children's aid organisation Adoption International and the Bureau Genevois d'Adoption (BGA) also placed Colombian children in Switzerland in the early 1980s. The Association for Adoption Aid also appears to have been active in Colombia in 1983.³⁵³ Alice Honegger's placement agency was also interested in Colombia in 1983: "There are quite a few children from Colombia coming to Switzerland and there is a lot of interest".³⁵⁴ In 1986, four Swiss placement agencies were certainly authorised to place children from Colombia, namely the BGA, Caritas Ticino in Lugano, the Swiss MPB Foundation in Bern and Terre des hommes Lausanne.³⁵⁵ According to the documents examined, Swiss placement centres and homes run by Swiss nationals were mainly present in Bogotá, Cali and Medellín.³⁵⁶

The fonds for the years 1993 to 1999 only contain documents on individual adoption cases, which were not analysed for this inventory. Some of the other embassy files from other decades also contain individual case files that we did not analyse. In addition

³⁵¹See Appendix 1 to 3: Appendix 1 to 3. On adoptions from Colombia, especially in the 1970s, see Macedo 2020, p. 332ff.

³⁵²Cf. chapter 8.2.

³⁵³CH-BAR, E2200.93#1996/20#27*, Julius D. Suter*, President of Adoption International, to Federal Councillor Pierre Aubert, 26.1.1984; Terre des hommes Lausanne to the Swiss Embassy in Bogotá, 27.2.1981. In the same fonds there are documents on the authorisation of the BGA, Geneva, from 1978 and the Association for Adoption Aid, Bern, from 1983. On the BGA, see also CH-BAR, E2200.93#1996/21#18*, BGA to Swiss representation in Bogotá, 22 April 1986. At this time, the BGA stated that it had been active in Colombia "depuis une quinzaine d'années", i.e. since the early 1970s. Adoption International, based in the canton of Bern, had also endeavoured to place Indian children in 1983, see Chapter 7 on India. There was also Adoption International, based in Kreuzlingen, Canton Thurgau, see Chapter 6.2 on Guatemala and Chapter 14.3.³⁵⁴CH-BAR, E2200.93#1996/20#27*, Haus Seewarte, Bollingen/SG, to Karl Boser*, Swiss Ambassador in Bogotá, 8 October 1983.

³⁵⁵CH-BAR, E2200.93#1996/21#18*, Kathrin Keller*, Federal Office of Justice, Civil Code Section to the Swiss representation in Bogotá, 12 November 1986.

³⁵⁶) In the 1980s, Colombia became the world's largest exporter of cocaine. Pablo Escobar operated from Medellín, while a rival cartel dominated in Cali. Alongside Bogotá, the two cities were often cited as the places of origin of Colombian children who came to Switzerland for adoption.

There are further separate funds on Colombia with documents on individual cases, which we have also not reviewed for this inventory.³⁵⁷

8.1 References to child trafficking and scandals

In 1981, the Colombian media reported on a large-scale criminal child trafficking network. The Swiss authorities were also involved in this scandal. They knew from the media what the Colombian lawyers, officials and judges involved were doing. Before and after this blatant case of child trafficking, forged documents were a recurring feature of law enforcement irregularities in Colombia.

Adoptions from Colombia problematised in 1978

In the spring of 1978, the notary Albert Muller* visited Colombia and Peru.³⁵⁸ He was a member of the Service social de justice of the canton of Vaud, the cantonal authority responsible for adoptions. The purpose of his trip was to contact institutions and individuals "involved in the placement of children for adoption abroad". To this end, he asked Federal Councillor Pierre Aubert for "official support". "Believing that such endeavours are hot potatoes in Colombia", Aubert's Department of Foreign Affairs told the Swiss embassy in Colombia and asked for an assessment of "whether there is a risk that Colombian authorities will take offence "³⁵⁹ at the planned trip. The Swiss ambassador later reported back to Bern that Albert Muller had spoken favourably about the contacts in Colombia. The "problèmes généraux touchant l'adoption d'enfants colombiens par des parents suisses" had been discussed.³⁶⁰

The Federal Aliens Police had informed the Swiss embassy about Muller's visit two weeks earlier and even spoke of "abuses". It had been pointed out to Muller "that the adoption issue in Colombia [was] sensitive. He is aware of this, as SSJ [Service social de justice, author's note] has been dealing with Latin America for some time. The aim of his trip

³⁵⁷Cf. the unseen holdings listed in the bibliography under unprinted sources on Colombia.

³⁵⁸Cf. in detail chapter 11 of this report on adoptions from Peru.

³⁵⁹CH-BAR, E2200.93#1996/19#42*, All quotations from: Fax Schmied*, Department of Foreign Affairs, to Swiss Embassy in Bogotá, 6 April 1978. Albert Muller sent Pierre Aubert a report in letter form after completing his trip. Albert Muller to Monsieur le Conseiller fédéral Pierre Aubert, 23 May 1978.

³⁶⁰CH-BAR, E2200.93#1996/19#42*, Swiss Ambassador F. Strittmatter* to Direction politique du Département politique fédéral, Division III, 26 April 1978.

is general contact with competent organisations in order to eliminate mistrust that exists due to abuses by certain bodies abroad. [...]. Frepol would welcome it if Swiss representations were informed about the activities of Swiss organisations.³⁶¹ A week earlier, the Swiss embassy had written to Bern that it would be no problem to introduce Muller to the local institutions, but that "[s]'il s'agit toutefois de projets concrets d'adoption, avons à faire à 'Heisses Eisen'. Rappelle ici que chaque cas se traite individuellement et nécessite présence sur place des éventuels parents adoptifs. [...]. Free speech on all aspects of the problem of adoption in Colombia.³⁶² On the occasion of this trip to South America, the Swiss authorities spoke of a hot potato and problems with adoptions from Colombia. At that time, the focus was on feeling things out with the Colombian authorities, whom they did not want to upset.

Child trafficking in Bogotá in 1981

Three years later, the situation had changed. In autumn 1981, the Federal Office for Foreigners' Affairs sent the Swiss ambassador in Bogotá a report from the Federal Office of Justice, Section for Private International Law, according to which "an international trade in Colombian children has [allegedly] been uncovered in Bogotá. Should the ongoing investigations reveal that such children have also been sold to our country - last year alone we issued assurances for over 22 Colombian children - we would ask you to inform us accordingly."³⁶³

In its report, the Federal Office of Justice referred to the daily press in Bogotá, which had revealed that in the last four years around 500 Colombian children had been sold to families from the USA, France, Sweden and Spain for a total of 540,000 dollars. The mastermind of this operation was lawyer Fabio Martinez*, who had held a high position in the ICBF as recently as 1976. His two secretaries, a notary, several juvenile court judges, the directors of five children's homes and employees of two maternity clinics in Bogotá were involved in his child trafficking. The Federal Office of Justice described in detail the procedure that characterises child trafficking. Step by step, the origin of the adopted children was concealed. For the sake of clarity, the report of the Federal Office of Justice is quoted here in detail:

"In two clinics in the south of the capital, mothers, who mainly came from humble backgrounds, were made to believe that their children were stillborn. If necessary, the mothers were shown the corpse of a newborn. In general, a 'reserve' of 15 children on average could be kept ready for sale in this way. If this source was not sufficient to meet the demand, unsuspecting, financially disadvantaged mothers in the neighbouring villages would be sold.

³⁶¹CH-BAR, E2200.93#1996/19#42*, fax from Frepol to the Swiss embassy in Bogotá, 13 April 1978.

³⁶²CH-BAR, E2200.93#1996/19#42*, fax Strittmatter for Schmied*, 6 April 1978.

³⁶³CH-BAR, E2200.93#1996/20#27*, Hohler*, Federal Office for Foreigners' Affairs, to Swiss ambassador in Bogotá, 14 September 1981.

to sell their children. But Martinez and his accomplices did not shy away from actual child abductions either. First of all, the children obtained in this way were registered in the public registers by some woman with a fictitious name and a fictitious identity card, but with the number of an existing female identity card. The official forms required for this were always supplied by the notary's office [...], filled out in the office of RA [lawyer] Martinez and notarised in the same notary's office, archived and finally handed over to the National Department of Statistics (DANE). Martinez had agents in the USA, Sweden, France and Spain who recruited the future adoptive parents by means of newspaper adverts. Once the buyer had been found, the same woman, who was now entered in the birth register as the biological mother of the stolen child, signed the "declaration". Again, the notary's office notarised the document. However, this was not sufficient for the child to leave the country, as the adoption had to be finalised by a court decision in Colombia. Even this was no obstacle for Martinez due to the complicity of three of the five juvenile courts in Bogotá: "With his methods, an adoption could be finalised in less than five days. RA Martinez collected 7,500-15,000 dollars per adopted child. The foreign adoptive parents then left the country together with the Colombian adoptive child, apparently in good faith that they had adopted it legally. "³⁶⁴

The report by the Federal Office of Justice was triggered by the news item "Babies sold from Colombia", published in the Neue Zürcher Zeitung on 23 July 1981, which referred to the USA, Sweden, France and Spain. The Private International Law Section of the Federal Office of Justice commented: "The Swiss authorities have also had to deal with Colombian adoptions and 'adoptions' in recent years and continue to do so on a regular basis".³⁶⁵ The Federal Office of Justice therefore contacted the Swiss embassy in Bogotá four days later, on 27 July 1981, with a request to provide documents on the scandal "concerning the 'procurement' of children from Colombia". The Office was aware that the problem of child trafficking could also affect Switzerland and therefore acted immediately. The Swiss embassy responded several times under the heading "Sale/adoption of Colombian children" by sending newspaper articles to Bern, which in turn formed the basis for the Federal Office of Justice report quoted above: "We have no other information, but as you will see, the documented information is revealing enough and, even by Colombian standards, truly astonishing."³⁶⁶ What is remarkable about this case history is the fact that a short notice in the Neue Zürcher Zeitung led to a rapid reaction by the authorities.

³⁶⁴All citations from: CH-BAR, E2200.93#1996/20#27*, Federal Office of Justice, Section for Private International Law, three-part typewritten report "International Trafficking in Colombian Children", 7 September 1981. The report concluded by pointing out once again that the account was based on press reports, some of which were contradictory in their descriptions. In particular, the question of whether Colombian authorities had acted in a criminal manner was still under investigation at the time of the report. See Loibl 2020 on this process, in which an illegally adopted child was gradually turned into a legally adopted child.

³⁶⁵CH-BAR, E2200.93#1996/20#27*, Hans Steiner*, Federal Office of Justice, Section for Private International Law, to the Swiss Embassy in Bogotá, 27 July 1981.

³⁶⁶CH-BAR, E2200.93#1996/20#27*, Swiss Embassy in Bogotá to Federal Office of Justice, Private International Law Section, 13 August 1981. See also: Letter of 24 August 1981 with further newspaper articles.

The dossiers of the Swiss representation do not document any investigations into the question of whether Swiss couples had also adopted Colombian children through Martinez. This was actually what the Federal Office for Immigration Affairs originally wanted to know.³⁶⁷ However, in mid-September 1981, the Swiss ambassador informed the Federal Office for Immigration Affairs that stricter controls had been introduced at the embassy. Only applications submitted in writing via the ICBF would be accepted. Previously, the embassy had already responded positively to enquiries from couples wishing to adopt or their lawyers. Now, the visa and letter from the embassy had to be submitted so that the ICBF could apply for the child's passport.³⁶⁸ It would be necessary to investigate who the local intermediaries were for adoptions involving Switzerland during the period in question. The individual case files available in the records of the Swiss representation could be analysed for this purpose. This case of child trafficking is also documented in a case file of the Federal Office for Immigration Affairs with the report of the Federal Office of Justice.³⁶⁹ The ICBF had apparently sent out a circular letter at the end of December 1981 with the instruction that all adoption enquiries from abroad had to go exclusively through the Grupo nacional de coordinación de programa de adopciones from then on. In addition, the ICBF would only consider applications received via an agency authorised by the Swiss government.³⁷⁰

Problems with forged documents exist before and after 1981

Whether the practice in Colombia actually improved in the months and years that followed is questionable. In 1982, the Swiss representation wrote to the FDJP that parents were only allowed to contact recognised authorities in Colombia. This did not happen in all cases, and the FDJP should therefore pass the information on to the relevant offices in the cantons.³⁷¹ The documents of the Federal Office for Foreigners' Affairs also contain another memo a year later, which referred to an enquiry from the Association for Adoption Assistance. The Association asked the Federal Office for Foreigners' Affairs to check whether it was possible to issue blank licences or assurances with fictitious names for children from Colombia. According to the memo from the Federal Office for Immigration Affairs, it had become apparent in recent years that foster parents often attempted to circumvent entry formalities and foreign exit regulations. In order to avoid this - "child trafficking must be prevented at all costs" - entry could only be authorised if the child had already been born and its identity had been established. "It is not possible to revert to our previous procedure, where authorisations were issued with fictitious personal details."³⁷²

³⁶⁷) Additional individual case files would have to be consulted on this question, as well as files from the competent cantons of residence of the adoptive parents.

³⁶⁸CH-BAR, E2200.93#1996/20#27*, Swiss Ambassador to the Federal Office for Foreigners' Affairs, 15 September 1981.

³⁶⁹CH-BAR, E4300C-01#1998/299#1240*, Foster care and adoption - Colombia 1974-1985.

³⁷⁰CH-BAR, E4300C-01#1998/299#1240*, Circular of the ICBF, 15 December 1981.

³⁷¹CH-BAR, E4300C-01#1998/299#1240*, correspondence to FDJP from 1982.

³⁷²Quotes from: CH-BAR, E4300C-01#1998/299#1240*, file note Hohler*, Federal Office for Foreigners' Affairs, 17 Oct. 1983. Cf. also chapter 13.3 on this file note concerning the Federal Office for Foreigners' Affairs.

The fact that fictitious child data was being used in Colombia was already known to the Federal Office for Foreigners' Affairs and the Federal Aliens Police in 1974, when the Swiss representation in Bogotá sent information to this effect: "For your information, I would like to inform you that the children placed for adoption by FANA [Fundación para la Adopción de la Niñez Abandonada, author's note] are mostly foundlings who do not have an original birth certificate. However, FANA (Terre des Hommes) requires a birth certificate from the Colombian authorities for adoption, which, although legally valid, is provided with fictitious data. For this reason, for a while we received many certificates with the name Lleras, then Pastrana (the respective names of the Colombian presidents)." ³⁷³

8.2 Further evidence of irregular and problematic practices

Couples wishing to adopt presented the Swiss authorities with a fait accompli if they travelled to Colombia with a Colombian child for whom they did not have the necessary papers or if the documents contained inconsistencies. The Swiss agency did not generally advise against adoptions from Colombia. There were problems at various times with the Swiss placement centres that were active in Colombia.

Orientation phase and cooperation on the ground in the 1970s

As in other countries, the Swiss representation focused on orientation at the beginning of its adoption activities in Colombia. In 1973, the ICBF sent the Swiss embassy the relevant legal bases and the addresses of local placement centres and children's homes. In 1976, the ICBF sent updated documents and, conversely, requested more information on the legal basis for adoption in Switzerland. In 1982, there was another exchange of information on new legal provisions.³⁷⁴

Shortly after the placement of children from Colombia in Switzerland began, Terre des hommes Lausanne contacted the embassy with the request that the original documents should not be handed over to the future Swiss embassy.

³⁷³CH-BAR, E4300C-01#1998/299#1240*, Swiss representation in Bogotá to the Federal Aliens Police, 10 July 1974.

³⁷⁴CH-BAR, E2200.93#1996/18#57*, ICBF to Embassy Secretary in Bogotá, 22 May 1973. CH-BAR, E2200.93#1996/20#27* contains a detailed, approximately thirty-page document from the ICBF on Colombian adoption regulations from 1976 as well as a further dossier on the information that the ICBF obtained from the Embassy on Switzerland's legal basis. See also: ICBF to the Swiss embassy in Bogotá, 5 March 1982, and list of placement agencies in Colombia from ICBF to the Swiss embassy in Bogotá, October 1982. On the legal basis for adoption in Colombia, see also Delord 2017, pp. 120-121.

adoptive parents, but rather directly to Terre des hommes as a recognised placement agency.³⁷⁵ The Federal Office for Civil Status also asked the embassy to provide precise information about the place of residence of the future adoptive parents, as it had happened that the cantonal authorities had refused to register them in the family register at home.³⁷⁶

Also at the very beginning, there was a problem with prospective adoptive parents who left the Federal Aliens Police with no other "solution que d'accepter le fait accompli" if they arrived in Switzerland with a child without an immigration licence. Stefan Koch* asked the embassy in Bogotá to inform Swiss couples that they would have to obtain an entry permit.³⁷⁷ For its part, the Swiss embassy informed the local representative of Terre des hommes, the ICBF, the Fundación para la Adopción de la Niñez Abandonada (FANA) and the Fundación Casa de la Madre y el Niño about this situation.³⁷⁸

Information for those interested in adoption and cooperation with Colombian authorities

From then on, the Swiss representation in Colombia advised couples wishing to adopt to contact the Federal Office for Foreigners' Affairs for a residence permit, to enquire at the ICBF about local conditions and to contact Frieda Müller* from Terre des hommes Lausanne.³⁷⁹ She also recommended the Casa de la Madre y el Niño from time to time. From time to time, she also recommended the Casa de la Madre y el Niño.³⁸⁰ Various enquiries from couples interested in adoption are documented in the case files of the Swiss representation in Bogotá for the entire period under investigation.

In the 1990s, the Swiss embassy continued to recommend that couples should always contact the ICBF directly. It explained to interested couples that it was not the embassy that issued certifications, but the ICBF. In the 1990s, one couple wanted to check with the embassy that the procedure was legal: "We want [...] to be sure that the whole procedure is correct (no child trafficking). "³⁸¹ The Swiss embassy referred any concerns to the ICBF, which was experienced in adoption matters. It "works seriously and correctly. I am

³⁷⁵CH-BAR, E2200.93#1996/18#57*, Terre des hommes Lausanne to the Swiss Embassy in Bogotá, 1 February 1974 and 28 February 1974.

³⁷⁶CH-BAR, E2200.93#1996/18#57*, Federal Office for Civil Status to the Swiss Embassy in Bogotá, 20 February 1974 and 8 February 1974; Swiss Embassy in Bogotá to the Federal Office for Civil Status, 24 April 1974.

³⁷⁷CH-BAR, E2200.93#1996/18#57*, Stefan Koch, Federal Aliens Police to the Cantonal Aliens Police, 24 October 1974, with copy of the letter to the Swiss Embassy in Bogotá.

³⁷⁸CH-BAR, E2200.93#1996/18#57*, Swiss Trade Representative to representative of Terre des hommes Lausanne on site, FANA, Casa de la Madre y el Niño and ICBF, 31 October 1974; reply from ICBF dated 14 November 1974 and FANA dated 19 November 1974.

³⁷⁹CH-BAR, E2200.93#1996/18#57*, Swiss Embassy in Bogotá to a couple from Switzerland interested in adoption, 4 July 1975.

³⁸⁰CH-BAR, E2200.93#1996/19#42*, Swiss Embassy in Bogotá to couple from Switzerland interested in adoption, 8 July 1977.

³⁸¹Various documents in the CH-BAR fonds, E2200.93#2004/171#28*, e.g. dated 13 March 1996, 27 March 1996, 2 September 1991.

convinced that you, like many other adoptive parents before you, will have a joyful experience with Colombian child adoption. ³⁸²

The Swiss embassy was in contact with the ICBF and the Directorate of Private International Law to exchange information about the adoption conditions and legal basis in Colombia.³⁸³ This was also the case in the years before the 1981 scandal, when the ICBF informed the Swiss embassy about changes to the law on the protection of minors and about recognised local placement agencies.³⁸⁴ The reason for this correspondence was a request from the Swiss Justice Department to the Swiss embassy in Bogotá in 1978, which, in view of the fact that many Swiss wanted to adopt children from Medellín, asked for as much information on Colombia as possible.³⁸⁵

Members of the Swiss embassy were sometimes contacted by acquaintances or employees of Swiss authorities. In 1981, shortly before organised child trafficking was uncovered in Colombia, a high-ranking FDFA employee contacted the Swiss ambassador in Bogotá directly with a request to help one of his employees adopt a Colombian child. The ambassador forwarded the request to the embassy in Quito.³⁸⁶ In 1990, another FDFA employee asked the Swiss ambassador in Bogotá to be available for his sister, who wanted to adopt a Colombian child with her husband.³⁸⁷

Bureau Genevois d'Adoption

In the spring of 1976, the Bureau Genevois d'Adoption (BGA) in Geneva informed Stefan Koch of the Federal Aliens Police that a Swiss man named Annen* had placed children from Cali in Switzerland as a private individual, out of "pitié qu'il éprouvait en voyant toute la misère enfantine des orphelinats", but was charging up to 800 francs in expenses. Although Annen had travelled back to Switzerland and the FOPH was no longer working with him, the FOPH wanted to send the information to the Federal Aliens Police for documentation purposes.

³⁸²CH-BAR, E2200.93#2004/171#28*, Swiss chargé d'affaires a. l., i. A., to prospective adopters from Switzerland, 18 March 1991.

³⁸³CH-BAR, E2200.93#1996/18#57*, Swiss Embassy in Bogotá to DFP, Directorate of Private International Law, 22 September 1976.

³⁸⁴CH-BAR, E2200.93#1996/19#42*, ICBF to the Swiss Embassy in Bogotá, 4 July 1978, 19 February 1979 and 29 October 1979, including an invitation to a first international symposium on adoptions from South America, which took place from 10 to 14 December 1979. ³⁸⁵CH-BAR, E2200.93#1996/19#42*, Federal Justice Department to Swiss Embassy in Bogotá, 15 August 1978; Swiss Embassy in Bogotá to Federal Office of Justice, Section for Private International Law, 28 February 1979.

³⁸⁶CH-BAR, E2200.93#1996/20#27*, Senior FDFA staff member to Swiss Ambassador in Bogotá, 9 January 1981; reply from the Swiss Ambassador in Bogotá to senior FDFA staff member, 27 January 1981.

³⁸⁷CH-BAR, E2200.93#2004/171#28*, FDFA staff member to Swiss ambassador in Bogotá, 20 August 1990.

sen. Stefan Koch, in turn, noticing an increased demand for children from Colombia, contacted the Geneva Residents' Registration Office to enquire about Annen and to ensure that he had ceased his placements.³⁸⁸

In the mid-1980s, the ICBF demanded precise information about which agencies in Switzerland were authorised to place children from Colombia in Switzerland and how many children were involved. At that time, the ICBF no longer accepted the translated social reports from the BGA because the staff had no qualifications in social work. The BGA complained about this to the Swiss representation in Bogotá and asked for support, as there were no problems of this kind in any of the other ten countries of origin in which the BGA was active.³⁸⁹ For its part, the ICBF informed the Swiss representation in Bogotá which local agencies were authorised to place adoptions.³⁹⁰

Terre des hommes Lausanne

In the summer of 1976, the Colombian authorities withdrew the licence of Frieda Müller* from Terre des hommes Lausanne for her mediation work in Bogotá. The Swiss embassy did not know the reasons for this, but suspected that a more restrictive policy had been introduced in connection with the legal changes of 1975. According to embassy information, the founder of Terre des hommes, Edmond Kaiser, had the office in Bogotá closed immediately.³⁹¹ In 1981, Terre des hommes Lausanne again mediated children from Medellín to Switzerland.³⁹² Back in Switzerland, Frieda Müller tried to arrange her succession with two Swiss women in 1976 after "bad weeks" in which people believed in "atrocities of child trafficking" and even a lawyer had not wanted to take on her mandate.³⁹³ The fact that there were inconsistencies in Frieda Müller's placements is shown by an enquiry from a couple to the Swiss embassy who wanted to initiate the adoption procedure in Switzerland after two years of foster parenthood. Despite repeated requests, Frieda Müller had not obtained the missing birth certificate for the child. It was only after the Swiss embassy intervened with the relevant Colombian civil registry that the couple received the necessary copy of the birth registration.³⁹⁴

³⁸⁸CH-BAR, E2200.93#1996/18#57*, BGA to Monsieur Koch*, Federal Aliens Police, 6 March 1976; Stefan Koch, Federal Aliens Police, to Geneva Residents' Registration Office, 11 March 1976.

³⁸⁹CH-BAR, E2200.93#1996/21#18*, BGA to Swiss representation in Bogotá, 22 April 1986.

³⁹⁰For example, a year earlier. CH-BAR, E2200.93#1996/21#18*, ICBF to the Swiss representation in Bogotá, 7 May 1985.

³⁹¹CH-BAR, E2200.93#1996/18#57*, Swiss Embassy in Bogotá to Direction des Organisations internationales du DPF, 10.6.1976.

³⁹²CH-BAR, E2200.93#1996/20#27*, Terre des hommes Lausanne to the Swiss Embassy in Bogotá, 27 February 1981.

³⁹³CH-BAR, E2200.93#1996/18#57*, Frieda Müller, Fondacion Hogar su ti, to Agata Meier*, responsible for adoptions at Terre des hommes Lausanne, 23 June 1976. This letter is in the files of the Swiss embassy in Bogotá, including a travelogue of a German pastor's wife who had adopted a child in Colombia.

³⁹⁴CH-BAR, E2200.93#1996/19#42*, foster parents from Switzerland to the Swiss embassy in Bogotá, 9 February 1977; Swiss embassy in Bogotá to the civil status register [...], 15 February 1977.

In 1979 there was further correspondence about Frieda Müller, because the civil status service of Appenzell Ausserrhoden had asked Stefan Koch about Müller and whether she placed children from Colombia. According to the Swiss ambassador in Bogotá, the mediator had not been active for almost two years.³⁹⁵ The enquiry from Appenzell Ausserrhoden was prompted by a request from Margret Bucher³⁹⁶ for the placement of children from abroad. Margret Bucher had placed children and organised adoptive parents' meetings without authorisation and had been advertised in the local press, which the civil status service of Appenzell Ausserrhoden initially prohibited her from doing. According to the letter from the civil status service, Margret Bucher was only allowed to resume her mediation activities once she had been granted a licence. She was also informed that "the future adoptive parents are not authorised to give the foreign children any date of birth, as offered in your advertising material". The Civil Status Service also wanted to know who the recognised intermediaries in Colombia were with whom Margret Bucher wanted to work, and Frieda Müller was mentioned in this context.³⁹⁷

Before this information circulated in the correspondence, the Swiss embassy had given Frieda Müller as the local contact for couples interested in adopting. Apparently, the couples who had travelled to Colombia had requested accommodation from Frieda Müller, and in one case the Swiss embassy had offered to "provide useful information about your enquiries of a tourist nature". As the adoption was finalised in Colombia, the couple had "decided to make the sacrifice of travelling to Colombia", but at least wanted to travel around the country.³⁹⁸ Frieda Müller, who did not have a good reputation as a local mediator, offered additional services for prospective adoptive parents during her time in Colombia until 1976. From 1979, Margret Bucher, a Swiss mediator whose methods had also been criticised by the competent cantonal supervisory authority and whose practice in the placement of Indian adoptive children was also questionable, came onto the scene.

Adoption International

Adoption International, based in the Canton of Berne, had problems with its placement licence. In January 1983, the Department of Justice of the Canton of Berne withdrew the additional licence for Thailand, India and Colombia and six months later only granted it provisionally for Thailand and Colombia.

⁽³⁹⁵⁾ CH-BAR, E2200.93#1996/19#42*, Swiss Ambassador in Bogotá to the Federal Aliens Police [at this time already the Federal Office for Foreigners' Affairs, author's note], 16 February 1979; Stefan Koch, Federal Aliens Police, to the Swiss Embassy in Bogotá, 31 January 1979; Civil Status Service, Municipal Directorate, Appenzell Ausserrhoden, to the Federal Aliens Police, 25 January 1979.

³⁹⁶ See also Chapter 7 on India for Margret Bucher's* mediation activities.

⁽³⁹⁷⁾ CH-BAR, E2200.93#1996/19#42*, Gemeindedirektion, Zivilstandsdienst Appenzell Ausserrhoden, registered letter concerning request for placement of children from abroad for later adoption, to Margret Bucher*, 26 January 1979.

³⁹⁸ CH-BAR, E2200.93#1996/18#57*, Swiss ambassador in Bogotá, i. A., to prospective adopters from Switzerland, 22 November 1976, in response to the request of 13 November 1976. Cf. on helping with travel Bitter, Bangerter, Ramsauer 2020, p. 104.

India again. The Department of Justice insisted that the Department of Foreign Affairs have the employees of Adoption International checked on site. The president of the placement agency, Julius D. Suter*, contacted the head of the department, Pierre Aubert, because he wanted to encourage a quick review: "The provisional authorisation is damaging our reputation among members and potential patrons as well as the public. Members are leaving and donors are withdrawing from us."³⁹⁹ The FDFA asked the Swiss embassy in Bogotá to make enquiries. During a telephone conversation with the director of ICBF in Bogotá, it emerged that ICBF did not agree with the working methods of Adoption International in Cali. What this method consisted of is not clear from the reply from the Swiss embassy to the Department of Foreign Affairs.⁴⁰⁰

In August 1985, Adoption International once again submitted an application for the placement of children from Colombia to the Cantonal Youth Welfare Office in Bern. In contrast to 1983, they now had good contacts with the ICBF, and the Swiss consul in Cali at the time, Karl Boser*, was also listed as a reference. Once again, it does not seem to have worked out, at least not straight away.⁴⁰¹ In 1988, there was an exchange of letters between Julius D. Suter and Karl Boser, by then Swiss ambassador in Bogotá. Karl Boser was trying to raise funds for the Hogar Bambi children's home in Cali, which was run by Suter. He asked his own wife, honorary president of the Hogar Bambi, to help with the "Swiss ladies" on the ground for donations and wrote to the Migros Cultural Foundation. He informed a former National Councillor about how Hogar Bambi was using his donation and assured him that he and his wife were supporting the project.⁴⁰² In the early 1990s, the Swiss embassy also recommended the Hogar Bambi children's home in Cali as an organisation to which those interested in adopting could turn.⁴⁰³

³⁹⁹CH-BAR, E2200.93#1996/20#27*, Julius D. Suter*, President of Adoption International, to Federal Councillor Pierre Aubert, 26.1.1984. On the activities of Adoption International from Bern in India, see Chapter 7. We were unable to investigate the connection to the Adoption International placement centre based in Kreuzlingen during the inventory. Cf. chapter 14.3 on Adoption International Kreuzlingen.

⁴⁰⁰CH-BAR, E2200.93#1996/20#27*, Swiss Embassy in Bogotá to Political Division, Department of Foreign Affairs, 17 February 1984. Cf. also the fonds CH-BAR, E2200.93#1996/21#18*, Dossier Adoption International and Julius D. Suter*, in which, for example, Swiss Ambassador Boser* to the Federal Office for Foreigners' Affairs, 9 April 1986.

⁴⁰¹CH-BAR, E2200.93#1996/21#18*, Adoption International to Kantonales Jugendamt Bern, 27.8.1985. On a list by Kel-ler* from 1986 in the same fonds, Adoption International is not listed as authorised for Colombia. Kathrin Keller, Federal Office of Justice, Civil Code Section, to the Swiss representation in Bogotá, 12.11.1986. It is not clear from the dossier whether and from when Adoption International was authorised to place children from Colombia. The question would have to be investigated further on the basis of the archives of the competent cantonal central authority, the Youth Welfare Office of the Canton of Bern.

⁴⁰²CH-BAR, E2200.93#1996/21#18*, Karl Boser, Swiss Ambassador, to Julius D. Suter, 8.6.1988; Karl Boser to former National Councillor, 25.4.1988; Karl Boser to Migros Kulturförderung, 10.3.1988.

⁴⁰³CH-BAR, E2200.93#2004/171#28*, Swiss chargé d'affaires a. i., i. A., to prospective adopters from Switzerland, 18 March 1991.

9 Adoptions of children from Korea

For a long time, the Republic of Korea⁴⁰⁴ was the most important country of origin for foreign adoptions in Switzerland. Most entry permits for children from Korea with a view to later adoption in Switzerland were granted in the 1970s. In 1970 there were 105 entry permits, in 1974 208 and in 1975 277 entry permits. From 1977 onwards, the numbers fell rapidly: 38 children were granted entry permits in 1977, four in 1978 and only one in 1980. From 1981 to 1990, a total of only five entry permits were issued for children from Korea to enter Switzerland.⁴⁰⁵

While Korea was the main country of origin of adopted children for Western countries for a long time, the East Asian country largely stopped international adoptions from the mid-1970s. From 1978, the adoption of Korean children by various countries, including Switzerland, Great Britain and Italy, was virtually impossible. Exceptions were made for foreign couples living in Korea. However, children were still given up for adoption to other countries, including the USA and Belgium. According to the Swiss embassy in Seoul, the Korean government justified this by stating that many Korean children were already living there, but that no new "channels" should be opened to other countries. Switzerland was one of the last countries to sign a contract with a Korean placement agency.⁴⁰⁶ Another reason given by the embassy was that there was no longer any Swiss organisation working with an agency recognised by the Korean government.⁴⁰⁷

The key turning point with regard to the international adoptions that continued to be carried out was the 1988 Olympic Games in Korea. Due to heavy media criticism of its adoption policy, the Korean government massively restricted international adoptions⁴⁰⁸ In 1988, a meeting was held between the Swiss vice consul and representatives of the Korean government to discuss the adoption ban.⁴⁰⁹

Nevertheless, in the second half of the 1980s, Alice Honegger still endeavoured to obtain a permit for the placement of adoptive children from Korea. She asked the Swiss embassy for a copy of the Adoption Act and the Adoption Regulations, Guidelines on the Adoption of Korean Children and the Adoption of Korean Children.

⁴⁰⁴ In the following, we use the term Korea for the Republic of Korea, colloquially South Korea, as used in the research mandate of the Federal Office of Justice.

⁴⁰⁵ See: Appendix 1 to 3.

⁴⁰⁶ Quote from: CH-BAR, E2200.24#1999/5#23*, note M. Neubauer*, Swiss Embassy in Seoul, 12 January 1984.

⁴⁰⁷ CH-BAR, E2200.24#1999/5#23*, Swiss Embassy in Seoul to a couple from Switzerland interested in adoption, 17 August 1989.

⁴⁰⁸ Ceschi 1996, p. 35; see also Kim 2016, p. 82; see CH-BAR, E2200.24#1996/94#22*, memo from the Swiss ambassador, 11 April 1988, on the "adoption ban". Cf. also CH-BAR, E2200.24#1999/5#23*, South Korea Slows Export of Babies for Adoption, in: The New York Times National, 12 February 1990, where further reasons for declining foreign adoptions were given: Declining birth rate, economic recovery, increased acceptance of abortions and increasing adoptions by Koreans themselves. See also the following critical article on Korean adoptions: Baby Exports a Billion Won Business, in The Korea Post, November 1985, which talks about a profitable "business".

⁴⁰⁹ CH-BAR, E2200.24#1996/94#22*, memorandum by Swiss Vice-Consul K. Gerber*, 11 April 1988, on meetings at the Ministry of Health and Social Affairs.

She was given the addresses of the relevant welfare office, recognised private placement agencies, orphanages and hospitals. She received the requested information from the Swiss ambassador with the note that soon no more Korean children could be adopted.⁴¹⁰

9.1 Evidence of child trafficking and scandals

The holdings of the Swiss embassy in Seoul, the only Swiss representation in Korea, consulted for this report are small. It contains newspaper articles on the subject of adoption,⁴¹¹ entry permits for individual children and correspondence between embassy staff and Swiss authorities and parents interested in adoption. The latter were mainly informed by embassy staff that the adoption of Korean children by Swiss couples was no longer possible.⁴¹² Overall, there is little information on child trafficking and problematic or illegal adoption practices in the dossiers of the Swiss embassy in Seoul.

Indications of lucrative business with adopted children

There are isolated indications that at the end of the 1970s, when the adoption of Korean children was hardly possible for Swiss nationals, couples gave a fictitious residential address in a country where the adoption of Korean children was still possible. A letter from Stefan Koch* of the Federal Aliens Police to the Swiss embassy in Seoul from 1979 refers to this: "Koch wanted to know if the competent Korean authorities would allow placement d'enfants coréens en Suisse par pays interposés. On the other hand, is the visa issued by your services before departure or not? Or is it issued by the French or Italian embassy in Séoul and under what cover? [...] Everything therefore depends on whether or not the parents of the children are making the declaration of a fictitious address abroad. Vous voudrez bien vous en assurer."⁴¹³ Koch warned: "En tant qu'autorité, il nous

⁴¹⁰CH-BAR, E2200.24#1996/94#22*, Alice Honegger, Adoptio Foundation, to the Swiss Embassy in Seoul, 27 August 1985; Richard Durand*, Swiss Ambassador in Seoul to Alice Honegger, 17 October 1985.

⁴¹¹Including some that take a critical look at the topic of intercountry adoptions. Cf. Eva Wyss, *Adoptionswilige greifen zur Selbsthilfe. Erfahrungen und Gefahren mit Kindern aus der dritten Welt*, in: *Tages-Anzeiger*, 9 January 1979, or Susan Boos, *Herzig sind sie, die Kleinen, doch sie werden groß*. Around 600 Third World children, many of them from Sri Lanka, are brought to Switzerland every year - often carelessly, in: *Die Weltwoche*, 2 April 1987, in which an example of an illegal adoption from Colombia is mentioned. It also mentions that the Pestalozzi Children's Village in Trogen set up a home for foreign children from failed adoptions in 1986. The dubious placement activities of Alice Honegger and the problem of the verifiability of reputable placement centres are also discussed.

⁴¹²CH-BAR, E2200.24#1996/94#22*. This dossier contains many letters from the embassy to parents interested in adoption.

⁴¹³CH-BAR, E2200.24#1996/92#15*, Stefan Koch, Federal Aliens Police, to the Swiss Embassy in Seoul, 12 January 1979.

appartient cependant d'être prudent lors de l'octroi d'autorisations d'entrée qui pourraient être délivrés dans des conditions n'étant pas correctes. ⁴¹⁴

Stefan Koch argued that there was resistance to international adoptions in Switzerland and that they did not want to act without the consent of the Korean authorities. He enclosed an article from the *Tages-Anzeiger* newspaper with the letter, which criticised, among other things, the fact that the placement of adoptive children had become a lucrative business in individual countries. In the article, an adoptive mother denounced the fact that officials in Korea were getting rich from the placement of children. Koch himself also commented on the business of adopting children.⁴¹⁵ The Swiss chargé d'affaires ad interim, however, rejected the indirect criticism. Adoptions took place in Korea "without the active involvement of this embassy". He therefore saw "hardly any possibility of finding out whether the Swiss adoptive parents are providing false information." The Swiss chargé d'affaires ad interim passed the responsibility on to Koch: as the prospective adoptive parents lived in Switzerland, "your services could carry out such a check more easily." ⁴¹⁶ In addition, foreign adoptions were increasingly being stopped, which is why the problem raised would resolve itself over time. "In any case, I will make sure that the instructions I receive on your entry authorisations are strictly observed, as has always been the case in the past." ⁴¹⁷

Federal Office for Foreigners' Affairs problematises adoptions from Korea

More detailed information on problematic aspects of adoptions from Korea can be found in the fonds of the Federal Office for Foreigners' Affairs, which contains a separate dossier on foster care and adoptions in Korea.⁴¹⁸ It contains an exchange of letters between the Federal Foreign Police, initiated by Stefan Koch, and the Swiss embassy in Seoul regarding Korean mothers who wanted to have their children returned for adoption. Koch wrote to the Swiss embassy about two girls who were to come to Switzerland for adoption. Terre des hommes had informed him that the two girls would be reclaimed by the mother and that the

⁴¹⁴CH-BAR, E2200.24#1996/92#15*, Stefan Koch, Federal Aliens Police, to the Swiss Embassy in Seoul, 12 January 1979.

⁴¹⁵CH-BAR, E2200.24#1996/92#15*, Eva Wyss, Adoptionswillige greifen zur Selbsthilfe. Erfahrungen und Gefahren mit Kindern aus der dritten Welt, in: *Tages-Anzeiger*, 9.1.1979. The article takes a critical look at international adoptions; various members of the authorities, including Stefan Koch, as well as an employee of the Zurich foster child supervisory authority and the head of the foster child welfare service of the city of Zurich have their say.

⁴¹⁶All quotations from: CH-BAR, E2200.24#1996/92#15*, V. Münger*, Swiss Chargé d'Affaires ad interim in Seoul, to Federal Aliens Police, 5 February 1979.

⁴¹⁷CH-BAR, E2200.24#1996/92#15*, V. Münger, Swiss chargé d'affaires ad interim in Seoul, to Federal Aliens Police, 5 February 1979.

⁴¹⁸CH-BAR, E4300C-01#1998/299#1489*. For the holdings of the Federal Office for Foreign Nationals, see Chapter 13.

adoption would therefore not materialise. This has been happening frequently recently.⁴¹⁹ Would it be possible to "pro-mouvoir sur place une recherche d'abandonment avant de confier de tels enfants en adoption à l'étranger. If they have been abandoned, it's because their mothers were in trouble, but they were also dependent on them because they took them back. Wouldn't it be possible to help them on the spot? Such cases are completely outside the framework that we have set ourselves and certainly put Terre des Hommes at a disadvantage too, because we have an identical conception in this area."⁴²⁰ Koch not only called for more detailed investigations by the embassy, but also raised the question of whether help could not be better provided locally instead of through international adoption.

The Swiss embassy confirmed that Korean children adopted by Swiss nationals are increasingly being reclaimed by their biological parents. "This embassy is well aware of the problem of abandoned children given up for adoption, which often gives rise to criticism in the local press (see attached photocopied newspaper articles). I reported on this to the EPD last year. The Korean authorities are trying to counteract the situation. There are plans to introduce sponsorships under the supervision of the Ministry of Social Affairs. There are also plans to overhaul the adoption law so that only orphans, but not children given up for adoption by their parents, are allowed to leave the country. Numerous private organisations and institutions are working to help these orphans and foundlings. However, as you can see from the enclosures [various newspaper articles, author's note], these are not only reputable organisations. Unfortunately, the solution you proposed, to clarify the matter on the spot through this embassy, is impracticable."⁴²¹ The embassy was therefore aware of the problem, but at the same time pointed out that little could be clarified on the spot through the embassy and not much could be achieved.

Embassy employee writes the report "The Korean adoptive children problem"

The Federal Office for Foreigners' Affairs also holds a report entitled "The Korean adoptive children problem" by an employee of the Swiss embassy in Seoul. The detailed report is not dated, but was sent to the Federal Aliens Police in 1976.⁴²² It is a key document for analysing the adoption of Korean children in Switzerland. The employee had written the report in direct connection with the problem that Koch had named in 1975. Accordingly, she had focussed in particular on "the frequent request to return

⁴¹⁹CH-BAR, E4300C-01#1998/299#1489*, Stefan Koch, Federal Aliens Police, to the Swiss Embassy in Seoul, 21 April 1975. It is not clear from Koch's letter whether he is referring to Terre des hommes Lausanne or Terre des hommes Switzerland.

⁴²⁰CH-BAR, E4300C-01#1998/299#1489*, Stefan Koch, Federal Aliens Police, to Swiss Embassy in Seoul, 21 April 1975.

⁴²¹CH-BAR, E4300C-01#1998/299#1489*, Swiss Embassy in Seoul to Federal Aliens Police, 7 May 1975.

⁴²²CH-BAR, E4300C-01#1998/299#1489*, Report by Swiss Embassy staff in Seoul "The Korean adoptive children problem", undated, 1975 or 1976.

of children voluntarily given up for adoption by their parents "⁴²³ , according to the Swiss chargé d'affaires ad interim in the letter with which he sent the report to the Federal Aliens Police.

The embassy employee noted that there were many orphans in Korea, but that adoption was frowned upon in Korea itself. Children of single, widowed or divorced mothers as well as married couples with financial difficulties are mainly given up for adoption. She referred to four state-approved agencies: Holt Children's Service, "the leading and it seems most reputable agency", Korea Social Service, Social Welfare Society and The David Livingstone Adoption Programme of the Christian Crusade.⁴²⁴

It is known that the placement of children is a "lucrative business" for the agencies and that they try to "persuade unmarried mothers and parents with financial difficulties to give up their children for adoption in order to meet the brisk demand for young Koreans for childless households in the United States and Europe." The Korea Social Service, which in cooperation with Terre des hommes Lausanne is solely responsible for the placement of adoptive children in Switzerland and also sends children to the USA, the Netherlands and Denmark, was also clearly criticised in the report. The agency has been in existence for eleven years, "but the director does not want to be able to provide documentation or annual reports on his agency." The agency is housed in a villa on the outskirts of the city, where the children also live until their departure; at times there are up to 200 children. "The infants' and toddlers' rooms are in the basement, some without windows. Everything is spotlessly clean, but somehow seems quite 'commercial' and yet very depressing. Director Rhee* is reluctant to answer questions, but admits that on average two out of 10 children are reclaimed by their biological parents before the exit formalities have been completed." In two cases, a child was not placed by Terre des hommes or Korea Social Service, but "by a 'lady' who is said to live in Germany and occasionally comes to Korea to pick up children. The contact person here in Korea is Dr Lee*, a doctor at the Municipal Psychiatric Clinic. She only wants to deal with adoptions occasionally (probably against the law). "⁴²⁵ The report clearly referred to problematic and illegal placement practices. It stated that the Korean authorities were aware of the shortcomings in the child welfare system but were not yet in a position to remedy them.

The author considered the stricter departure formalities established with the introduction of the new Emigration Act to be positive. Cases of children living abroad without their parents' authorisation

⁽⁴²³⁾ CH-BAR, E4300C-01#1998/299#1489*, B. Grossmann*, Swiss chargé d'affaires a. i. in Seoul, to the Federal Aliens Police, 25 February 1976.

⁽⁴²⁴⁾ Holt Adoption Programme, later Holt International Children's Services, was founded by the US couple Harry and Bertha Holt. It was one of the first large international adoption agencies. From 1955, Holt placed children abroad on a large scale, particularly in the USA. Denéchère 2021, p. 103f. From the mid-1960s, Holt collaborated with Terre des hommes. Macedo 2020, p. 299, p. 316f. On the Holt International adoption agency, see Michaelsen 2022, p. 114.

⁽⁴²⁵⁾ All quotations from: CH-BAR, E4300C-01#1998/299#1489*, report by Swiss embassy staff in Seoul "The Korean adoptive children problem", undated, 1975 or 1976.

for adoption should no longer occur in future. The report also mentioned the example of a child who had been abducted by a domestic worker and brought to Canada for adoption, which had made waves in the media. The report concluded with clear words: "The longer one deals with the problem of adoptive children, the more one gets the impression that it is not primarily about helping; it is not all within the law and the placement of adoptive children overseas is a lucrative business for the agencies. "⁴²⁶

Individual placement agencies and people on the ground criticised

In 1976, Terre des hommes Lausanne also received complaints about the activities of placement organisations operating in Korea. Terre des hommes Lausanne reported the dubious activities of the Korea Social Service and of Mr Hye* of the Netherlands-Korea Children's Foundation, a private Dutch organisation, to the Federal Aliens Police. The Federal Foreign Police then asked the Swiss embassy in Seoul to investigate the allegations.⁴²⁷ The Swiss chargé d'affaires ad interim replied that nothing "detrimental" was known about Mr Hye.⁴²⁸ "One is nevertheless tempted to wonder how exactly he takes the tasks and resources entrusted to him. In any case, he is said to be able to afford a very comfortable high standard of living at 'administrative expense'. "⁴²⁹

In 1977, it was the Swiss embassy that reported what it saw as irregular practices to Bern. Terre des hommes Lausanne and its new cooperation partner were criticised. Minho Chung* from Kyonggi Neighbours Aid had approached the embassy. Mr Chung and Kyonggi Neighbors Aid "cannot be recommended under any circumstances. The bad experiences gained through this representation stand for this: CHUNG [sic] presented himself to my employee as the director of an orphanage near Osan [...], where the children destined for Switzerland were located. A meeting was arranged. However, the address given proved to be completely inadequate. [...] One was not expected at all. CHUNG was probably there by chance, but [the] director of the home, which incidentally makes a good impression, is a 75-year-old woman who no longer wants to send children abroad. CHUNG lost face. Klein admitted that the children in question were all in Seoul and were not orphans but had been given up for adoption." The new liaison officer of Terre des hommes Lausanne had to "hide behind one of the four organisations mentioned [state-approved adoption agencies], presumably the Korea Social Service, which he knows has the quota (quotas for textiles, fish... and recently also for orphans!!!) of 670

⁴²⁶CH-BAR, E4300C-01#1998/299#1489*, report by Swiss embassy staff in Seoul "The Korean adoptive child problem", undated, 1975 or 1976. On the mediation practices of Dr Lee*, see also CH-BAR, E4300C-01#1998/299#1489*, Swiss embassy in Seoul to couple from Switzerland interested in adoption, 20.5.1976.

⁴²⁷CH-BAR, E4300C-01#1998/299#1489*, Federal Aliens Police to the Swiss Embassy in Seoul, 19 March 1976.

⁴²⁸CH-BAR, E4300C-01#1998/299#1489*, B. Grossmann*, Swiss chargé d'affaires a. i. in Seoul, to Federal Aliens Police, 9 April 1976.

⁴²⁹CH-BAR, E4300C-01#1998/299#1489*, B. Grossmann, Swiss chargé d'affaires a. i. in Seoul, to the Federal Aliens Police, 9 April 1976.

children per year for those partners who are prepared to make gifts and presents (a car is urgently needed!). Or are they trying to exert pressure so that, if the leverage doesn't help, they can use a 'straw man' to stay in business? So the trade in pseudo-orphans is also flourishing again after Switzerland! I just don't understand how 'Terre des Hommes' can lend a hand!"⁴³⁰ The Federal Aliens Police subsequently called Terre des hommes Lausanne, which provided copies of letters to prove how the contact with Chung had come about and defended Kyonggi Neighbours Aid. The Swiss embassy took the following position on the matter: "The mere fact that Kyonggi Neighbours Aid does not have a state licence to deal with adoptions is reason enough to refuse to cooperate with them. Incidentally, my colleague urged Mrs Agata Meier* [from Terre des hommes Lausanne, author's note] to be careful. Mr Chung has still not been able to produce passports for the five children who have already been approved. In order to obtain them, he will need the support of one of the four adoption organisations mentioned in my recent report or a 'good friend' in the relevant ministry. I think we should not deny the entry of these five children, but make it clear to Mr Chung that as long as he could not produce a licence, no further visas would be issued."⁴³¹ This example points to several problematic issues. Korean children were apparently passed off as orphans in order to facilitate adoption. The machinations of the local placement organisations were opaque and their seriousness and legality could hardly be verified. Furthermore, corruption appeared to be involved in the placement of adoptive children, with certain circles enriching themselves. Finally, the Swiss chargé d'affaires ad interim also spoke explicitly of a flourishing "trade" in

"Pseudo-orphans". Nevertheless, the Swiss embassy did not reject the current visa applications.

9.2 Further evidence of irregular and problematic practices

The information on the events described above can be found in the dossier of the Federal Office for Foreign Affairs. There are various other indications of irregular and problematic practices in the dossiers of the Swiss representation in Korea. These included, for example, incorrect information about the children or placements without the appropriate authorisation.

⁴³⁰All quotes from: CH-BAR, E4300C-01#1998/299#1489*, B. Grossmann, Swiss chargé d'affaires a. i. in Seoul, to Federal Aliens Police, 24 October 1977.

⁴³¹CH-BAR, E4300C-01#1998/299#1489*, Swiss Embassy in Seoul to Federal Aliens Police, 12 December 1977. Agata Meier* was responsible for adoptions at Terre des hommes Lausanne at the time.

Incorrect or missing information on the personal details of the adopted children

There is extensive correspondence between the Federal Office for Civil Status and the Swiss embassy regarding missing or incorrect information on the names, place and date of birth of children travelling to Switzerland for adoption purposes. In 1980, for example, an entry permit for a Korean girl stated: "Since the exact personal details of foster or adoptive children are often not known when the application is submitted, it is possible that the information given does not correspond to reality. The exact personal details are therefore recorded on the basis of the passport after the child has entered the country and are declared binding, even if the name in the passport does not match the name on our permit."⁴³² After the introduction of the PAVO in 1978 until its revision in 1989, blank permits, i.e. entry permits issued without the child's name or with a fictitious name, were not possible. It appears that they were nevertheless used in practice, but were problematised.⁴³³

This problem is also expressed in the reply from the Swiss embassy in Seoul to a woman who was adopted from Korea to Switzerland as a child and was looking for her mother in the early 1990s: "The Korea Social Service, the Korean office that gave you up for adoption, informed us on request that your mother apparently used a false name and address for this adoption, which was still possible at that time. This is why no data about you is available on the computer."⁴³⁴

Linguistic hurdles

The often missing or incorrect information was not least due to language difficulties. In Korea, writing was also a major hurdle. The Swiss representation sometimes had to rely on local translators who did not always speak English well.⁴³⁵

This is illustrated by an exchange of letters between the Swiss embassy and the Federal Office of Civil Status that has survived in the files. The latter asked for the place of birth and the name of the biological parents of a Korean girl who had been adopted by a Swiss couple in order to make an entry in the family register. Enquiries were made both with the Korean placement agency Holt Adoption and with the orphanage in Chonan, which had sent the child to Holt Adoption.

⁴³²CH-BAR, E2200.24#1996/94#22*, entry permit for a Korean child, 12 December 1980.

⁴³³Bitter, Bangerter, Ramsauer 2020, pp. 175-177, 211.

⁴³⁴CH-BAR, E2200.24#2002/209#21*, Swiss Embassy in Seoul to adopted person, 6 October 1993.

⁴³⁵Cf. E.g. CH-BAR, E2200.24#1996/92#15*, Federal Office for Civil Status to the Swiss Embassy in Seoul, 7 January 1980.

However, all attempts to adopt the child were unsuccessful. The Swiss embassy enclosed "a Summar translation and the original of the reply letter from Chonan. "⁴³⁶ It stated that the child, born in 1963, had been "adopted" by the orphanage in January 1964 and that there was no information about the parents. The translation was followed by a comment from the embassy:

"Although the date of birth of the child is known, the orphanage has no further information. The translator of the embassy was expressly asked whether the expression 'adopted' could possibly also mean 'found' or something similar. He said that it only meant 'took'= taken. "⁴³⁷ This example illustrates that the Swiss representation was dependent on local translators. In this case, it therefore remained unclear whether the child had been abandoned or handed over to the children's home by someone.

Other similar cases can be found in the files. In 1980, the Federal Office for Civil Status asked the Swiss embassy in Seoul to notarise and summarily translate a certain adoption certificate and the "Family Re-registration", a type of birth certificate. It should also be added whether the place of origin entered in the certificate is also the probable place of birth of the child: "As far as we can see, the documents available to us do not clearly indicate whether the adoption was merely the result of an agreement between the adoptive parents on the one hand and a (private) adoption agency organisation and the child's guardian on the other, or whether it was pronounced or at least approved by a state authority. "⁴³⁸

Placement activity without authorisation and financial enrichment

The Swiss embassy's records contain references to the Swiss national Gabi Studer*, who was involved in the placement of children from Korea. She did not have a licence to do so and took the view that her activities were purely advisory and therefore did not require a licence. She assisted parents interested in adoption with advice, providing addresses and dealing with the authorities.⁴³⁹ However, the Federal Aliens Police were of the opinion that Studer was carrying out a limited placement activity. It wrote to the Zurich Cantonal Aliens Police that Studer "does not just provide advice. [...] Should anything go wrong, it would certainly be an advantage,

⁴³⁶CH-BAR, E2200.24#1987/156#45*, Swiss Embassy in Seoul to the Federal Office for Civil Status, 18 August 1971.

⁴³⁷CH-BAR, E2200.24#1987/156#45*, Swiss Embassy in Seoul to the Federal Office for Civil Status, 18 August 1971.

⁴³⁸CH-BAR, E2200.24#1996/92#15*, Federal Office for Civil Status to the Swiss Embassy in Seoul, 7 January 1980, concerning "Adoption of Korean nationals [...]."

⁴³⁹CH-BAR, E2200.24#1996/92#15*, Gabi Studer* to Federal Aliens Police [at this time already Federal Office for Foreigners' Affairs, author's note], 18 June 1979.

if Ms Studer had a permit as an intermediary and a special permit for inter-country adoptions.⁴⁴⁰ The Swiss embassy was also instructed to inform the Ko-re-a Social Service in Seoul about Gabi Studer's legal situation and to inform it that Studer was not yet a recognised intermediary.⁴⁴¹ This specific case makes it clear once again that the definition of the placement of children from abroad for adoption purposes was not always clear. The Federal Aliens Police insisted on correct compliance with the regulations but, given the way adoption procedures were regulated in Switzerland, had to leave the substantive examination of placement qualifications to the competent cantonal authorities.

Finally, there are also isolated indications that people have benefited financially from the placement of adopted children. In the *Tages-Anzeiger* article mentioned above, which the Swiss embassy had kept, one woman criticised the fact that the costs for a child from Korea far exceeded the administrative costs and that it was "obvious" that officials were enriching themselves from the placement.⁴⁴²

⁴⁴⁰CH-BAR, E2200.24#1996/92#15*, Federal Aliens Police to Zurich Cantonal Aliens Police and Swiss Embassy in Seoul, undated. This is a note made by the Federal Aliens Police for the Zurich Cantonal Aliens Police and the Swiss Embassy on a copy of a letter to Gabi Studer, 29 June 1979.

⁴⁴¹CH-BAR, E2200.24#1996/92#15*, Federal Aliens Police to Zurich Cantonal Aliens Police and Swiss Embassy in Seoul, undated. The Swiss embassy was further informed: "The Korea Social Service in Seoul should be informed about the legal situation of Ms Studer, who cannot be considered a recognised intermediary in Switzerland." ⁴⁴²CH-BAR, E2200.24#1996/92#15*, Eva Wyss, *Adoptionswillige greifen zur Selbsthilfe. Experiences and dangers with children from the Third World*, in: *Tages-Anzeiger*, 9 January 1979.

10 Adoptions of children from Lebanon

During the period under investigation, few children travelled from Lebanon to Switzerland for adoption purposes. Their number was only in the low double-digit range in 1976 with 16 entry permits, in 1980 and 1992 with ten each, in 1991 with eleven and in 1988 with 14 entry permits. In the other years, there were between three and seven entry permits.⁴⁴³

According to the Swiss ambassador at the time, the legal basis for adoptions in Lebanon was "very complicated because Lebanese legislation leaves its regulation to the religious communities, of which there are around 10".⁴⁴⁴ Certain religious communities allowed "l'adoption simple", in which "les liens juridiques avec sa famille ne sont pas rompus".⁴⁴⁵ Most communities did not recognise adoption.⁴⁴⁶ It was challenging for the Swiss embassy to gain an overview of the applicable laws. It had to draw on the expertise of local actors and rely on their assessment. For example, a local lawyer prepared an overview of the applicable provisions for the Swiss embassy, or the head nun of the Crèche St Vincent-de-Paul explained the Lebanese adoption procedure to the ambassador.⁴⁴⁷ The problem for the Swiss representation was that the embassy staff were unable to verify the information and some of the people providing the information were themselves involved in the adoption process.

10.1 Evidence of child trafficking and scandals

The holdings of the Swiss representation in Lebanon consist of only two thin dossiers. One reference to child trafficking can be found in a newspaper report from 1981. The subject dossiers mainly deal with missing documents. More references to child trafficking in Lebanon, which can be found in Chapter 13.4 of this inventory, can be found in the dossier of the Federal Office for Foreign Nationals.

⁴⁴³See: Annex 1 to 3.

⁴⁴⁴CH-BAR, E2200.14-03#1996/81#19*, Swiss Ambassador in Beirut to the Federal Aliens Police, 13 March 1973.

⁴⁴⁵CH-BAR, E2200.14-03#1996/81#19*, Federal Justice Department to autorités cantonales de surveillance de l'état civil et aux autorités cantonales compétentes en matières d'adoption, 28.5.1975; lawyer in Beirut to Swiss embassy in Beirut, 9.3.1973.

⁴⁴⁶CH-BAR, E2200.14-03#1996/81#19*, Eidgenössische Justizabteilung an autorités cantonales de surveillance de l'état civil et aux autorités cantonales compétentes en matières d'adoption, 28.5.1975.

⁴⁴⁷CH-BAR, E2200.14-03#1996/81#19*, CH-BAR, E2200.14-03#1996/81#19*, Marcel G. Ibrahim*, lawyer in Beirut, to the Swiss embassy in Beirut, 9 March 1973; Note de dossier from the Swiss ambassador in Beirut, 22 December 1980.

Missing documents when entering Switzerland

One challenge was posed by couples interested in adoption who brought Lebanese children to Switzerland without prior clarification and authorisation, thus presenting the authorities with a *fait accompli*. One case is documented in the files in which a couple brought a child from the Crèche St. Vincent-de-Paul in Beirut to Switzerland in 1977 without a cantonal foster placement permit or an entry permit. The child travelled to Switzerland with a "visa exceptionel" issued at the Swiss airport.⁴⁴⁸ Only when the child was already in Switzerland did the couple interested in adopting the child enquire at the Swiss embassy in Beirut about the child's papers.⁴⁴⁹ The Swiss ambassador attempted to obtain the papers from the crèche.⁴⁵⁰ The crèche informed the ambassador that the papers had been given to the woman who had picked up the child. Whether this woman was the adoptive mother or an intermediary cannot be clarified on the basis of the available files. It is also unclear why the Swiss couple thought the child's papers were at the Swiss embassy. In any case, the couple thanked the Swiss ambassador for taking the time.⁴⁵¹

In this case, Stefan Koch* from the Federal Aliens Police expressed his displeasure that the aliens police of the couple's canton of residence had accepted the "*fait accompli*". Koch instructed the immigration police to "lui [the adoptive father, author's note] adresser une remon-trance très sévère". Koch also instructed the ambassador in Beirut. In future, he should always obtain an entry permit in advance and instruct the Crèche St. Vincent-de-Paul "de ne pas souscrire à aucun placement adoptif dans notre pays sans autorisation d'entrée préalable de notre part."⁴⁵²

There is another case documented in the documents in which the Swiss ambassador asked the Latin ecclesiastical court, which had ruled in favour of the adoption in Lebanon, to contact the Swiss embassy before making a decision. According to the ambassador, this would allow both sides to ensure that all the necessary authorisations from the Swiss authorities had been obtained before the ecclesiastical court decided on the adoption.

⁴⁴⁸CH-BAR, E2200.14-03#1996/81#19*, Stefan Koch*, Federal Aliens Police, to the cantonal aliens police of the canton in which the prospective adopters resided, 29 August 1977.

⁴⁴⁹CH-BAR, E2200.14-03#1996/81#19*, Couple interested in adoption to Swiss ambassador in Beirut, 8 August 1977.

⁴⁵⁰CH-BAR, E2200.14-03#1996/81#19*, telephone note from the Swiss ambassador in Beirut, 20 August 1977.

⁴⁵¹) The letter mentions that the ambassador had met Mme T. CH-BAR, E2200.14-03#1996/81#19*, Couple interested in adoption to Swiss ambassador in Beirut, 8 August 1977. Whether this Mme T. is the same person mentioned in the files of the Federal Office for Foreigners' Affairs cannot be determined conclusively. Cf. CH-BAR, E4300C-01#1998/299#1307*, Stefan Koch, Federal Office for Foreigners' Affairs, to Service de protection de la jeunesse Canton Vaud, 5 December 1980.

⁴⁵²All three quotations from: CH-BAR, E2200.14-03#1996/81#19*, Stefan Koch, Federal Aliens Police, to the Aliens Police in the canton where the Swiss couple resided, 29 August 1977.

adoption.⁴⁵³ The ambassador endeavoured to implement Koch's instructions and to persuade the local authorities to follow the correct procedure.

Crèche St Vincent-de-Paul

The aforementioned Crèche St Vincent-de-Paul was also an important point of contact for the Swiss placement organisations. The Service d'adoption du Mouvement Enfance et Foyers in Fribourg worked with the Crèche St. Vincent-de-Paul between 1976 and 1994 and, according to its own information, placed 77 children from the Crèche in Switzerland during this period.⁴⁵⁴ This corresponds to half of the 154 children who received an entry permit for Switzerland during this period.

The collection includes a Lebanese newspaper article that portrayed the Crèche St Vincent-de-Paul in 1981. At the time, the crèche was home to around 130 babies and children who were cared for by five nuns under the direction of Sœur Allali*. The Lebanese state and donations financed the crèche. In an interview with the reporter, Sœur Allali presented the crèche as an institution that acted in the children's best interests and offered them a better environment than their parents' home: "La mécon-nissance de l'enfant chez les parents, fait que de nombreux gosses sont pris en charge par nous car à tout moment l'être humain peut corriger l'inné par l'acquis et par l'influence du milieu." The crèche also brings "certain orphaned or abandoned children" for adoption. In the interview, Sœur Allali described the procedure in such a way that the adopted child had to come from the crèche and the decision had to be made by the church court. Sœur Allali spoke of a black market for adoptions that bypassed the church court and the Crèche: "Mais, malheureusement, après des événements dont le Liban a été le théâtre, un nouveau 'trafic' a fait son apparition illégal et monstrueux, l'adoption au noir c'est-à-dire sans passer par la Crèche et le tribunal religieux."⁴⁵⁵ doctors, midwives and nurses would give newborn babies to adoptive parents for a fee.

The extent to which Sœur Allali, as she suggested in this interview, was opposed to illegal practices should be investigated further. The previous year, she had signalled to the Swiss ambassador that she was prepared to complete the necessary formalities if "les parents adoptifs trouverai-ent eux-mêmes un enfant, par exemple par l'intermédiaire d'un hôpital ou d'un médecin", thus shortening the waiting time for a child.⁴⁵⁶ Sœur Allali had suggested the practice that she later distanced herself from in the interview, namely completing formalities for a child who had been placed through dubious channels and sought by the adoptive parents on their own initiative.

⁴⁵³CH-BAR, E2200.14-03#1996/81#19*, Swiss Ambassador in Beirut to Tribunal Ecclésiastique Latin Maison centrale des Filles, 6 August 1979.

⁴⁵⁴CH-BAR, E2200.14-03#2010/334#19*, responsible person and social worker, Service d'adoption du Mouvement Enfance et Foyers to the Swiss Embassy in Beirut, Monsieur l'Amambadeur, 15 November 2000.

⁴⁵⁵Quotes from: CH-BAR, E2200.14-03#1996/81#19*, Lena Freiha-Davidian, La Crèche de Saint Vincent de Paul - un havre sur pour les enfants abandonnées, in: La Revue du Liban, 21-28 March 1981.

⁴⁵⁶CH-BAR, E2200.14-03#1996/81#19*, Note de Dossier from the Swiss ambassador in Beirut, 22 December 1980.

Difficult search for origin

In 2000, the Service d'adoption du Mouvement Enfance et Foyers from Fribourg asked the Swiss embassy in Beirut how the files on the adoption cases had to be secured. The reason for the mediation centre's letter was that "les sœurs responsables de la crèche [St. Vincent-de-Paul, author's note] sont âgées et [...] n'ont vraisemblablement pas organisé leur succession". The mediation centre feared that the files would "disparaissent en étant soit détruits, soit perdus". This could result in important information about the biological parents being lost. In view of the fact that Switzerland had ratified the Hague Convention, this in turn would pose a problem from the Service's point of view, especially as "nous [the mediation centre, ed. d. Authors] sommes régulièrement confrontées à la demande de ces jeunes adoptés en quête de leurs origines".⁴⁵⁷ The Swiss embassy's enquiries with Sœur Allali revealed that "aucun registre avec les antécédents des enfants existe. In most cases, the nouveau-nés are aban-donnés by mères célibataires devant les crèches ou les couvents. In fact, the Lebanese do not recognise or acknowledge children born out of wedlock, so no birth can be registered. In order to prevent the children from living without identity papers and thus a kind of inexistence, the religious organisations welcome the abandoned children and look for couples to adopt them. The children are registered with the names of their parents. Sœur Allali told me that she never asked anything of the women in despair, neither their name, nor their origin, nor their religion."⁴⁵⁸

The lack of documentation of the children's origins was a consequence of the local adoption placement practice in Lebanon. The social stigmatisation of unmarried mothers in Lebanon obviously also played a major role in this. The correspondence from the year 2000 vividly illustrates the difficulties faced by adoptees in Switzerland when searching for their origins as adults.

⁴⁵⁷ Quotes from: CH-BAR, E2200.14-03#2010/334#19*, person in charge and social worker, Service d'adoption du Mouvement Enfance et Foyers to Swiss Embassy in Beirut, Monsieur l'Amambassadeur, 15/11/2000.

⁴⁵⁸CH-BAR, E2200.14-03#2010/334#19*, Swiss Embassy in Beirut, L'Amambassadeur de Suisse, p. o. Clara Frey*, to Service d'adoption du Mouvement Enfance et Foyers, 19 December 2000.

10.2 Further indications of irregular and problematic practices

The case files contain few examples of other adoption-related issues.

Stefan Koch points to missing documents*

In a case documented in the dossier, a couple interested in adopting a child wanted to bring it to Switzerland in 1977 without the necessary clarifications and formalities. Again, it was Stefan Koch who identified the problematic points. He pointed out to the responsible cantonal immigration police in 1976 that they could only issue an entry permit on the basis of a complete dossier containing the necessary information on the adoptive parents. The Federal Immigration Police also required at least minimal information from the social report. The decision is "all about the future of a child and we can only make it in the knowledge of a complete dossier". Therefore, even if the couple interested in adopting a child already had a cantonal foster placement permit, they would also have to obtain authorisation from the immigration police before the children entered Switzerland: "[...] que se passera-t-il si la demande doit être refusée pour des motifs de police des étrangers, alors que les démarches à l'étranger sont sur le point d'aboutir? The consequences are too serious, and that is the reason why we always recommend obtaining a formal entry authorisation before carrying out such foreign immigration procedures". From the information provided by the couple interested in adoption, Koch concluded that the child had not yet been born and that it was therefore a case of "renunciation". Koch pointed out that the Swiss Aliens Police only issued entry permits for "enfants abandonnés ou d'orphelins complets, c'est-à-dire placés en orphelinat, mais non pas obtenus avec un acte de renonciation." Koch did not want to see an entry permit issued for a child that had not yet been born. He considered local help to be more sensible: "At this moment, it is more humane to help on the spot, and nous ne pouvons que suivre la pratique des grandes organisations qui s'occupent de l'aide à l'enfance, à savoir ne jamais séparer un enfant de sa mère ou de ses parents, sauf motifs exceptionnels. "⁴⁵⁹

Clarifications on site for an acquaintance

The file documents how an employee of the Swiss embassy in Lebanon helped a member of another Swiss representation to find an adoptive child in Lebanon. This assistance went beyond the usual requests from people interested in adoption.

⁴⁵⁹All quotes are from: CH-BAR, E2200.14-03#1996/81#19*, Stefan Koch, Federal Aliens Police, to the cantonal aliens police in the canton in which the prospective adopters were resident, 20 August 1976.

couples was done. It is also clear in this case that the future religious upbringing of the adopted children was an important criterion for the religiously run children's homes. In the letter to his colleague, the employee of the Swiss representation in Lebanon described his approach. His visit to the Crèche St Vincent-de-Paul was initially disappointing. The mother superior informed him that since the civil war, "presque aucun enfant ne lui était confié pour adoption". The employee was more successful at St Joseph's children's home. The mother superior there was convinced that a child would be found in her institution. To do this, the prospective adopter would have to come to Beirut. The St Joseph's institution would provide him with a member of staff "to assist you at the Latin Archafieh Tribunal, which would have to make a decision on your request". As a condition, the institution demanded that "at least one of the parents must be Roman Catholic and that the written commitment must be given that the child is of this religion".⁴⁶⁰ The Service d'adoption du Mouvement Enfance et Foyer in Fribourg was recommended to the prospective adopter as a placement centre.

Adoption in the context of planned emigration to Switzerland

Finally, the fonds contain parts of an exchange of letters between the Swiss embassy and the Federal Office for Foreigners' Affairs concerning a Lebanese family whose children had been placed with various foster parents in Switzerland.⁴⁶¹ This case is only marginally related to the questions posed in this report, but is briefly presented here for the sake of completeness. It emerges from the correspondence that the biological parents wanted to emigrate to Switzerland at the beginning of the 1980s and therefore no longer wanted to give their placed children up for adoption - as was apparently initially intended. On the instructions of the Federal Office for Foreigners' Affairs, the parents were not granted an entry permit. In the end, the parents apparently refrained from emigrating to Switzerland and signed a declaration of renunciation for their children.

⁴⁶⁰All the above quotations are from: CH-BAR, E2200.14-03#1996/81#19*, Employee of the Swiss Embassy in Beirut to employee of a Swiss representation in another country, 5 August 1980.

⁴⁶¹CH-BAR, E2200.14-03#1996/81#19*.

11 Adoptions of children from Peru

The entry of children from Peru into Switzerland began in 1972 with five entry permits. In the following years, there were between four and 13 entry permits per year for foster children for the purpose of later adoption or for other reasons. In 1978, the number jumped to 25, but fell to just four entry permits the following year. In 1980, a peak of 60 entries was reached. The year 1981 again reached the high level of 49 entry permits. Between 1982 and 1989, the figures were around two to a maximum of three dozen. In 1990, the Swiss authorities issued 20 entry permits, 27 in 1991 and eleven in 1992. After that, there were practically no more entry permits: three in 1993 and 1994, two in 1995 and one each in 1997 and 1999; the Swiss authorities issued no entry permits in 1996 and 1998.⁴⁶²

During the period under investigation, the Swiss embassy in Lima regularly sought contact with the relevant Peruvian authorities, particularly the Instituto Nacional de Bienestar Familiar (IN-ABIF), which was responsible for adoptions within the Ministerio de Promoción de la Mujer y del Desarrollo Humano (PROMUDEH). In 1993, the Peruvian government set up the new Secretaría Técnica de Adopciones (STA) in response to investigations into a child trafficking scandal. The Swiss embassy was also in regular contact with the STA in the 1990s to clarify the difficult question of whether placements from Peru to Switzerland were still possible.

Terre des hommes Lausanne placed children from Peru in Switzerland until the early 1990s. Its activities in Peru are often mentioned in the dossiers of the Swiss embassy. For many years, Terre des hommes Lausanne appears to have been the only Swiss placement agency with a special licence for Peru.⁴⁶³ In the mid-1980s, the Swiss embassy also appears to have cooperated with the Bureau Genevois d'Adoption (BGA).⁴⁶⁴

⁴⁶²See: Appendix 1 to 3. On adoptions from Peru in the initial phase and the role of Terre des hommes, see also Macedo 2020, pp. 325ff. Also on the history of adoptions in Peru, see: Leineweaver 2008.

⁴⁶³ CH-BAR, E2200.191#2010/252#50*, Federal Office of Justice, Civil Code Section, Adoption agencies with cantonal authorisation, 22.9.1997.

⁴⁶⁴ CH-BAR, E2200.191#2000/39#31*, On the inside of the cover folder, the BGA is indicated by hand as a mediation contact in Switzerland in the form of a memo dated 11.12.1986. The period during which the BGA had a cantonal licence for mediation from Peru cannot be ascertained from the dossiers of the Swiss embassy and would have to be checked against the authorisation lists of the Federal Office of Justice.

11.1 Evidence of child trafficking and scandals

The Swiss representation in Peru has many references to child trafficking in various decades. The Peruvian and foreign press, including in Switzerland, repeatedly reported on illegal adoption practices, irregularities in local procedures, child trafficking, child theft and even the sale of children. The Swiss representation in Lima documented these issues in numerous newspaper articles and informed the Swiss authorities and couples from Switzerland interested in adoption about the serious shortcomings, which it mostly described as difficulties or problems.

From the end of the 1970s, there was talk of the exploitation of Peruvian children

As early as 1979, the Swiss ambassador John Leimgruber* informed the authorities in Berne about what the FDJP described as adoption problems in Peru⁴⁶⁵ and that, according to an article in La Cronaca, the regulations for foreign adoptions were to be tightened "in order to prevent the exodus of these unfortunate little ones". According to media reports, adoptive parents now had to be present on site in Peru for the procedure, "to allow a more secure control of this act", which in turn forced Terre des hommes Lausanne to organise a longer stay on site for the interested couples.⁴⁶⁶ "Terre des hommes Lausanne continues a great deal of activity in the field of adoptions and transfers of children from other countries",⁴⁶⁷ and was also active as a placement centre in Lima. It was also at the time of this correspondence that the Federal Aliens Police documented the Swiss embassy in Lima with a presentation by Stefan Koch*.⁴⁶⁸ At the same time, demand from couples from Switzerland wishing to adopt increased, some of whom explicitly wanted little girls under the age of two and "de peau claire si possible".⁴⁶⁹

In spring 1978, there was also talk of child trafficking in connection with the visit of Albert Muller*, notary and member of the Service social de justice of the Canton of Vaud, to Colombia and Peru. Albert Muller personally informed Federal Councillor Pierre Aubert about his trip to South America. The juvenile court judges in Peru had received reports of "l'exploitation de ces enfants par les parents adoptifs"

⁴⁶⁵CH-BAR, E2200.191#1995/413#21*, FDJP, Justice Department, to the Swiss Embassy in Lima, 6 September 1979; Federal Office of Justice, Section for Private International Law, to the Swiss Embassy in Lima, with thanks for the documentation on adoption problems in Peru dated 9 August 1979, 6 September 1979.

⁴⁶⁶All quotations from: CH-BAR, E2200.191#1995/413#21*, John Leimgruber*, Swiss Ambassador in Lima, to FDFA, Consular Protection Section, 18/8/1978 and 20/7/1979; Se incrementan adopciones de menores en 60 por ciento, in: La Cronaca, 4/7/1979.

⁴⁶⁷CH-BAR, E2200.191#1995/413#21*, Federal Political Department to the Swiss Embassy in Lima, 18 July 1978.

⁴⁶⁸CH-BAR, E2200.191#1995/413#21*, Federal Aliens Police [at this time already Federal Office for Foreigners' Affairs, author's note] to Swiss representations abroad with information on the detailed examination of documents before an entry permit is issued, and with the presentation by S. Koch in Geneva of 7/8 June 1979 in Geneva, 28 August 1979.

⁴⁶⁹CH-BAR, E2200.191#1995/413#21*, John Leimgruber, Swiss Ambassador in Lima, to a couple from Switzerland interested in adoption, 21 June 1978.

but: "Il est évident que ces craintes sont parfaitement injustifiées en ce qui concerne les parents suisses", as Albert Muller had the Peruvian authorities confirm. However, he admitted that he had very little time for his trip and had therefore not been able to speak to the staff of Peruvian social services.⁴⁷⁰ Before his departure, the Swiss authorities had pointed out to him that "Peru is particularly sensitive".⁴⁷¹ The Swiss representation in Lima was also aware of a scandal that had been uncovered in Cusco: "Peruvians, among other children, had engaged in commerce involving the adoption of children by Europeans." However, this was not a problem for Switzerland, as the number of mediations was low compared to other countries and everything was in accordance with the law.⁴⁷² At the same time, the Swiss ambassador informed Terre des hommes in Lima

"sur le problème de l'adoption au Pérou", referring to an article in the *Comercio* of 13 July 1978, and at the same time asked to be informed about Terre des hommes' forthcoming meeting with the Peruvian president's wife.⁴⁷³

Media reports on child trafficking in Peru in the 1980s

In 1982, Peruvian journalists repeatedly reported on child trafficking. The media alleged that many more children than the official statistics showed, namely over 3,000, had been sent abroad from Peru in recent years. The black market in Europe is growing. The media quoted amounts of between 5,000 and 10,000 dollars that adoptive parents allegedly paid for the children.⁴⁷⁴ At the same time, a major report entitled "Adoption in the crossfire: humanitarian aid or children at any price?" appeared in the *Neue Zürcher Zeitung* in Switzerland.⁴⁷⁵ The Swiss embassy informed the Federal Office of Justice that it wanted to keep an eye on the revision of the law that had been initiated as a result of the abuses uncovered in Peru. At the same time, the Federal Office for Immigration Affairs reiterated to the Swiss embassy that Peruvian children were only allowed to enter Switzerland with the approval of the Federal Office for Immigration Affairs.⁴⁷⁶

But the media coverage never stopped. In November 1982, *L'Express* in western Switzerland reported that the police in Lima had uncovered a child trafficking operation in which 60 stolen children had been placed for adoption in France, Italy, Sweden and the Netherlands.⁴⁷⁷ In the

⁴⁷⁰Quotes from: CH-BAR, E2200.191#1995/413#21*, Albert Muller to Monsieur le Conseiller fédéral Pierre Aubert, 23 mai 1978. Cf. also chapter 8 on Colombia regarding this trip.

⁴⁷¹CH-BAR, E2200.191#1995/413#21*, fax EPD after consultation with the immigration police to the Swiss embassy in Lima, 13 April 1978.

⁴⁷²Quote from: CH-BAR, E2200.191#1995/413#21*, Swiss Embassy in Lima, Chiffre pour le DPF, undated.

⁴⁷³CH-BAR, E2200.191#1995/413#21*, John Leimgruber, Swiss Ambassador in Lima, to Terres des hommes in Lima, 27 July 1978.

⁴⁷⁴CH-BAR, E2200.191#2000/39#31*, article, in: *El Diario*, 16 April 1982 and 16 October 1982.

⁴⁷⁵CH-BAR, E2200.191#2000/39#31*, article, in: *NZZ*, 19/20 September 1982.

⁴⁷⁶CH-BAR, E2200.191#2000/39#31*, Swiss Embassy in Lima to Federal Office of Justice, 18 June 1982; Federal Office for Foreigners' Affairs to Swiss Embassy in Lima, 15 April 1982.

⁴⁷⁷CH-BAR, E2200.191#2000/39#31*, article, in: *L'Express*, 19 November 1982.

In the autumn of 1983, Peruvian media continued to report that biological parents were selling their children to avoid starvation.⁴⁷⁸ The Swiss representation again compiled documents on the legal situation in Peru for the attention of the Section for Private International Law, Federal Office of Justice. At this time, it did not advise the cantonal authorities against adoptions from Peru, but merely criticised the Peruvian placement agency La Cuguena, which the embassy did not consider to have a good reputation.⁴⁷⁹

In the summer of 1986, *La Suisse Dimanche* reported on 80 adoptions of children from Latin America in Geneva, for which the adoptive parents had spent between 10,000 and 15,000 francs on travelling costs and expenses. The main focus of the article was on the fact that the adoption of Peruvian children was difficult for the adoptive parents.⁴⁸⁰ During the same period, the Swiss ambassador informed the Private International Law Section of the Federal Office of Justice that the "difficulties" in adoptions from Peru could have been avoided "if the interested parties had made some general enquiries about local practices at this embassy before embarking on all the formalities. [...] Would it be possible for the responsible institutions in Switzerland to be informed along the above lines?"⁴⁸¹

It is interesting to note in this context that the documents and the letter of May 1986 just quoted contain a draft of a much more detailed report that had been prepared two and a half years earlier on 23 September 1983. It was handwritten on

11 October 1983 that the original of the draft was with the ambassador, and also written by hand on 12 December 1983: "Ambassador Bernasconi* did not want to send it to BE [sic]."⁴⁸² In this report, which was never sent, the Swiss ambassador pointed out serious procedural shortcomings in Peru on the basis of three case examples: Relevant Peruvian documents only appeared after the adoptive parents had paid considerable sums, a judge would decide differently from case to case depending on the amounts paid, and finally, lawyers would instruct adoptive parents to whom they had to pay money: "As far as the so-called 'bribes' are concerned, it is recommended to take them with you in US dollar notes, as the relevant officials would prefer these to the Peruvian currency! It is also advisable to make these 'payments' with the utmost discretion." In recent years, formalities have often been circumvented "and the children [have] been taken out of the country illegally, which has caused a great deal of publicity in both the national and international press" and prompted the authorities to review individual cases.

⁴⁷⁸CH-BAR, E2200.191#2000/39#31*, e.g. article in: *La Republica*, 9 September 1983.

⁴⁷⁹CH-BAR, E2200.191#2000/39#31*, Swiss Vice-Consul Vögeli* to FDJP, Federal Office of Justice, Private International Law Section, 11 April 1983; Swiss Vice-Consul Vögeli to Social Services Bellinzona, 15 March 1984.

⁴⁸⁰CH-BAR, E2200.191#2000/39#31*, 15'000 francs pour un enfant, in: *La Suisse Dimanche*, 8.6.1986. The files also contain the report "Herzig sind sie, die Kleinen, doch sie werden groß", by Susan Boos in the *Weltwoche* of 2 April 1987. According to Boos, the FDJP was hoping for a quiet settlement: If genetic engineering continues to progress rapidly, "the problem with Third World children will take care of itself."

⁴⁸¹CH-BAR, E2200.191#2000/39#31*, Swiss Ambassador in Lima (L. Thibau*) to FDJP, Federal Office of Justice, Section for Private International Law, 14 May 1986.

⁴⁸²CH-BAR, E2200.191#2000/39#31*, draft, Swiss Ambassador in Lima to FDJP, Federal Office of Justice, Private International Law Section, with copy to FDJP, Federal Office for Foreigners' Affairs, and FDFA, Consular Protection Section, 23 September 1983.

had. "It would be desirable, however, if the Swiss adoption agencies were advised to *inform the prospective adoptive parents of the difficulties they would face in Peru.*" The ambassador hoped that thanks to his explanations "many disappointments, high expenses and a lot of work could be avoided"⁴⁸³. But just that: He kept this report in his files. The federal authorities in Bern learnt nothing about these obvious cases of illegal adoptions. It was only two and a half years later that the subsequent ambassador in Lima, who was then responsible, responded to the media reports with references to difficulties in Peru.

Negative headlines continued in the early 1990s

In 1990, various Peruvian media again reported on child trafficking. In the meantime, adoptions had taken on the worst forms, with intermediaries, lawyers and judges shamelessly enriching themselves from the fate of the children. The juvenile court judges who granted adoptions did not keep registers of the adopted children. There was talk of a mafia selling children to Europe for 5,000 dollars. Adoptions to Germany and the USA were particularly in the spotlight. The Peruvian media also reported that Terre des hommes, as the local investigative organisation, had filed a complaint about child trafficking. Terre des hommes had argued that a newborn child should only be taken from its mother under exceptional circumstances and that a voluntary declaration of consent must be available. Formalities alone, Terre des hommes argued in the lawsuit, were not sufficient. Terre des hommes had refused to allow a US couple to adopt a child on these grounds, basing its decision on the Convention on the Rights of the Child.⁴⁸⁴

In January 1991, the Neue Zürcher Zeitung ran the headline "'Children's market' in Peru" and described an auction in which boys and girls were sold to the highest bidders: "Completely impoverished farming families in the city of Arequipa had to sell their children in order to ensure the survival of the children and their families." The NZZ referred to a report in the Peruvian newspaper El Comercio. A Neuchâtel news paper also wrote of these

"[e]nfants en vente". After the auction, the children were placed with people interested in adopting them for between 10,000 and 20,000 dollars.⁴⁸⁵

The negative headlines about adoptions did not stop in Peru itself. In March 1991, La Republica reported on the mafia-like structures in Peruvian child trafficking. In the summer of 1991

⁴⁸³ All quotes from: CH-BAR, E2200.191#2000/39#31*, draft, Swiss Ambassador in Lima to FDJP, Federal Office of Justice, Private International Law Section, with copy to FDJP, Federal Office for Foreigners' Affairs, and FDFA, Consular Protection Section, 23 Sept. 1983 [emphasis in original].

⁴⁸⁴ CH-BAR, E2200.191#2000/40#42*, various newspaper articles, in: El Comercio, 12.2.1990, 3.4.1990, 16.7.1990, 15.11.1990 and 17.11.1990; article in: La Republica, 3/11/1990.

⁴⁸⁵ Quotes from: CH-BAR, E2200.191#2000/40#42*, 'Kindermarkt' in Peru, in: NZZ, 6/7 January 1991; Enfants en vente, in: Feuille d'Avis de Neuchâtel, 4 January 1991.

According to media reports, the government announced its intention to set up a register of children who had been placed abroad. But by autumn, Peruvian newspapers were once again reporting that illegal adoptions had been uncovered. The birth mothers were hoping to make money by handing their children over to the state organisation Instituto Nacional de Bienestar Familiar (INABIF).⁴⁸⁶

In December 1991, according to media reports, 18 judges, 14 tax officials and eleven court secretaries were searched for child trafficking. The chief public prosecutor's office, which was responsible for the investigations, had received death threats.⁴⁸⁷ These large-scale investigations led to a debate in the Peruvian parliament about reforms to foreign adoptions. The responsible state agency INABIF then announced in August 1992 that it would better coordinate international co-operation for the protection of abandoned Peruvian children.⁴⁸⁸

Immediately after this report and the information from the Federal Office for Foreigners' Affairs that Peru apparently no longer allowed adoptions, the Swiss embassy enquired with the Director of the Office for Adoptions at INABIF about the possibility of continuing to arrange adoptions in Switzerland. In the summer of 1992, the embassy reported to Bern: "It is [...] not known that no adoptions are to be carried out at present. At most there would have been delays, as many officials (including judges) in the judicial system were replaced after 5 April 1992."⁴⁸⁹ As it soon turned out, it was no longer possible to place Peruvian children for later adoption in Switzerland. From then on, the Peruvian authorities insisted on contractual agreements.

11.2 Further indications of irregular and problematic practices

In addition to the obvious cases of child trafficking, the authorities involved and interested Swiss couples repeatedly raised serious procedural shortcomings in connection with adoption placements from Peru. The scandals and irregularities led to a de facto ban on placements in Switzerland from 1993 onwards.

⁴⁸⁶CH-BAR, E2200.191#2000/40#42*, article, in: *La Republica*, 27 March 1991 and 4 July 1991, *El Peruano*, 12 July 1991, *Somos*, 14 September 1991, *El Comercio*, 1 November 1991.

⁴⁸⁷CH-BAR, E2200.191#2000/40#42*, article, in: *El Peruano*, 21 December 1991.

⁴⁸⁸CH-BAR, E2200.191#2000/40#42*, article, in: *El Comercio*, 6 August 1992, *El Peruano*, 25 August 1992.

⁴⁸⁹CH-BAR, E2200.191#2000/40#42*, fax from the Swiss Embassy in Lima to the FDJP, Federal Office for Foreigners' Affairs, 25 June 1992; Federal Office for Foreigners' Affairs to the Swiss Embassy in Lima, 16 June 1992.

Orientation and consolidation phase from 1970

Even before the Swiss authorities issued the first entry permits for children from Peru in 1972, the Federal Office for Civil Status informed the Swiss embassy in Lima at the end of 1969 in response to its enquiry that there was "no uniform practice in the cantons with regard to the recognition of adoptions" and that interested parties were advised to think carefully about the implications of an adoption.⁴⁹⁰ During this orientation phase, the Swiss embassy enquired with the authorities in Bern about other individual questions: Should interested couples be made aware of any hereditary influences in the children? Was an unmarried woman allowed to adopt a child? What should be done in the case of adoptions by relatives? The Swiss representation obtained this information on the legal situation in Switzerland and the procedure because it had already been confronted with many requests for Peruvian adoptive children.⁴⁹¹

In the 1980s, the Swiss embassy was also involved in translating and processing information from the Peruvian authorities for information to Swiss placement centres.⁴⁹² Until then, only Terre des hommes Lausanne had been active in Peru. When Alice Honegger enquired about Peruvian laws and local contacts on behalf of Adoptio in 1987, the Swiss embassy referred her to the Peruvian juvenile courts, which provided information about children who could be given up for adoption. Embassy employee Alice Honegger was unable to provide addresses of local placement centres "because I am not informed about their seriousness."⁴⁹³ In 1988, a correspondence arose because a niece of the Peruvian consul in Basel, who lived in Lima, was helping Swiss couples with the adoption process. The Swiss embassy was unable to ascertain whether the woman was authorised to do so.⁴⁹⁴

Changed procedures in Peru from 1993 onwards amount to a freeze on adoptions

From 1993 onwards, the Swiss authorities issued only a few entry permits for children from Peru. This was due to a change in procedure on the part of the Peruvian authorities, which had been in force since

⁴⁹⁰CH-BAR, E2200.191#1988/137#57*, Federal Office for Civil Status to the Swiss Embassy in Lima, 23 December 1969.

⁴⁹¹CH-BAR, E2200.191#1988/137#57*, Swiss Embassy in Lima to FDJP, Federal Office of Justice, 12.12.1969; Swiss Embassy in Lima to couple from Switzerland interested in adoption, 19.12.1969 and 2.7.1970; article in: La Prensa, 21.11.1970, about a kinship adoption in Switzerland in which, according to a media report, the local procedure had not been carried out correctly.

⁴⁹²CH-BAR, E2200.191#2000/39#31*, summary translation of the main points of the INABIF brochure on the adoption of Peruvian children, 3 September 1987; Milena Rochat*, Federal Office of Justice, Private International Law Section, to the Swiss Ambassador in Lima, 4 February 1986.2.1986. Milena Rochat forwarded the information from the Peruvian embassy to all cantonal supervisory authorities in Switzerland; media reports on changes to the law in Peru, e.g. article in: El Comercio, 11.5.1983.

⁴⁹³CH-BAR, E2200.191#2000/39#31*, Swiss Embassy in Lima to Alice Honegger, Adoptio, 3 September 1987.

⁴⁹⁴CH-BAR, E2200.191#2000/39#31*, Directorate of Home Affairs of the Canton of Zug to the Swiss Embassy in Lima, 12 August 1988.

The law came into force on 1 April 1993 and was implemented by the newly created Secretaria Técnica de Adopciones (STA). In a telephone conversation with an INABIF official in June 1993, an employee of the Swiss embassy learnt that the STA had been created because of irregularities, "that children had been taken away from their biological parents with false promises and that there had also been cases of stolen infants. The aim of the new adoption centre is to prevent this from happening in future."⁴⁹⁵ The Swiss embassy was apparently initially of the opinion that this would not change much. A post-it note accompanying a newspaper article from *El Peruano*, which reported on the end of illegalities thanks to the creation of the STA, was handwritten:

"Ev. short info to FDJP!!! Conclusion: mas burocratico! No cambie mucho! Conclusion acuerdo bilateral? Con STA?"⁴⁹⁶ An earlier newspaper article in June 1993, which spoke of the creation of a new, effective adoption law, was commented on by someone in the Swiss embassy, also in handwriting: Adoptions would in future "sans accord bilatéral pas possible. Tout est bloqué. Bern in-formé. Negotiations in progress."⁴⁹⁷

A declaration of reciprocity was now required between the STA and a placement agency abroad or the corresponding government or authority that had granted the foreign placement agency a licence. According to the interpretation of Cristine Togni Fischer*, Section for Private International Law at the Federal Office of Justice, the Peruvian authorities wanted to prevent this,

"that the prospective adoptive parents went to fetch the child themselves without the involvement of an officially recognised adoption agency" and, in the worst case, sent a child back again after entering Switzerland if the cohabitation did not work out.⁴⁹⁸ Cristine Togni Fischer recommended that the embassy explain to the responsible Peruvian authorities that there was no such legal vacuum in Switzerland under the PAVO. She also suggested contacting Terre des hommes Lausanne to solve the problem. Terre des hommes Lausanne was the only organisation that had a licence to place children from Peru at the time. Togni Fischer also referred to one last point. As long as neither Peru nor Switzerland had signed the Hague Convention, it was not possible to prevent the adoption in Peru from having to be carried out a second time in Switzerland. Peru, for its part, required that adoptions granted in Peru were legally valid abroad. As a result, the legislation of the two countries was no longer compatible from 1993 onwards. With the new provision, the Peruvian Ministry of Women and Family Affairs had effectively imposed a temporary ban on adoptions in Switzerland.⁴⁹⁹

⁴⁹⁵CH-BAR, E2200.191#2010/252#49*, memo from an embassy employee, 29 June 1993.

⁴⁹⁶CH-BAR, E2200.191#2010/252#49*, article, in: *El Peruano*, 24 June 1993.

⁴⁹⁷CH-BAR, E2200.191#2010/252#49*, article, in: *El Comercio*, 4 June 1993.

⁴⁹⁸CH-BAR, E2200.191#2010/252#49*, Cristine Togni Fischer*, Federal Office of Justice, Private International Law Section, to the Swiss Embassy in Lima, 21 December 1994.

⁴⁹⁹CH-BAR, E2200.191#2010/252#50*, Swiss Embassy in Lima to Cristine Togni Fischer* and Milena Rochat*, Federal Office of Justice, 29 April 1999.

The dossiers on Peru contain a large number of documents showing that the Swiss representation in Peru dealt extensively with this challenging diplomatic situation between 1993 and 2000.⁵⁰⁰ The Swiss representation was under pressure, as numerous couples wishing to adopt approached it with enquiries. As late as May 1993, the Swiss representation had warned interested parties that adoption in Peru was "time-consuming and sometimes [a] very costly affair", but that it was possible in principle.⁵⁰¹ By August 1993, things were already sounding different. The Swiss representation informed one couple that Peru had set up the new agency STA, but that Switzerland had no contract with STA, which is why no adoptions could be carried out.⁵⁰² Also in August 1993, it informed another couple that STA had a "certain monitoring and coordination task. This was with a view to eliminating as many irregularities as possible, which unfortunately also occurred in this area."⁵⁰³ The Swiss representation in Peru apparently also began to refer those interested in adoption to the Federal Office of Justice. The Federal Office of Justice returned the responsibility: the office could not provide information "until a solution had been found regarding the further procedure in adoption matters with Peru".⁵⁰⁴

The Swiss embassy tried to defuse the situation. For example, the Swiss ambassador tried to convince the Minister for Women's and Family Affairs that there was sufficient legal protection in Switzerland for the children who had been returned, but to no avail.⁵⁰⁵ One of his staff members had previously researched local lawyers in Peru to find out that they were not aware of any cases of returned children. However, this argument did not convince the responsible minister.⁵⁰⁶ The staff of the Swiss embassy repeatedly documented the Peruvian authorities with the legal basis in Switzerland, but this also had no effect.⁵⁰⁷ At the same time, the Swiss embassy was in regular contact with the federal authorities to obtain information on the status of ratification of the Hague Convention by Peru and Switzerland.⁵⁰⁸

Finally, following the numerous media reports on child trafficking in Peru, the Swiss Embassy, together with the Federal Office of Justice, Private International Law Section, tried to get Terre des hommes Lausanne back on board during this phase. The Swiss representation and the Federal Office of Justice wanted to persuade Terre des hommes Lausanne to submit a

⁵⁰⁰These numerous files can be found in the following two fonds: CH-BAR, E2200.191#2010/252#49* and CH-BAR, E2200.191#2010/252#50*.

⁵⁰¹CH-BAR, E2200.191#2010/252#50*, fax to a couple from Switzerland interested in adoption, May 1993.

⁵⁰²CH-BAR, E2200.191#2010/252#50*, fax to a couple from Switzerland interested in adoption, August 1993.

⁵⁰³CH-BAR, E2200.191#2010/252#50*, fax to a couple from Switzerland interested in adoption, August 1993.

⁵⁰⁴CH-BAR, E2200.191#2010/252#49*, Federal Office of Justice to the Swiss Embassy in Lima, 27 September 1993.

⁵⁰⁵CH-BAR, E2200.191#2010/252#50*, Swiss Embassy in Lima to Cristine Togni Fischer* and Milena Rochat*, Federal Office of Justice, 29 April 1999.

⁵⁰⁶CH-BAR, E2200.191#2010/252#50*, memorandum for the attention of Ambassador Kübler*, 23 April 1999.

⁵⁰⁷CH-BAR, E2200.191#2010/252#50*, Swiss Embassy in Lima to STA, 27 June 1995.

⁵⁰⁸CH-BAR, E2200.191#2010/252#50*, Swiss Embassy in Lima to the Federal Office of Justice, 28 August 2000; Swiss Embassy in Lima to the Swiss Embassy in Bogotá, 30 October 1997.

to conclude a bilateral mediation agreement with STA.⁵⁰⁹ The Swiss embassy disclosed its own interest in such a solution in a communication to the Federal Office of Justice: It had been confronted with many enquiries from people interested in adoption. If the agreement with Terre des hommes Lausanne came about, "the applications could be channelled through this organisation".⁵¹⁰ However, Terre des hommes Lausanne refused to take this step, arguing that the local delegate initially wanted to observe the situation for a few years and that Terre des hommes would only resume adoption mediation from Peru once it had received positive feedback.⁵¹¹

Procedural irregularities, bureaucracy and information for those interested in adoption

In dialogue with couples interested in adoption and authorities from Switzerland, the Swiss representation in Lima identified procedural problems. In individual cases, Peruvian notaries appear to have exceeded their competences. They were authorised to notarise signatures on declarations of consent, but could not accept the consent of the biological parents as such. This was the responsibility of the juvenile court judges in Peru, who ultimately pronounced the adoptions.⁵¹² The files of the Swiss representation also document cases in which the cantonal authorities doubted the authenticity of declarations of consent and asked the Swiss embassy in Lima to make further enquiries. In one case, the embassy confirmed after consultation with its lawyer of trust that the declaration of consent was not legal, but took the view that it could not obtain a new declaration, as this was the responsibility of the Peruvian juvenile court judges.⁵¹³ What happened next in this case is not documented in the files. The cantonal authorities sometimes enquired very closely: In one case, the Office of Civil Status of the canton of residence of the prospective adoptive parents wanted confirmation that a biological father had not withdrawn his consent within the six weeks provided for this purpose.⁵¹⁴

The Swiss embassy addressed the complex procedures which, in its view, burdened future adoptive parents. From 1991, the birth certificate had to be certified by four official bodies and the translation had to be authorised by the Ministry of Foreign Affairs, "which entailed a disproportionate amount of time and effort".

⁵⁰⁹CH-BAR, E2200.191#2010/252#50*, for example Federal Office of Justice to Swiss Embassy in Lima, 31 January 1995, 12 August 1997, 23 September 1997 and 29 January 1998; Swiss Embassy in Lima to Federal Office of Justice, 20 February 1998 and 27 April 1998.

⁵¹⁰CH-BAR, E2200.191#2010/252#50*, fax from the Swiss Embassy in Lima to the Federal Office of Justice, with the request to send the Swiss Embassy in Lima a list of intermediaries authorised in Switzerland; Federal Office of Justice to the Swiss Embassy in Lima, 23.9.1997.

⁵¹¹CH-BAR, E2200.191#2010/252#50*, Terre des hommes Lausanne to Madame Togni Fischer*, Federal Office of Justice, Private International Law Section, 20 April 1995.

⁵¹²CH-BAR, E2200.191#2000/40#42*, Swiss Embassy in Lima to an advocate/notary in the Canton of Bern, 7 January 1992; advocate/notary in the Canton of Bern to the Swiss Embassy in Lima, 20 November 1991: "I would ask you not to involve Peruvian authorities in answering these questions, if possible. I hope that you will be able to answer the questions from your own perception and examination."

⁵¹³) CH-BAR, E2200.191#2000/40#42*, Cantonal Youth Welfare Office [...] to the Swiss Embassy in Lima, 11 July 1990; municipality to the Swiss Embassy in Lima, 5 December 1990; Swiss Embassy in Lima to the municipality's guardianship commission, 17 January 1991.

⁵¹⁴CH-BAR, E2200.191#2010/252#50*, Office of Civil Status of the canton in which the adoptive parents resided, to the Swiss Embassy in Lima, 17 June 1996.

time-consuming and can hardly be expected of the adoptive parents". The Swiss ambassador therefore informed the Federal Office for Foreign Nationals that in future he would not require the relevant documents to be translated into a Swiss national language in order to avoid imposing this additional burden on the prospective adoptive parents.⁵¹⁵

Interested adoptive parents often did not know which authority to contact in Peru. In these cases, the Swiss embassy regularly sent out a brochure from the responsible INABIF. "Another option for adopting a child is for the prospective adoptive parents, once they have found a child available for adoption, to complete the formalities directly with the competent juvenile court with the help of an experienced lawyer." However, the embassy advised not to travel to Peru until "concrete information about the child is available".⁵¹⁶ Nevertheless, this could be tantamount to an invitation to look for a child in Peru without the cooperation of an authorised placement agency.

Some of those interested in adopting received more detailed information about the procedures in Peru than others, especially if they were acquainted with embassy staff. In one example, a staff member of another Swiss embassy supported a Swiss couple he knew who wanted to adopt a child from Peru. On behalf of the ambassador in Lima, he received information on the procedure in Peru in May 1993, although at that time adoptions were actually no longer possible and the Swiss embassy advised against choosing a child from Peru in standard replies to other interested parties.⁵¹⁷

In addition to the case files, the Swiss embassy in Peru has a large number of individual case files that were not analysed for the purposes of this inventory. Only their analysis will lead to in-depth historical insights into the specifics of adoptions of children from Peru in Switzerland.

⁵¹⁵Quote from: CH-BAR, E2200.191#2000/40#42*, Swiss Ambassador in Lima to the Federal Office for Foreigners' Affairs, 19 September 1991.

⁵¹⁶Both quotes from: CH-BAR, E2200.191#2000/40#42*, Swiss Embassy in Lima to a prospective adoptee from Switzerland, 31/10/1989.

⁵¹⁷CH-BAR, E2200.191#2010/252#49*, fax from the Swiss Embassy in Lima to the Swiss Embassy in [...], 13 May 1993.

12 Adoptions of children from Romania

In the 1970s, no entry permits were issued to Switzerland for children from Romania. The only exception was 1976, when two entry permits were issued for Romanian adoptive children. From the beginning of the 1980s, the number of entry permits initially rose steadily, with one entry permit per year between 1980 and 1982. Two entry permits were issued in 1983, three in 1984 and seven in 1985. The highest number in the 1980s was reached in 1986 and 1987 with twelve and 28 entry permits issued respectively. The increase from 1990 is striking: from four entry permits in 1989, the number jumped to 154 entry permits in 1990. From 1993, the number of entry permits fell back into the low double-digit range.⁵¹⁸

The fonds on Romania consist of five extensive subject dossiers. The documents filed date in particular from the period from the mid-1980s to the mid-1990s and document in detail the period before and after the political upheaval in Romania in 1989. The issue of child trafficking with Romanian adoptive children and problematic procedural practices is closely linked to the political situation in Romania since the 1980s and the fall of the regime of Nicolae Ceaușescu in 1989. For this reason, the two sub-chapters follow the chronology with the caesura of 1989, instead of distinguishing between child trafficking on the one hand and irregular and problematic practices on the other, as in the other countries of origin.

12.1 Evidence of child trafficking and irregular practices until the end of the 1980s

Due to state mismanagement and misguided industrial policy, Romania was confronted with a prolonged economic crisis from the late 1970s onwards. The population policy enforced by the Romanian state, aimed at population growth, included a ban on contraception and abortion and resulted in a widespread proliferation of children's homes in Romania, where an estimated 170,000 children and adolescents grew up in appalling conditions.⁵¹⁹ Various homes offered children for international adoption.

⁵¹⁸See: Appendix 1 to 3.

⁵¹⁹Cf. Greene, Melissa Fay, Die verlorenen Kinder, in: Republic, 2 April 2021, see <https://www.republik.ch/2021/04/02/die-verlorenen-kinder>, accessed 9 September 2022.

In 1981, the Swiss embassy reported to the Director of the Federal Office of Justice that there was a "veritable inflation of child adoptions by French interested parties".⁵²⁰ A newspaper article forwarded to the embassy in Bucharest described how the Romanian state published adverts in Western newspapers, especially in France, offering children from Romanian homes for adoption.⁵²¹ The Swiss embassy confirmed this practice. The Swiss embassy confirmed this practice.⁵²² In a letter to the Director of the Federal Office of Justice in 1981, it reported on the procedure in Romania: "The adoption procedure is usually carried out by a lawyer from the State Bar College in Bucharest. The adoptive parents pay 600 hard dollars for an adoption."⁵²³ One case is documented in the files in which Swiss adoptive parents paid a lawyer's fee of 1,800 Swiss francs with a "generous subsidy", "which possibly helped to speed up the procedure".⁵²⁴ A newspaper article from French-speaking Switzerland mentions more than 20,000 francs spent by adoptive parents on "voyages et formalités administratives et juridiques".⁵²⁵

Cooperation with Romanian lawyers and blocking by negative media reports

The Swiss embassy had been working with the Romanian lawyer Luis Radu* since 1985. This lawyer had specialised in "adoption matters", as this was "safer, more approved work than dealing with judicial authorities". The embassy's memo noted "that there was also a strong financial interest".⁵²⁶ Luis Radu played an important role in the placement of Romanian adoptive children in Switzerland due to his connections with the staff of children's homes.⁵²⁷ As the Swiss embassy knew, the lawyer had "two 'sources' for adoptive children", a "maternity home" and a children's home affiliated to the Paediatric Institute of the University of Bucharest: "Me [Monsieur, author's note] Radu usually proceeds with children from the maternity home by having the mother sign a blank declaration, in which the name of the adoptive parents is only inserted later. The mother therefore does not know who is adopting the baby."⁵²⁸ Lawyers had access to infant homes and orphanages - called "crèches" in Romania - "to find adoptable children".⁵²⁹ Luis

⁵²⁰CH-BAR, E2200.15#1997/212#18*, Yves Renner*, Swiss chargé d'affaires ad interim, confidential to the Director of the Federal Office of Justice, FDJP, 17 August 1981. According to the Swiss chargé d'affaires, the international adoptions were also linked to the Romanian government's efforts to obtain foreign currency.

⁵²¹CH-BAR, E2200.15#1997/212#18*, Georges Dupoy, Ceaușescu vend même les enfants abandonnées, in: Le Quotidien de Paris, 21 April 1983.

⁵²²CH-BAR, E2200.15#1997/212#18*, Yves Renner*, Swiss chargé d'affaires ad interim, confidential to the Director of the Federal Office of Justice, FDJP, 17 August 1981.

⁵²³CH-BAR, E2200.15#1997/212#18*, Yves Renner*, Swiss Chargé d'Affaires ad interim, confidential to the Director of the Federal Office of Justice, FDJP, 17 August 1981.

⁵²⁴CH-BAR, E2200.15#1997/212#18*, Confidential memorandum from the Swiss ambassador in Bucharest, 5 July 1982.

⁵²⁵CH-BAR, E2200.15#1997/212#18*, Roger de Diessbach, Adoption d'enfants roumains par des foyers suisses: Le président destille l'angoisse, in: La Liberté, 7/8 December 1987.

⁵²⁶Both quotes from: CH-BAR, E2200.15#1997/212#18*, memorandum from the Swiss embassy in Bucharest, 25 March 1985.

⁵²⁷CH-BAR, E2200.15#1997/212#18*, memo from the Swiss Embassy in Bucharest, 3 December 1983.

⁵²⁸CH-BAR, E2200.15#1997/212#18*, memorandum from the Swiss Embassy in Bucharest, 16 March 1985.

⁵²⁹CH-BAR, E2200.15#1997/212#18*, memorandum from the Swiss Embassy in Bucharest to the Swiss Ambassador in Bucharest, the FDFA and the Federal Office of Justice, 28 April 1987.

Radu was also a key figure in the co-operation between the Swiss embassy and the Romanian authorities. This was evident, for example, when the adoption proceedings were blocked by Romanian authorities from 1987 onwards and the opening of new proceedings was "basically stopped". The lawyer outlined to Hansjörg Widmer*, Swiss ambassador in Bucharest, how new applications could nevertheless be submitted thanks to his relationships with influential people: It was necessary for the application to be "politically' sufficiently substantiated". The lawyer remarked that he still had "some waivers from mothers 'en blanc' in stock".⁵³⁰

The Romanian authorities reacted sensitively to press reports about child trafficking and threatened to suspend international adoptions.⁵³¹ However, no measures were taken by Romania to prevent child trafficking. Nevertheless, the Romanian government's threat to no longer allow adoptions to certain countries was to be taken seriously. As a result, no more adoptions to France were authorised - at least for a while. In a conversation with the Swiss embassy in Bucharest, the Romanian lawyer confirmed the connection between French newspaper reports on child trafficking and this stop: "The reference is probably a [word has been typed out, author's note] warning to exercise discretion about the financial side of adoptions," the Swiss embassy reported to the FDFA.⁵³²

Exerting influence in favour of adoptive parents

Despite the press reports on child trafficking, the number of international adoption procedures involving Romanian children increased from 1986 onwards, according to a FDFA report. The FDFA suspected that this was increasingly causing displeasure among the Romanian authorities, possibly even among President Nicolae Ceaușescu himself, as Romania wanted to "see its population grow".⁵³³ The filed documents show how the conclusion of adoption procedures was blocked and delayed by the Romanian authorities from spring 1987 onwards. As a result, adoptive parents approached the FDFA with the request that the latter lobbied the Romanian authorities to finalise the pending procedures as quickly as possible.⁵³⁴ A memo in the file provides an insight into the embassy's deliberations:

"They all [the adoptive parents, author's note] have probably paid the official lawyer's fee through the Bar Association. If the situation remains blocked for too long, an intervention is likely to be necessary.

⁵³⁰Quotes from: CH-BAR, E2200.15#1997/212#18*, memorandum Hansjörg Widmer, Swiss Ambassador in Bucharest, 15 January 1988.

⁵³¹CH-BAR, E2200.15#1997/212#18*, Confidential memorandum from the Swiss Embassy in Bucharest, 5 July 1982; Memorandum from the Swiss Embassy in Bucharest, 16 March 1985; Memorandum from the Swiss Embassy in Bucharest, 9 July 1987.

⁵³²CH-BAR, E2200.15#1997/212#18*, memo from the Swiss embassy in Bucharest, 16 March 1985. Four years earlier - more as a reservation about adoptions of children from Romania and in the context of the Cold War - the issue was that the authorities of the communist countries used the adopted children as a gateway for espionage activities and that "adopted children could become victims of possible later attempts at blackmail". Quote from: CH-BAR, E2200.15#1997/212#18*, Yves Renner*, Swiss Chargé d'Affaires ad interim, confidential to the Director of the Federal Office of Justice, FDJP, 17 August 1981.

⁵³³CH-BAR, E2200.15#1997/212#18*, report "EDA and adoption cases from Romania", 14 March 1988.

⁵³⁴CH-BAR, E2200.15#1997/212#18*, report "EDA and adoption cases from Romania", 14 March 1988.

be justified. If adoption applications are accepted, the prospective adoptive parents also have a certain right to know approximately how long the procedure will take. ⁵³⁵ The FDFA - also confronted with enquiries from adoptive parents - shared this assessment: "The extremely sensitive issue of adoptions continues to justify a certain degree of restraint on our part. " ⁵³⁶

However, this reluctance was increasingly incompatible with the goal of concluding the ongoing proceedings in favour of the Swiss adoptive parents. Lawyer Luis Radu made it clear to the embassy that "[w]ithout interventions (from senior politicians, foreign ministries, governments, etc.) [...] practically no more adoptions would be authorised. Whereas in the past they had been dealt with according to the dossier numbers, today the interventions made decided the timeframe and the success of the process. " ⁵³⁷ The prospective adoptive parents exerted so much pressure that in August 1987, President Pierre Aubert, head of the FDFA, agreed to "submit the cases to President Ceaușescu in a letter". ⁵³⁸ The letter from the President of the Swiss Confederation included an accompanying list of eight cases that had been blocked for some time. ⁵³⁹ It was a delicate mission for the Swiss ambassador to hand over Aubert's letter to the director of the Romanian Foreign Ministry responsible for Western Europe. The latter demanded that the FDFA Secretary of State visit Romania. Although the Swiss ambassador rejected this request, citing "his extremely busy schedule", ⁵⁴⁰ the intervention of President Pierre Aubert apparently had an effect, as the Romanian side authorised the eight procedures mentioned in the letter, allowing the Romanian children to leave for Switzerland. ⁵⁴¹

Apparently, the list attached to the letter from the President of the Swiss Confederation to Ceaușescu did not include all the ongoing adoption proceedings known to the FDFA. ⁵⁴² The unnamed prospective adoptive parents reproached the FDFA, which asked the Swiss ambassador in view of this "situation embarrassante" to forward all information on all pending proceedings to the FDFA and to treat the adoptive parents who had contacted the embassy "avec tact, patience et comprehension". ⁵⁴³ The Swiss ambassador in Bucharest personally reviewed the dossier. ⁵⁴⁴

⁵³⁵CH-BAR, E2200.15#1997/212#18*, memorandum from the Swiss Embassy in Bucharest, 28 April 1987.

⁵³⁶CH-BAR, E2200.15#1997/212#18*, FDFA, Consular Protection Section, to the Swiss Embassy in Bucharest, 11 May 1987.

⁵³⁷CH-BAR, E2200.15#1997/212#18*, memorandum from the Swiss Embassy in Bucharest, 9 July 1987.

⁵³⁸CH-BAR, E2200.15#1997/212#18*, FDFA, Consular Protection Section, to the Swiss Embassy in Bucharest, 11 May 1987; FDFA to a Swiss couple, July 1987; FDFA telex to the Swiss Embassy in Bucharest, 26 August 1987.

⁵³⁹CH-BAR, E2200.15#1997/212#18*, Pierre Aubert, Le Président de la Confédération Suisse, to Son Excellence, Monsieur Nicolae Ceaușescu, Président de la République Socialiste de Roumanie, le 27 août 1987.

⁵⁴⁰CH-BAR, E2200.15#1997/212#18*, telex from the Swiss embassy in Bucharest to the FDFA, 11 September 1987.

⁵⁴¹CH-BAR, E2200.15#1997/212#18*, telex from the Swiss embassy in Bucharest to the FDFA, 28 September 1987.

⁵⁴²CH-BAR, E2200.15#1997/212#18*, FDFA, Consular Protection Section, to Swiss Embassy in Bucharest, 16 October 1987; FDFA telex to Swiss Embassy in Bucharest, 5 November 1987; Widmer* telex, Swiss Ambassador in Bucharest, to FDFA, for Political Directorate, 13 November 1987.

⁵⁴³CH-BAR, E2200.15#1997/212#18*, telex from the FDFA to the Swiss embassy in Bucharest, 5 November 1987.

⁵⁴⁴CH-BAR, E2200.15#1997/212#18*, Telex Hansjörg Widmer*, Swiss Ambassador in Bucharest, to FDFA, 25 November 1987.

At the beginning of December 1987, the French-language Swiss newspaper *La Liberté* reported that the Swiss authorities had received the green light from the Romanian authorities "avec grande difficulté" for almost a third of the adoption proceedings still pending.⁵⁴⁵ The pressure increased to bring the remaining pending proceedings to a successful conclusion. At the same time, the Romanian authorities apparently became increasingly restrictive, and visits by prospective adoptive parents to homes were no longer possible.⁵⁴⁶ As a result, they became even more demanding towards the Swiss authorities. The Romanian authorities informed the Swiss ambassador that proceedings would only be finalised on the basis of the intervention of "important personalities". Discretion was a top priority and reports in the Swiss press could have "negative effects".⁵⁴⁷ On 9 December 1987, shortly before his resignation, and again on 5 May 1988 as a former Federal Councillor, President Pierre Aubert once again approached President Ceaușescu and asked for a sympathetic examination of the pending adoption proceedings.⁵⁴⁸

Adoptions of children from Romania are a topic in the National Council

The aforementioned report in the newspaper *La Liberté* was the trigger for a simple question by National Councillor Lili Nabholz. She asked the Federal Council for a statement on the pending proceedings and called on the Swiss authorities to support the adoptive parents.⁵⁴⁹ In its response, the Federal Council pointed out that "the FDFA [...] has repeatedly made representations to the Romanian authorities at various levels". Since "in the meantime [...] fortunately a number of adoption cases could be settled with Romania", the Federal Council was "determined to continue to do everything in its power to help the families". It emphasised the "exceptional nature of its intervention" and advised against adoptions from Romania, as "their outcome remains extremely uncertain and falls within the sole competence of the Romanian authorities".⁵⁵⁰ The documents contain a letter from the Federal Council to the Romanian authorities.

⁵⁴⁵CH-BAR, E2200.15#1997/212#18*, Roger de Diessbach, Adoption d'enfants roumains par des foyers suisses: Le président destille l'angoisse, in: *La Liberté*, 7/8 December 1987.

⁵⁴⁶CH-BAR, E2200.15#1997/212#18*, Telex Hansjörg Widmer, Swiss Ambassador in Bucharest, to FDFA, Consular Protection Section, 10 December 1987.

⁵⁴⁷ Both quotations from: CH-BAR, E2200.15#1997/212#18*, Telex Hansjörg Widmer, Swiss Ambassador in Bucharest, to FDFA, 22 December 1987.

⁵⁴⁸CH-BAR, E2200.15#1997/212#18*, Pierre Aubert, Président de la Confédération Suisse, to Son Excellence, Monsieur Nicolae Ceaușescu, Président de la République Socialiste de Roumanie, le 5 mai 1988. In this letter, former Federal Councillor Pierre Aubert mentioned his previous letter of 9 December 1987. Cf. also General Secretariat FDFA to Swiss Ambassador in Bucharest, 4.5.1988.

⁵⁴⁹CH-BAR, E2200.15#1997/212#18*, 87.732 National Council, simple question Nabholz of 18 December 1987, adoption cases in Romania, 123.320 - AM (typewritten document) with stamp: Approved by the Federal Council on 17 Feb. 1988.

⁵⁵⁰All quotations from: CH-BAR, E2200.15#1997/212#18*, 87.732 National Council, Simple Question Nabholz of 18 December 1987, Adoption cases in Romania. In its answer, the Federal Council continued: "The Federal Council has [...] no intention of supporting the intermediaries who apparently encourage the adoption of Romanian children from Switzerland without being in a position to guarantee the success of this endeavour. The Federal Council draws the attention of all potential adoptive parents of Romanian children to the difficulties associated with such adoption procedures, the outcome of which remains extremely uncertain and is the sole responsibility of the Romanian authorities. The Federal Council draws the attention of interested parties to the exceptional nature of its interventions, which are limited by the sovereignty of the aforementioned state in this area."

A document from the FDFA, dated 1 March 1988, summarising the events to date in the context of the Single Enquiry and showing that "the Department [...] has recently taken every opportunity, and [...] will continue to do so, to draw the attention of new adoptive parents to the difficulties to be expected with adoptions in Romania."⁵⁵¹

The second letter from the President of the Confederation to Nicolae Ceaușescu in December 1987, shortly before Pierre Aubert stepped down as Federal Councillor at the end of the year, did not have the same effect as the first letter of August 1987. The adoption applications continued to be blocked by the Romanian side.⁵⁵² The Swiss ambassador reported to Bern that he had no access to the decision-makers.⁵⁵³ Pierre Aubert once again campaigned for Swiss adoptive parents, partly at the request of an acquaintance. In March 1988, the latter approached Pierre Aubert, by then a former Federal Councillor, and asked him for "une intervention à titre personnel auprès du président roumain". During the official reception of his successor in the Federal Council, René Felber, Pierre Aubert had apparently offered to approach the prospective adoptee again if his letter of December 1987 did not have the desired effect.⁵⁵⁴ Former Federal Councillor Pierre Aubert contacted the General Secretariat of the FDFA and Federal Councillor René Felber, the new head of the FDFA, gave his consent to this personal intervention.⁵⁵⁵ In the third letter to Nicolae Ceaușescu, Pierre Aubert mentioned the case of the prospective adoptee known to him by name in a separate paragraph alongside a "quinzaine d'enfants de votre pays en instance d'adoption par des familles suisses".⁵⁵⁶

No documents from the period between October 1988 and 3 January 1989 are filed in the case files. Only a telex from the FDFA to the Swiss ambassador in Bucharest at the beginning of January 1989 shows that the proceedings were still blocked: "[la] question adoption enfants rou-mains de la part couples suisses constitue l'un des points plus délicats et difficiles à résoudre, dans le cadre de nos relations bilatérales avec la Roumanie. Despite several interventions undertaken at different levels on our part [...], and therefore the results have unfortunately proved to be very limited up to now."⁵⁵⁷ The fear that Romania would offer a quid pro quo was still present.

⁵⁵¹CH-BAR, E2200.15#1997/212#18*, report "EDA and adoption cases from Romania", March 1988.

⁵⁵²CH-BAR, E2200.15#1997/212#18*, FDFA to Swiss Embassy in Bucharest, 4 May 1988; telex from Hansjörg Widmer*, Ambassador in Bucharest, 11 May 1988.

⁵⁵³CH-BAR, E2200.15#1997/212#18*, Hansjörg Widmer, Swiss Ambassador in Bucharest, to FDFA, Consular Protection Service, 14 April 1988; Telex Hansjörg Widmer, Swiss Ambassador in Bucharest, 11 May 1988.

⁵⁵⁴Quote from: CH-BAR, E2200.15#1997/212#18*, prospective adopter to Pierre Aubert, 10 March 1988.

⁵⁵⁵CH-BAR, E2200.15#1997/212#18*, General Secretariat FDFA to Swiss Ambassador in Bucharest, 4 May 1988; see also Hansjörg Widmer*, Swiss Ambassador in Bucharest, to prospective adoptive parents, 18 May 1988; Telex FDFA to Swiss Embassy in Bucharest, 31 March 1989.

⁵⁵⁶CH-BAR, E2200.15#1997/212#18*, Pierre Aubert, Président de la Confédération Suisse, to Son Excellence, Monsieur Nicolae Ceaușescu, Président de la République Socialiste de Roumanie, le 5 mai 1988.

⁵⁵⁷CH-BAR, E2200.15#1999/345#13, FDFA to the Swiss Embassy in Bucharest, 3 January 1989.

could demand, for example in the form of a "political gesture".⁵⁵⁸ At the same time, the adoptive parents maintained their pressure on the FDFA.⁵⁵⁹ Former Federal Councillor Pierre Aubert wanted, as noted in a memo, to have "nothing more to do with Romania after the adoption cases [...] have been resolved".⁵⁶⁰

Confusing situation in 1989

The situation became increasingly confused in the course of 1989 due to political developments in Romania. In April, the Swiss embassy reported to the FDFA's Consular Protection Section that the Romanian authorities in charge seemed overwhelmed with the administrative management of the adoption dossiers.⁵⁶¹ The responsibilities of individuals and Romanian authorities as well as applicable regulations were constantly changing or contradictory, making it difficult for the Swiss embassy to maintain an overview.⁵⁶² The staff no longer knew where the adopted children were: "It is worrying that not even the information provided by the various authorities on the children's whereabouts is consistent, but there is [...] no way of verifying one version or another."⁵⁶³ The Swiss ambassador suspected that no one dared to present the adoption dossiers to Ceaușescu for his signature.⁵⁶⁴

Prospective adoptive parents continued to press for the blocked procedures to be restarted.⁵⁶⁵ An adoptive father went on hunger strike outside the French embassy in Bucharest. In addition to the Belgian and Italian ambassadors, the Swiss ambassador also tried to persuade the man to stop, as "his action could possibly have a counter-productive effect".⁵⁶⁶ The Swiss embassy intervened on behalf of the adoptive parents on a case-by-case basis. For example, an employee endeavoured to obtain information about the whereabouts of the adoptive children through personal interviews with the Romanian guardianship authorities, accompanied by the Romanian lawyer Luis Radu*: "The 'expedition' starts in a very Romanian way. As soon as I am in the waiting taxi with Me R. [Mr Radu, author's note], he explains that the driver is a very good acquaintance whose daughter absolutely needs medication ... [sic]". Luis Radu gave the embassy employee access to the building: "The building is surrounded by [...] a lot of militia and I understand Me R's nervousness, as he 'smuggled me in' without authorisation and with the corresponding risk for everyone involved." The embassy employee described how, in addition to the taxi driver, all the interviewees at the

⁵⁵⁸CH-BAR, E2200.15#1999/345#13*, Hansjörg Widmer, Swiss Ambassador in Bucharest, to FDFA, 9 January 1989; Hansjörg Widmer*, Swiss Ambassador in Bucharest, to FDFA, 19 July 1989.

⁵⁵⁹CH-BAR, E2200.15#1999/345#13*, FDFA to the Swiss Embassy in Bucharest, 7 February 1989.

⁵⁶⁰CH-BAR, E2200.15#1999/345#13*, memo from the Swiss Embassy in Bucharest, 20 April 1989.

⁵⁶¹CH-BAR, E2200.15#1999/345#13*, memorandum from the Swiss Embassy in Bucharest, 26 April 1989, with copy to the FDFA, Consular Protection Section.

⁵⁶²CH-BAR, E2200.15#1999/345#13*, Hansjörg Widmer, Swiss Ambassador in Bucharest, to FDFA, 25 October 1989; Swiss Embassy in Bucharest to FDFA, 29 November 1989.

⁵⁶³CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 5 December 1989.

⁵⁶⁴CH-BAR, E2200.15#1999/345#13*, memo from Hansjörg Widmer, Swiss Ambassador in Bucharest, 27 June 1989.

⁵⁶⁵CH-BAR, E2200.15#1999/345#13*, FDFA to Swiss Embassy in Bucharest, 7 February 1989.

⁵⁶⁶CH-BAR, E2200.15#1999/345#13*, Telex Hansjörg Widmer, Swiss Ambassador in Bucharest, to FDFA, PA I and Consular Protection Section, 14 December 1989.

authorities coffee and cigarettes. They all asked for silence about the meeting. The embassy employee did not learn anything about the whereabouts of the prospective adoptive children.⁵⁶⁷

The documents mention another Romanian lawyer named Petr Popescu*.⁵⁶⁸ Both lawyers used their own financial resources. Luis Radu paid the maintenance of Romanian adoptive children in the "crèches" and "écoles préscolaires" as long as their proceedings were pending. With this payment, which "was of course always accompanied by certain gifts such as coffee and cigars", the lawyer ensured that "the whole situation remained as it is at the moment,

i.e. that the children can be where they are and, if possible, no birth mother backs out". The vicious circle, as Luis Radu described the situation to the Swiss embassy, was that the adoptive parents were unwilling to pay these maintenance costs "as long as they didn't have the children". The biological mothers, for their part, refused to make payments because

"the children already 'belong' to the adoptive parents", or they were considering "not taking their child back after all if they were already paying for it".⁵⁶⁹ The question of how these expenses were to be reimbursed to the lawyer was discussed by the FDFA, the Swiss embassy and Luis Radu, but no solution is documented in the files.⁵⁷⁰ However, the FDFA signalled that the adoptive parents were "willing to pay [...] if that was all that mattered".⁵⁷¹

12.2 Evidence of child trafficking and irregular practices until the end of the 1990s

The overthrow of Romanian President Nicolae Ceaușescu on 22 December 1989 and his execution three days later also marked a turning point in terms of international adoptions. The documents contain a chronology for the period from 30 December 1989 to 11 January 1990, which was compiled by an embassy employee.⁵⁷² The document shows how the Swiss embassy ensured that Romanian adoptive children were able to leave for Switzerland within a few days.

⁵⁶⁷All quotes from: CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 8 December 1989.

⁵⁶⁸CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 4 December 1989.

⁵⁶⁹All quotations from: CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 29/11/1989.

⁵⁷⁰CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 29 November 1989.

⁵⁷¹CH-BAR, E2200.15#1999/345#13*, FDFA to Hansjörg Widmer, Swiss Ambassador in Bucharest, 5 December 1989.

⁵⁷²CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 16 January 1990.

Rapid and unconventional handling of adoption procedures

On 27 December 1989, the ambassador in Bucharest asked the FDFA to "hold back parents, as formalities for adoption and departure are still unavoidable".⁵⁷³ On 30 December 1989, the Romanian authorities informed the embassy that all adoptions had been approved and that it would take four weeks for all formalities for the children's departure to be completed.⁵⁷⁴ However, when it became known on 3 January 1990 that the French authorities had obtained "preferential treatment" due to the intervention of members of the government and that the adoptive children were being flown from Bucharest to France on a specially chartered plane, the Swiss adoptive parents also insisted that the Swiss authorities provide an extra flight.⁵⁷⁵ An embassy employee then visited the children in the homes and tried to find out where they were.⁵⁷⁶ The embassy also organised a photographer to take passport photos and obtained the birth certificates and adoption certificates.⁵⁷⁷ The lawyer Luis Radu, the ICRC and Swissair provided support.

The authorities in Bern reacted quickly and unconventionally, "aucune difficulté n'a été rencontrée dans toute cette affaire liquidée selon une procédure d'urgence et sans trop de formalisme (mais avec les précautions nécessaires) vu les circonstances".⁵⁷⁸ After consultation with the FDFA, the embassy in Bucharest issued entry visas for the Romanian adoptive children, even though their entry permits had already expired through the Federal Office for Foreigners' Affairs.⁵⁷⁹ The new written confirmation from the Federal Office for Foreigners' Affairs arrived in Bucharest only shortly before departure.⁵⁸⁰ On 12 January 1990, a Swissair plane with nine Romanian adoptive children landed in Kloten, accompanied by positive press reports.⁵⁸¹ The embassy covered the "daily allowance costs" and expenses for passports, "CH visas were issued free of charge".⁵⁸² Subsequently, the embassy suggested to the FDFA that these fees should not be charged: "As is well known, the adoption cases extended over a period of more than a year, during which the embassy had to intervene and appear countless times before various authorities as well as the mandated lawyers. It is no longer possible to recapitulate all these endeavours today. [...] It would therefore perhaps be rather unwise to send the adoptive parents concerned fee orders retrospectively."⁵⁸³

⁵⁷³CH-BAR, E2200.15#1999/345#13*, Telex Hansjörg Widmer, Swiss Ambassador in Bucharest, to FDFA, 27 December 1989.

⁵⁷⁴CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 30 December 1989.

⁵⁷⁵CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 3 January 1990.

⁵⁷⁶CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 3 January 1990; Swiss Embassy in Bucharest to FDFA, 16 January 1990.

⁵⁷⁷CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 16 January 1990.

⁵⁷⁸CH-BAR, E2200.15#1999/345#13*, FDFA memo, 10 January 1990.

⁵⁷⁹CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 3 January 1990.

⁵⁸⁰CH-BAR, E2200.15#1999/345#13*, FDFA to Swiss Embassy, 10 January 1990.

⁵⁸¹CH-BAR, E2200.15#1999/345#13*, Catherine Dubouloz, L'heure des retrouvailles, in: Zeitung unbekannt, 12 January 1990; Pierre-André Rion, Bienvenue, Ioanal, in: Zeitung unbekannt, 13 January 1990.

⁵⁸²CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 16 January 1990.

⁵⁸³CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 2 April 1990.

Child trafficking during the political turmoil

After the fall of Nicolae Ceaușescu's regime, the great economic hardship of the Romanian population came to the attention of the world public. Numerous reports also reported on the desolate conditions in children's homes. According to the reports, many children had AIDS, hepatitis or deficiency diseases.⁵⁸⁴ In the summer of 1990, a new Romanian adoption law was passed.⁵⁸⁵ Courts and no longer the president now authorised foreign adoptions. Nevertheless, child trafficking was widespread. Reports in the Swiss and international media reported how adoptive parents from Western countries travelled to Romania on their own initiative and took a child home with them for a few dollars or in exchange for consumer goods.⁵⁸⁶ Swiss nationals also apparently wanted to adopt Romanian children. The Bureau Ge-nevois d'Adoption, Terre des hommes Lausanne and the Service d'adoption du Mouvement Enfance et Foyers apparently sought authorisation from the Romanian authorities in January 1990.⁵⁸⁷

After the fall of Ceaușescu's regime, the Swiss embassy in Bucharest was confronted with an "adoption boom" and many enquiries.

The Swiss embassy in Bucharest was confronted with an "adoption boom" and many enquiries after the fall of Ceaușescu's regime.⁵⁸⁸ However, in view of the experience of the procedures that had just been concluded with great effort, the FDFA and the embassy were reluctant to deal with adoption cases "in operational terms".⁵⁸⁹ The Swiss embassy only mediated contact with the Collège des avocats in Bucharest and with the lawyer Petr Popescu*.⁵⁹⁰ Luis Radu* was no longer active in mediation from the beginning of the 1990s.⁵⁹¹

There were disagreements between the embassy in Bucharest and the federal authorities. The ambassador pointed out to the FDJP and the Federal Office for Foreigners' Affairs that "there are an increasing number of cases of parents willing to adopt who approach this representation for the purpose of obtaining a visa without authorisation from your federal office." As he attributed the disregard for the correct procedure to "inadequate or even incorrect information from the cantonal authorities", he drafted a letter providing information on the correct procedure for the adoption of Romanian children, which was to be sent to the cantonal authorities.⁵⁹² The Federal Office for Civil Status did not see the need for such a letter, but criticised the fact that the place of birth of the Romanian children was not entered in the birth certificates, but rather the place of residence of the parents.

⁵⁸⁴CH-BAR, E2200.15#1999/345#13*, Rumänien will den Adoptionsboom brechen, in: Der Bund, 12 June 1991; Romanian Adoption Information Sheet of the US Embassy in Bucharest, December 1990.

⁵⁸⁵CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA, 8 August 1990; German translation of the law on the authorisation of the adoption of a child, undated.

⁵⁸⁶CH-BAR, E2200.15#1999/345#13*, For sale: a three-year-old child for 200 francs, in: Badener Tagblatt, 25 January 1990; Michael Meyer, Romania's Adoption Bazaar: 'It was as if I were shopping for shoes', in: Newsweek, 3 December 1990.

⁵⁸⁷CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to the Federal Office of Justice, Section for Private International Law and Civil Procedure, 7 April 1990.

⁵⁸⁸CH-BAR, E2200.15#1999/345#13*, Luca Hänggi*, Swiss Ambassador in Bucharest, to FDJP, Federal Office for Foreigners' Affairs, 4 December 1990.

⁵⁸⁹CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to the Placement and Counselling Centre of the Basel Women's Association at Heuberg, 24.4.1990.

⁵⁹⁰CH-BAR, E2200.15#1999/345#13*, FDFA to the Swiss Embassy in Bucharest, 25 January 1990.

⁵⁹¹CH-BAR, E2200.15#1999/345#13*, FDFA to the Swiss Embassy in Bucharest, 25 January 1990.

⁵⁹²Quotes from: CH-BAR, E2200.15#1999/345#13*, Luca Hänggi*, Swiss Ambassador in Bucharest, to FDJP, Federal Office for Foreigners' Affairs, 4 Dec. 1990.

adoptive parents at the time of adoption.⁵⁹³ The Federal Office for Foreigners' Affairs did not support the Swiss ambassador's request either and instructed the embassy "to issue visas to adoptive children in any case only after consultation with our office."⁵⁹⁴ This advice was given against the background that the Federal Office for Foreigners' Affairs had "recently been repeatedly confronted with cases of child trafficking (although not from Romania)".⁵⁹⁵

The documents contain the statement of an embassy employee who had issued a visa without an entry permit from the Federal Office for Foreigners' Affairs: "In fact, I issued a visa for the adopted child [...] without an entry permit from the Federal Office for Foreigners' Affairs. The couple [...] were in a nervous state after the difficult experiences surrounding the adoption, and the child required medical care, which is not possible in Romania. After receiving an exit passport from the Romanian authorities, I could assume that the adoption procedure was correct according to Romanian law (I could therefore rule out child abduction). Faced with the dilemma of obtaining an entry permit retrospectively and thus subjecting the parents to a further test of patience, and knowing that entry permits are unfortunately often delayed, or granting the child a visa to enable medical treatment, I opted for the humanitarian alternative." This statement is part of a letter sent by Swiss Ambassador Luca Hänggi* on behalf of the FDFA to the Director of the Federal Office for Foreign Nationals in order to justify the embassy's approach. Apparently, some people interested in adoption had threatened to sue because of the long waiting times. The Swiss ambassador explained that, due to the delayed delivery of entry permits, "the Swiss concerned, angry about the delay, sometimes formulate complaints, insult the officials, and once the lawyer representing these petitioners even threatened to sue; [...] you can see that it is not always easy to make the right decision in every case according to the circumstances."⁵⁹⁶ This example shows how the Swiss embassy was under pressure to act between pressing prospective adoptive parents, correct procedures and protecting the best interests of the child.

After the fall of the Ceaușescu regime, cantonal authorities, the Federal Office of Justice and the embassy in Bucharest discussed the legality of declarations of consent from biological parents dating back to before 1989. The Federal Office of Justice made it clear that the lack of declarations of consent could no longer be accepted in the new situation:

"According to our regulations, we cannot be satisfied with the consent of the President of the Republic as long as the parents' declaration of consent or an official declaration is not also provided at the same time

⁵⁹³CH-BAR, E2200.15#1999/345#13*, Federal Office for Civil Status to the Swiss Embassy in Bucharest, 4 October 1990.

⁵⁹⁴CH-BAR, E2200.15#1999/345#13*, Federal Office for Foreigners' Affairs to the Swiss Embassy in Bucharest, 21 January 1991.

⁵⁹⁵CH-BAR, E2200.15#1999/345#13*, Federal Office for Foreigners' Affairs to the Swiss Embassy in Bucharest, 6 December 1990.

⁵⁹⁶All quotations from: CH-BAR, E2200.15#1999/345#13*, Luca Hänggi, Swiss Ambassador in Bucharest, to Mr Director, Federal Office for Foreigners' Affairs, 20.12.1990.

if parental consent cannot be provided (cf. Art. 6 and 8 PAVO).⁵⁹⁷ A cantonal youth welfare office also expressed concerns: "Since various reports are known according to which the previous regime in Romania took the children away from the parents, we wonder whether the parents' consent would have to be repeated."⁵⁹⁸ The Swiss chargé d'affaires ad interim, on the other hand, was of the opinion "that the [...] reports mentioned, according to which the old regime in Romania took children away from their parents, are completely inaccurate."⁵⁹⁹

Exchange between the embassies of Western European countries and the USA

Various embassies in Bucharest were in contact with each other. The consul of the French embassy had warned the Swiss embassy about a lawyer who "demanded up to 5,000 dollars for 'mediation'".⁶⁰⁰ The American embassy wrote an information leaflet. This commitment was related to the fact that it was confronted with many adoption requests.⁶⁰¹ In the eyes of the Western embassies, Romanian legislation was only able to guarantee inadequate control: "Direct or private adoptions continue to lead to human trafficking, which involves a lot of money. It is not uncommon for pregnant women to carry their children to order and for payment. [...] The term 'abandoned children' is not clearly defined. The term is systematically interpreted arbitrarily. The mother of practically all adoptable children is known, and in many cases the father as well. [...] A wide-ranging interest in international adoptions, from the child's mother to the taxi driver, cannot be overlooked. [...] Another cause for concern is the increasing number of adoptions of newborn children, mostly directly from women's hospitals. It is not uncommon for these children to be only a few days old and to have been registered as unborn children by adoption brokers."⁶⁰² The report by the embassy employee concluded with an appeal: "Something must be done urgently to prevent the bazaar-like bargaining for children and the associated profit of unscrupulous participants and to improve the position of adoptable children in general."⁶⁰³ Even Romanian politicians were suspected of engaging in child trafficking, as the Swiss embassy reported to the FDFA and the FDJP.⁶⁰⁴ However, "[w]e as embassy staff cannot prevent these adoptions, nor do we want to do so, as the desire of a married couple to adopt a child is seen as a

⁵⁹⁷CH-BAR, E2200.15#1999/345#13*, Federal Office of Justice, Section for Private International Law and Civil Procedure, to the Swiss Embassy in Bucharest, 7 August 1990.

⁵⁹⁸CH-BAR, E2200.15#1999/345#13*, Cantonal Youth Welfare Office [...] to the Federal Office of Justice, Section for International Private and Civil Procedure Law, 5 June 1990.

⁵⁹⁹CH-BAR, E2200.15#1999/345#13*, Swiss Chargé d'Affaires ad interim, i. A., to Federal Office of Justice, Section for Private International Law and Civil Procedure, 10 July 1990.

⁶⁰⁰CH-BAR, E2200.15#1999/345#13*, memorandum from the Swiss Embassy in Bucharest, 20 March 1992.

⁶⁰¹CH-BAR, E2200.15#1999/345#13*, Romanian Adoption Information Sheet of the US Embassy in Bucharest, December 1990.

⁶⁰²CH-BAR, E2200.15#1999/345#13*, memo from the Swiss Embassy in Bucharest, 8 March 1991.

⁶⁰³CH-BAR, E2200.15#1999/345#13*, memo from the Swiss Embassy in Bucharest, 8 March 1991.

⁶⁰⁴CH-BAR, E2200.15#1999/345#13*, Swiss Ambassador in Bucharest, i. A., to Federal Office of Justice, Section for International Private and Civil Procedure Law, 5 December 1991, with copy to FDFA, Consular Protection Section and FDJP, Federal Office for Foreigners' Affairs.

naturally". The responsibility lies with their own "domestic authorities". They should "influence Romania in such a way that its authorities bring its legislation into line with international standards. Even a small step could put a noticeable stop to the black market: by promoting national adoption."⁶⁰⁵ The Swiss embassy reported on child trafficking: "The new adoption law came into force on 1 August 1990. Despite all expectations, this law did not prove successful. It made national adoption more difficult, but enabled or rather favoured adoption by foreigners, who adopted the children mostly on a private basis and often on a customised basis. As a result, a real child trade developed, with a lot of money at stake. It is not uncommon for even unborn children to be captured by unscrupulous intermediaries with a view to adoption."⁶⁰⁶

New Romanian adoption law of 1992

According to the Swiss embassy in Bucharest, foreigners adopted 3,200 Romanian children in 1990 alone.⁶⁰⁷ There was no end in sight to the demand. For the first three months of the following year, the media reported that 3,158 Romanian children had been placed abroad.⁶⁰⁸ International media reports on illegal practices and child trafficking in Romania continued unabated.⁶⁰⁹ International pressure on Romania to take action against child trafficking in its own country had an effect. In mid-April 1991, the Swiss embassy in Bucharest reported that Romania - "obviously under increasing pressure from abroad" - had commissioned UNICEF "to have the adoption problem in Romania assessed by a neutral commission and to draw up proposals for improvement".⁶¹⁰ This commission consisted of the Geneva-based institutions Défense des Enfants International (DEI) and Service Social Inter-national (SSI).⁶¹¹ Until the new Romanian law, which largely followed the commission's recommendations, became legally binding, all procedures were suspended in spring 1991 in order to "make administrative, organisational and personnel adjustments".⁶¹² On 1 April 1992, the suspension was lifted and international adoptions of Romanian children were once again possible. With the law

⁶⁰⁵All quotations from: CH-BAR, E2200.15#1999/345#13*, memorandum from the Swiss Embassy in Bucharest, 8 March 1991.

⁶⁰⁶CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA and FDJP and Federal Office for Foreigners' Affairs, 22 May 1991.

⁶⁰⁷CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to FDFA and FDJP and Federal Office for Immigration Affairs, 22 May 1991.

⁶⁰⁸CH-BAR, E2200.15#1999/345#13*, 3,158 minors adopted by foreigners, in: Neuer Weg, 8 May 1991.

⁶⁰⁹CH-BAR, E2200.15#1999/345#13*, Jean Luque, Voyage dans les coulisses de l'adoption : des Roumains à tout prix..., in: Le Pays, 30 April 1991; Romania's Lost Children, in: World Press, August 1991.

⁶¹⁰CH-BAR, E2200.15#1999/345#13*, memorandum from the Swiss Embassy in Bucharest, 15 April 1991.

⁶¹¹CH-BAR, E2200.15#1999/345#13*, memorandum from the Swiss Embassy in Bucharest, 15 April 1991. The dossier CH-BAR, E2200.15#1999/345#13* contains documents on the work of this commission: FDFA to Swiss Embassy in Bucharest, 8.5.1991; Service Social International Section Suisse to FDFA, 18.3.1991; Report "Romania: the adoption of romanian children by foreigners. Report of a group of experts on the implementation of the convention on the rights of the child regarding inter-country adoption" by Defence for Children International and International Social Service, April 1991.

⁶¹²CH-BAR, E2200.15#1999/345#13*, memorandum from the Swiss Embassy in Bucharest, 20 May 1991.

A centralised national body for the coordination and monitoring of adoptions was created in Romania, the Comité Roumain pour les Adoptions.⁶¹³

The Romanian law stipulated that the new Adoption Committee, as the central authority in Romania, only carried out international adoptions "in agreement with central authorities abroad". The documents contain correspondence on the question of which central authority in Switzerland could assume this function.⁶¹⁴ The Romanian Adoption Committee wanted "un seul organisme officiel avec lequel le Comité Roumain pour les Adoptions pouvait collaborer en ce qui concerne l'adoption internationale".⁶¹⁵ The Federal Office of Justice, on the other hand, took the view that, as with the previous practice, cantonal foster placement licences should be recognised and prospective adoptive parents should not be forced to look for adoptive children exclusively through a placement agency: "It seems important to us that the said Adoption Committee is aware that, according to current Swiss legislation and practice, 80 to 90% of adoptions are so-called independent adoptions, whereby no compulsion should be imposed on prospective adoptive parents to go through a cantonal agency (be it a cantonal foster care supervisory authority or another authorised placement agency)". If anything, it should be left to the cantons to set up a centre.⁶¹⁶

The Bureau Genevois d'Adoption was the first Swiss placement agency to conclude an agreement with the Romanian Adoption Committee in spring 1992.⁶¹⁷ Terre des hommes Lausanne soon followed.⁶¹⁸ For several years, as far as can be reconstructed from the case files, these were the only Swiss placement agencies active in Romania, as the Service d'adoption du Mouvement Enfance et Foyers tried several times in vain to obtain authorisation from Romanian adoption agencies.

⁶¹³CH-BAR, E2200.15#1999/345#13*, Comité Roumain pour les Adoptions to the Swiss Embassy in Bucharest, undated. The dossiers contain various documents on the Romanian adoption law as well as translations and newspaper reports summarising the most important legal provisions for the adoption of Romanian children: CH-BAR, E2200.15#1999/345#13*, Paul Schuster-Stein, Einen Riegel vorgeschoben: Erläuterungen zu den Änderungen im rumänischen Adoptionsgesetz, in: Neuer Weg, 21.8.1991; Rumänien will den Adoptionsboom brechen, in: Der Bund, 12.6.1991; Kampf Rumäniens gegen den Adoptionshandel, in: NZZ, 15.7.1991. In cooperation with the Embassy in Bucharest, the Federal Office of Justice sent a letter to the Cantonal Conference of Guardianship Directors in order to inform the competent central authorities of the cantons about the new legal situation regarding adoptions of children from Romania: CH-BAR, E2200.15#1999/345#13*, Swiss Embassy in Bucharest to Federal Office of Justice, Section for International Private and Civil Procedure Law, 4.12.1991; Federal Office of Justice, Section for International Private and Civil Procedure Law, to Conference of Cantonal Directors of Guardianship, 25.2.1992.

⁶¹⁴Quote from: CH-BAR, E2200.15#1999/345#13*, memorandum from the Swiss Embassy in Bucharest, 14 October 1991.

⁶¹⁵CH-BAR, E2200.15#1999/345#13*, Comité Roumain pour les Adoptions to the Swiss Embassy in Bucharest, 17 January 1992.

⁶¹⁶Quote from: CH-BAR, E2200.15#1999/345#13*, Federal Office of Justice, Section for Private International Law and Civil Procedure, to the Swiss Embassy in Bucharest, 7 January 1991 [wrong year, should read 1992].

⁶¹⁷CH-BAR, E2200.15#1999/345#13*, memorandum from the Swiss Embassy, 18 February 1991; Swiss Embassy in Bucharest to the Federal Office of Justice, Section for International Private and Civil Procedure Law, 7 April 1992; Swiss Embassy in Bucharest to the Federal Office of Justice, Section for International Private and Civil Procedure Law, 22 April 1992.

⁶¹⁸CH-BAR, E2200.15#1999/345#13*, memorandum from the Swiss Embassy, 18 February 1991; Swiss Embassy in Bucharest to the Federal Office of Justice, Section for International Private and Civil Procedure Law, 7 April 1992. CH-BAR, E2200.15#2008/127#25*, Swiss Embassy in Bucharest to the Federal Office of Justice, Section for International Private and Civil Procedure Law, 24 June 1993.

Page.⁶¹⁹ The reason for this cannot be reconstructed on the basis of the documents inspected. From 1997, RomAdopt was also active in Romania.⁶²⁰

Child trafficking remains an issue in the 1990s

For the years from 1992 onwards, the subject dossiers contain documents on the Romanian adoption proceedings, correspondence from the Swiss embassy in Bucharest, newspaper articles and files on the Hague Convention. The dossiers from this period are smaller than those from previous years. Child trafficking and illegal practices continued to be an issue, as the filed media reports document.⁶²¹ The demand for Romanian adoptive children remained high from an international perspective, while the number of "registered adoptable" children fell to a few dozen in spring 1992.⁶²² A memo from the Swiss embassy cited the following reasons for this decline: "[...] the formalities of declaring a child 'adoptable' are legally cumbersome and time-consuming as a result of the new law. In addition, a dwindling interest on the part of Romanians in giving children up for adoption was observed, especially as adoption no longer offered any material incentives compared to the past."⁶²³ The Bureau Genevois d'Adoption confirmed to the embassy in Bucharest that there were "far too few" Romanian adoptive children in view of the demand. The placement centre therefore refers interested parties "to the adoption opportunities in the traditional countries".⁶²⁴

In individual cases, people interested in adopting a Romanian child appear to have been prepared to use illegal means to obtain a Romanian child, as one enquiry shows: "How can you legally (or possibly illegally) help a child to be legally adopted in Switzerland?"⁶²⁵ In another case, the adoptive parents concluded an agreement with the natural Romanian mother. The relinquishment declaration stated that "their child is intended for adoption by the Swiss couple". The Romanian adoption committee deemed this to be "unlawful, even punishable". In addition, the child had been registered with the adoption committee too late for the legally prescribed waiting period of six months before adoption to be observed, which is why the adoption would very probably not be authorised in this case. The embassy apologised for the

⁶¹⁹CH-BAR, E2200.15#2008/127#25*, Service d'adoption du Mouvement Enfance et Foyers to Département de la Santé Fribourg, 9.12.1996; Service d'adoption du Mouvement Enfance et Foyers to Swiss Embassy in Bucharest, 2.6.1997; Swiss Embassy in Bucharest to Service d'adoption du Mouvement Enfance et Foyers, 19.6.1997.

CH-BAR, E2200.15#2008/127#25*, Swiss Embassy in Bucharest to a Swiss woman interested in adoption, 30 May 1995.

⁶²⁰CH-BAR, E2200.15#2008/127#25*, Rome Adopt to Swiss Embassy in Bucharest, 11 December 1997.

⁶²¹CH-BAR, E2200.15#2008/127#25*, Baby trafficking busted, in: Allgemeine Deutsche Zeitung, 27 February 1993; Trafficking in Romanian children, in: Allgemeine Deutsche Zeitung, 5 March 1993.

⁶²²CH-BAR, E2200.15#1999/345#13*, memo from the Swiss embassy in Bucharest, 16 April 1992.

⁶²³CH-BAR, E2200.15#1999/345#13*, memo from the Swiss Embassy in Bucharest, 16 April 1992.

⁶²⁴Both quotations from: CH-BAR, E2200.15#2008/127#25*, file note Swiss Embassy in Bucharest, 9 April 1992.

⁶²⁵CH-BAR, E2200.15#2008/127#25*, person interested in adoption to the Swiss Embassy in Bucharest, 22 May 1995.

behaviour of the prospective adoptive parents with ignorance: "I make it clear [...] that [the adoptive parents, author's note] were not guilty of anything. On the contrary, they were only interested in adopting the child within the framework of Swiss and Romanian legislation".⁶²⁶ The Swiss embassy had received a rumour that the Bu-reau Genevois d'Adoption was "encouraging parents willing to adopt to invite Romanian children to Switzerland for a holiday in order to then initiate adoption proceedings from there". The embassy stated to the Federal Office of Justice that "such a procedure is of course contrary to Romanian law".⁶²⁷ "However, I consider it unlikely that the Geneva office would make such a recommendation."⁶²⁸ The Romanian adoption committee explained its procedures: before the embassy issued visas for the Romanian adoptive children, it had to have confirmation from the committee that it had authorised the adoption by a foreigner.⁶²⁹

The majority of Swiss placement centres are withdrawing from Romania

As of July 1997, the Romanian authorities only wanted to admit foreign placement organisations in Romania whose home countries had ratified the Hague Convention.⁶³⁰ As it became apparent that the signing of this convention in Switzerland would take some time, the Federal Office of Justice and the Swiss Embassy tried to negotiate an alternative procedure with the Romanian authorities.⁶³¹ The focus was not on a bilateral agreement as an interim solution, but on an agreement between the Romanian Adoption Committee and the mediation organisations Bureau Genevois d'Adoption and Terre des hom-mes Lausanne operating in Romania.⁶³² Swiss nationals interested in adopting a child could therefore continue to either work directly with Romanian placement agencies or look for a child in Romania via the Bureau Genevois d'Adop-tion or Terre des hommes Lausanne.⁶³³ The Romanian side only insisted that the adoptive parents' application dossiers be forwarded to the adoption committee by the Swiss embassy and that the adoptive parents work with Romanian placement agencies. The reliability of these Romanian placement centres could not be verified by the Swiss side.

⁶²⁶All quotations from: CH-BAR, E2200.15#1999/345#13*, memo from the Swiss Embassy in Bucharest, 16 April 1992.

⁶²⁷Both quotations from: CH-BAR, E2200.15#2008/127#25*, Swiss Embassy in Bucharest to Federal Office of Justice, Private International Law and Civil Procedure Section, 18 May 1993.

⁶²⁸CH-BAR, E2200.15#2008/127#25*, Swiss Embassy in Bucharest to the Federal Office of Justice, Private International Law and Civil Procedure Section, 18 May 1993.

⁶²⁹CH-BAR, E2200.15#2008/127#25*, Ministère des Affaires étrangères to the Swiss Embassy in Bucharest, 8 February 1993.

⁶³⁰CH-BAR, E2200.15#2008/127#25*, memorandum Federal Office of Justice, Section for International Private and Civil Procedure Law, 16 July 1997.

⁶³¹CH-BAR, E2200.15#2008/127#25*, Swiss Embassy in Bucharest to the Federal Office of Justice, Private International Law and Civil Procedure Section, 23 May 1997.

⁶³²CH-BAR, E2200.15#2008/127#25*, Federal Office of Justice, Private International Law and Civil Procedure Section, to the Swiss Embassy in Bucharest, 22 July 1997.

⁶³³CH-BAR, E2200.15#2008/127#25*, Swiss Embassy in Bucharest to Bureau Genevois d'Adoption, 22 October 1997; Swiss Embassy in Bucharest/Romania to Terre des hommes in Lausanne, 30 October 1997; memo from the Swiss Embassy in Bucharest/Romania, 22 October 1997.

For reasons of resources, the embassy did not check adoption requests from Swiss nationals who did not work with Swiss placement centres.⁶³⁴ The embassy forwarded them to the Miscarea Copiilor foundation in order to "prevent us from having to work with countless different foundations".⁶³⁵

At the end of the 1990s, the number of Romanian mediation centres increased, making it impossible for the Swiss embassy "to pass judgement on their seriousness".⁶³⁶ New actors also emerged on the Swiss side. The documents include the case of Petra Gross*, an information centre for Romanian adoptions, who argued that she did not need a permit from the cantonal authorities for her work.⁶³⁷ The embassy insisted to Petra Gross that she had to obtain a permit. Correspondence from the competent cantonal supervisory authority, which had approached the Federal Office of Justice in December 1997 with its questions about the granting of a licence, is also on file.⁶³⁸

A year earlier, RomAdopt started a placement programme for children from Romania. In its first year of operation, RomAdopt, operating from the canton of Aargau, triggered a critical enquiry by the responsible cantonal supervisory authority. In connection with the first annual report, the Civil Rights Section of the Aargau Department of Home Affairs had been made aware that adoptive parents were paying an additional USD 3,500 on top of the usual placement fees.⁶³⁹ The Federal Office of Justice forwarded the enquiry to the Swiss embassy in Bucharest with a request for clarification. The embassy replied to the Federal Office of Justice that this payment was a matter between RomAdopt and the Romanian intermediary organisation: "Il y a un travail administratif considérable à faire. In Romania, each administrative, or even judicial (!), step can be accelerated or even made possible by the payment of an 'à côté', the amount of which seems to be strictly defined. This seems to be particularly the case in what one might call 'the orphelins' trade'. It is entirely conceivable that the majority of the USD 3,500 will be used for these purposes and that the Association Cuore [the Romanian mediation organisation, author's note] will only pay a reasonable fee. The price of USD 3,500 seems, according to my information, to be a little close to the price paid by other organisations. In other words, this is a common practice in Romania, but it does not

⁶³⁴CH-BAR, E2200.15#208/127#25*, Swiss Embassy in Bucharest to the Federal Office of Justice, Section for International Private and Civil Procedure Law, 22 October 1997.

⁶³⁵CH-BAR, E2200.15#2008/127#25*, memorandum from the Swiss Embassy in Bucharest, 11 February 1998.

⁶³⁶CH-BAR, E2200.15#2008/127#25*, Swiss Embassy in Bucharest, Counsellor, to Petra Gross*, 25 March 1998.

⁶³⁷CH-BAR, E2200.15#2008/127#25*, Petra Gross to the Swiss Embassy in Bucharest, 19 March 1998.

⁶³⁸Cf. the corresponding correspondence in: CH-BAR, E2200.15#2008/127#25*, for example: Petra Gross*, Information Centre for Romanian Adoptions, to Swiss Embassy in Bucharest, 19.3.1998; Swiss Embassy in Bucharest to Petra Gross, 25.3.1998. Petra Gross, Information Centre for Romanian Adoptions, to the Swiss Embassy in Bucharest/Romania, 16.9.1999; supervisory authority in the competent canton to the Federal Office of Justice, 2.12.1997; Federal Office of Justice, Main Department of Private Law, Civil Code, to the supervisory authority in the competent canton, 10.12.1997.

⁶³⁹CH-BAR, E2200.15#2008/127#25*, Departement des Innern Kanton Aargau, Sektion Bürgerrecht und Personenstand, to Bundesamt für Justiz, Sektion internationales Privat- und Zivilprozessrecht, 21.9.1998.

à priori un préjudice à l'égard d'un intermédiaire. The Ambassador is not aware of any negative elements with regard to the Association Cuore. ⁶⁴⁰

The placement agency Pro Kind Adopt Inform from the canton of Zurich, which was already active in Chile and Brazil, received an additional licence for the adoption placement of children from Romania in 1998.⁶⁴¹ In 1999, the Bureau Genevois d'Adoption apparently ceased its activities in Romania due to child trafficking, together with other placement centres from Switzerland: "[L]es conditions actuelles fixées par les fondations roumaines ne satisfont plus les bureaux suisses susmentionnés qui considèrent qu'il s'agit plutôt d'un trafic d'enfants que de dossiers d'adoption. Il semble que les montants demandés par les fondations roumaines en couverture des frais de dossiers aient doublé durant les 6 derniers mois (env. \$ 5'000.- au lieu 2'500 auparavant) [sic]."⁶⁴² The Swiss embassy mentioned even higher amounts in another document. The Romanian placement centres would demand between 1,000 and 15,000 US dollars per child. In the same letter, it was surmised that the Romanian authorities deliberately put only a few children on the adoption list in order to drive up prices. The EU had therefore intervened with Romania. According to the letter, Terre des hommes, Service d'adoption du Mouvement Enfance et Foyer, Bureau Genevois d'Adoption and Pro Kind Adopt Inform were no longer working in adoption mediation at the time. Only Ro-mAdopt, based in the canton of Aargau, was still placing Romanian adoptive children in Switzerland.⁶⁴³

Illegal practices and child trafficking were often reported in Swiss and Romanian newspapers around the turn of the millennium,⁶⁴⁴ and various newspaper articles on child trafficking are also filed in the records of the Swiss embassy for the period after 2000.⁶⁴⁵ In 2000, a revision of the law was initiated in Romania, and the ongoing adoption procedures that had been started after 14 December 2000 were suspended.⁶⁴⁶

⁶⁴⁰CH-BAR, E2200.15#2008/127#25*, Conseiller, Swiss Embassy in Bucharest, to the Federal Office of Justice, Section for International Private and Civil Procedure Law, 6 October 1998.

⁶⁴¹CH-BAR, E2200.15#2008/127#25*, Authorisation of the Office for Youth and Vocational Guidance of the Canton of Zurich, October 1998.

⁶⁴²CH-BAR, E2200.15#2008/127#25*, memorandum from the Swiss Embassy in Bucharest, 8 September 1999.

⁶⁴³CH-BAR, E2200.15#2008/127#25*, employee of the Swiss embassy in Bucharest to the Swiss embassy in [...], 6 January 2000. The letter is a reply to a personal enquiry from an embassy employee in another country of residence concerning the adoption of a Romanian child. The case file CH-BAR, E2200.15#2008/127#25* contains further correspondence on RomAdopt with a couple from Switzerland interested in adoption. The activities of RomAdopt led to an interpellation in the National Council by Vreni Hubmann, SP Canton Zurich. The Federal Council's reply shows that on 18 April 2004, the Federal Office of Justice, as the supervisory authority, banned RomAdopt from any further activity in connection with the further processing of the pending dossiers and from making financial payments to partner organisations in Romania under threat of punishment. See: <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaefte?AffairId=20043527>, accessed 25.5.2022. See also UNICEF Switzerland 2007, p. 25. Since 2003, supervision of the Swiss mediation centres has no longer been the responsibility of the cantons, but of the Federal Office of Justice. Cf. chapter 2.2.

⁶⁴⁴CH-BAR, E2200.15#2008/127#25*, Bran Mirel, Adoption: Les enfants roumains continuent de partir illégalement, in: L'impar-tial, 18.12.1998; Complicele avocatei lucra la o fundatie pentru copii, in: Libertatea, 10.11.1998.

⁶⁴⁵CH-BAR, E2200.15#2016/161#26.

⁶⁴⁶CH-BAR, E2200.15#2016/161#26, Romanian Committee for Adoptions to the Swiss Embassy in Bucharest, 15 August 2001.

13 Fonds of the Federal Office for Immigration Affairs

The inventory of the Federal Office for Foreigners' Affairs is central to the questions posed in our report. The Federal Office had expertise in international adoptions and was the point of contact for questions of various origins. It was in active dialogue with the Swiss representations in the children's countries of origin as well as with the cantonal authorities and was sometimes also contacted directly by those interested in adoption. The collection shows that the employees of the Federal Office thus had a broad overview of problematic aspects and illegal practices relating to adoptions from different countries. For example, the extensive correspondence provides information on which practices in foreign adoptions were controversial and how the Office reacted to them. For the inventory, factual dossiers from the Federal Office for Immigration Matters were examined, but the selection does not claim to be exhaustive.

There are two dossiers in the holdings of the Federal Office for Immigration Affairs that are labelled "child trafficking"⁶⁴⁷ and thus explicitly deal with illegal adoptions. The first dossier is a thin folder containing mostly ^{newspaper} articles⁶⁴⁸ and correspondence between the Federal Office for Immigration Affairs and Swiss representations in various countries. It provides an insight into what the Federal Office for Immigration Affairs knew about child trafficking in the 1980s and 1990s. For example, the Swiss representation in Brasilia addressed child trafficking in Brazil in a letter to the FDJP, Private International Law Section, in 1992, and in the same year Guate-mala was also discussed.⁶⁴⁹

Of particular interest in this dossier is a 1981 document from the Federal Office of Justice, Private International Law Section, on the international sale of Colombian children, because it describes in detail how child trafficking worked.⁶⁵⁰ Lawyers, notaries, juvenile court judges, secretaries and children's home employees were involved in the scandal in Colombia. Mothers were made to believe that their children had been stillborn. The children were entered in the public registers with fictitious names and fictitious identity documents. The same woman who was falsely entered in the birth register as the biological mother of the stolen child signed the declaration that she was handing over the child, which was falsely hers, to the foreign spouses, who paid 7,500 to

⁶⁴⁷CH-BAR, E4300C-01#2021/3#475*.

⁶⁴⁸See for example: CH-BAR, E4300C-01#2021/3#475*, Paulo David, Ces enfants que l'on vend, in: Journal de Genève et Gazette de Lausanne, 22 July 1993; Extranjeros compran menores que son vendidos por campesinos, in: El Diario, 20 August 1993.

⁶⁴⁹CH-BAR, E4300C-01#2021/3#475*, Swiss representation Brasilia to FDJP, Private International Law Section, 18 March 1992, concerning "Brésil: trafic de bébés vers l'extérieur"; Cresce trafico de bebés do Brasil para o exterior, in: Correio Braziliense, 8.3.1992; Federal Office for Foreigners' Affairs to the Swiss Embassy in Guatemala, 7.4.1992; Swiss Mission in Guatemala to the Federal Office for Foreigners' Affairs, 26.5.1992, concerning "Adoption of children - possible abuse in Guatemala". The dossier also contains correspondence from the FDFA to the Federal Office of Justice, various sections, 31 August 1993, concerning "Inquiry by the Special Rapporteur of the UN Commission on Human Rights on the subject of child trafficking". The Special Rapporteur requested information on specific cases and general questions concerning child trafficking. ⁶⁵⁰CH-BAR, E4300C-01#2021/3#475*, Federal Office of Justice, Private International Law Section, document "International Trafficking in Colombian Children", 7 September 1981, cf. chapter 8.

15,000.⁶⁵¹ This 1981 scandal led the Swiss embassy in Bogotá to introduce more restrictive controls regarding "autorizzazioni, che ora vengono concesse solamente dietro richiesta scritta del 'Bienestar Familiar'.⁶⁵² The Swiss embassy demanded that the Federal Office for Foreigners' Affairs issue "una normativa precisa e concisa" to the cantonal authorities. It was unnecessary to instruct the prospective adoptive parents to go to the embassy immediately after their arrival in Bogotá in order to obtain a residence permit for the child. Rather, those interested in adopting should "svolgere le pratiche di adozione nella città desi-gnata, indi chiedere al 'Bienestar' l'autorizzazione di espatrio per l'adottato e, per ultimo, presentarsi od inviare all'ambasciata l'anzidetta autorizzazione."⁶⁵³

The example shows that Swiss representations sometimes reported abuses to Switzerland and called on the responsible authorities to take action. This was also the case in Bolivia. In May 1982, the Swiss embassy in La Paz reported to the Federal Office of Justice that Bolivian children had been placed in Switzerland for adoption purposes in recent years and that "the requirements of Bolivian law may not have been complied with in all respects."⁶⁵⁴ The Federal Office of Justice, Section for Private International Law, wrote to the Federal Office for Foreigners' Affairs in this regard: "Cases and rumours concerning not entirely flawless adoptive child placements have arisen on various occasions in recent times. This report should therefore be taken seriously. We would like to investigate the matter and, above all, find out the identity of the Swiss citizen who is said to have placed the adoptive children."⁶⁵⁵ The Private International Law Section asked the Federal Office for Immigration Affairs for information on the number of foster children who had arrived from Bolivia in the past five years and the name of the intermediary concerned. It is not clear from the documents whether and what further clarifications were made.

The second dossier on child trafficking⁶⁵⁶ mainly comprises documents on countries other than the ten countries of origin of children selected for this report. It primarily contains information on child trafficking from Zaire between 1995 and 1997 and from Somalia in 1996. It also contains a directive and an exchange of letters between the Swiss ambassador in New Delhi and the Federal Office for Foreigners' Affairs from 1996 and 1997. The ambassador drew attention to corruption at Indian passport and visa offices. To avoid "child-smuggling", he instructed that "no visa is issued for passports which include child(ren). Authorisation for exceptions can only be given by the

⁶⁵¹CH-BAR, E4300C-01#2021/3#475*, Federal Office of Justice, Section for Private International Law, document "International Trade in Colombian Children", 7 September 1981.

⁶⁵²CH-BAR, E4300C-01#1998/299#607*, Swiss Embassy in Bogotá to Federal Office for Foreigners' Affairs, 15 September 1981.

⁶⁵³CH-BAR, E4300C-01#1998/299#607*, Swiss Embassy in Bogotá to Federal Office for Foreigners' Affairs, 15 September 1981.

⁶⁵⁴CH-BAR, E4300C-01#1998/299#1778*, Hans Steiner*, Federal Office of Justice, Section for Private International Law, to Federal Office for Immigration Affairs, 25 May 1982.

⁶⁵⁵CH-BAR, E4300C-01#1998/299#1778*, Hans Steiner*, Federal Office of Justice, Section for Private International Law, to Federal Office for Foreigners' Affairs, 25 May 1982.

⁶⁵⁶CH-BAR, E4300C-01#2021/3#269*.

Swiss responsible for visas.⁶⁵⁷ The dossier also contains the information that Portuguese youths were being exploited by Portuguese families in Switzerland with illegal labour.⁶⁵⁸

13.1 Increase in international adoptions unsettles the authorities

At the beginning of the period under investigation, the files show that the competent cantonal authorities and Swiss representations were unsettled and overwhelmed by the new phenomenon of international adoptions. As these increased sharply from the mid-1970s onwards, enquiries to the Federal Aliens Police became more frequent.

Abuses already in the 1970s

In 1975, for example, the youth welfare office of the canton of Neuchâtel asked the Federal Aliens Police what action should be taken in view of the increasing number of couples seeking to adopt a child in Colombia, Vietnam or Israel, among other countries. On the advice of the cantonal immigration police, the couples asked the youth welfare office to issue them with a kind of "certificat de notoriété", which proved their ability to bring up children and with which they could obtain an entry visa for the country in question. The Neuchâtel Youth Welfare Office understood the couples' strong desire to have children, but also expressed the fear that such a procedure would encourage child trafficking. In a letter to the Federal Aliens Police, the Youth Welfare Office mentioned a case in which the future adoptive parents had paid 10,000 Swiss francs for a child.

"Certainly we understand the violent desire of those who want to create a family. [...] But we do not want to have the air of contributing to a 'market' that is unilateral for the benefit of only those who have the means, without any moral guarantee or assurance that they will act regularly and in accordance with the law." The Youth Welfare Office feared illegal practices and explicitly mentioned the danger of child trafficking. It therefore wanted to know from the Federal Aliens Police "exactement et officiellement" how to proceed with such enquiries.⁶⁵⁹

⁶⁵⁷CH-BAR, E4300C-01#2021/3#269*, Internal Directive N. Dachsler*, Swiss Ambassador in New Delhi, 24 October 1996.

⁶⁵⁸CH-BAR, E4300C-01#2021/3#269*, letter from Roth*, Federal Office for Foreigners' Affairs, to the heads of the cantonal foreign police, 22 January 1997.

⁶⁵⁹All quotations from: CH-BAR, E4300C-01#1998/299#607*, Jugendamt Kanton Neuenburg an Eidgenössische Fremdenpolizei, 4 February 1975.

In his reply, Stefan Koch* from the Federal Aliens Police stated that there was nothing abusive about the sum of CHF 10,000 mentioned by the Youth Welfare Office. Flights and legal fees could certainly be that high. However, if the Youth Welfare Office was aware of specific cases of abuse, the immigration police would initiate an investigation and intervene with the local Swiss authorities.⁶⁶⁰ Koch did not comment in more detail on the legal fees, nor did he define "specific cases of abuse". However, he signalled a willingness to investigate. Whether such investigations were actually carried out cannot be answered on the basis of the material we have reviewed.

Koch also replied to the Youth Welfare Office that the Swiss Aliens Police were also aware of abuses in foreign adoptions. Specifically, he mentioned entry without prior authorisation. Fortunately, however, hardly any children leave their country without a valid passport and the consent of the local authorities for a permanent stay in Switzerland with a view to adoption, Koch said. Foster parents who do not comply with the regulations do so primarily out of ignorance and lack of knowledge. In these cases, the Federal Aliens Police refrain from a "refoulement inhu-main". It is therefore important to provide information in advance: "[I]t is therefore necessary to educate and inform".⁶⁶¹ Koch focussed on the ignorance of the adoptive parents. Koch's assessment that hardly any children entered Switzerland without valid documents is not correct, as the documents we consulted in the Swiss Federal Archives show. The federal authorities repeatedly raised the issue of children travelling to Switzerland without valid documents, where essential information was missing or the documents contained fictitious entries. In 1975, for example, the Federal Aliens Police drew attention to the fact that children brought to Switzerland by Terre des hommes Lausanne had inaccurate personal details, for example differences between the application submitted and the entry permit issued. However, incorrect names and dates of birth were attributed to translation errors and the inadequate documents were hardly ever problematised. The Directorate for International Organisations of the Federal Department of Political Affairs (FDFA) wrote to the Swiss embassy in Dhaka: "However, such inaccuracies are of minor importance. The permit is issued for the child in need. The decisive factor is therefore which child is designated by the representative of Terre des hommes as being destined for entry into Switzerland.

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⁶⁶⁰CH-BAR, E4300C-01#1998/299#607*, Stefan Koch, Federal Aliens Police, to the Director of the Youth Welfare Office of the Canton of Neuchâtel, 10 February 1975.

⁶⁶¹Both quotations from: CH-BAR, E4300C-01#1998/299#607*, Stefan Koch, Federal Aliens Police, to Director Youth Welfare Office Canton Neuchâtel, 10 February 1975.

⁶⁶²CH-BAR, E4300C-01#1998/299#1307*, Directorate for International Organisations, EPD, to the Swiss Embassy in Dhaka, 30.1.1975. Bitter, Bangerter and Ramsauer also show for Sri Lanka that since 1977 attention has been drawn on various occasions to the fact that children were travelling to Switzerland without valid documents. Bitter, Bangerter, Ramsauer 2020, pp. 199, 202.

Cantonal specifics fostered uncertainty among cantonal authorities when dealing with international adoptions. There were therefore various calls for harmonisation and standardisation of the cantonal guidelines.⁶⁶³ At the same time, there were calls for federal directives. At the beginning of 1976, an employee of the Federal Aliens Police wrote to Director Silvio Mancini*:

"On 14 August 1975 [...] we discussed the issue of foster and adoptive children with Mr Koch in your office and established that several cantons did not quite know how to deal with these cases. Some cantons have also expressed the wish for federal directives." Mancini subsequently commissioned Koch to draft a circular letter.⁶⁶⁴

Federal immigration police focus on clarification

As foreign adoptions gradually increased in Switzerland, various enforcement problems in the adoption process, such as the entry of children without prior authorisation, were already evident. This was primarily due to a lack of knowledge on the part of authorities and private individuals. As Stefan Koch had already announced in his 1975 letter to the Neuchâtel Youth Welfare Office, the Federal Aliens Police responded with a kind of information campaign. First and foremost, Koch himself became an expert and contact person. In a letter to the cantonal immigration police, the Federal Aliens Police pointed out that they could contact its specialist Stefan Koch with questions about international adoptions.⁶⁶⁵ Koch regularly repeated the requirements and guidelines necessary for the adoption of a child from abroad in letters to the Swiss representations and the cantonal supervisory authorities, in presentations, publications or personal conversations, and attempted to coordinate the practice of the cantons.⁶⁶⁶

The Federal Aliens Police also hoped to sensitise the general public via the media. The documents we consulted from the Federal Archives contain evidence that newspaper articles appeared in 1974 and a programme on French-speaking Swiss television in March 1975.⁶⁶⁷ Koch also gave talks on international adoptions. The fact that he became a specialised

⁶⁶³CH-BAR, E4300C-01#1998/299#610*, document "Accueil d'enfants étrangers abandonnés ou orphelins par des parents nourriciers", draft of a letter from the Federal Aliens Police to the cantonal aliens police, undated, probably 1975.

⁶⁶⁴Quote from: CH-BAR, E4300C-01#1998/299#610*, Bruno Zimmermann* to Silvio Mancini*, 21 Jan. 1976.

⁶⁶⁵CH-BAR, E4300C-01#1998/299#610*, document "Accueil d'enfants étrangers abandonnés ou orphelins par des parents nourriciers", draft of a letter from the Federal Aliens Police to the cantonal aliens police, undated, probably 1975.

⁶⁶⁶Cf. E.g. CH-BAR, E4300C-01#1998/299#610*, presentation by Stefan Koch, Federal Aliens Police, on the occasion of the meeting of the Working Group on Adoptive Issues of the Swiss National Conference for Social Affairs on 12 May 1975. Landeskonferenz für Sozialwesen on 12 May 1975; CH-BAR, E4300C-01#1998/299#610*, document "Accueil d'enfants étrangers abandonnés ou orphelins par des parents nourriciers", draft of a letter from the Federal Aliens Police to the cantonal aliens police, undated, probably 1975.

⁶⁶⁷CH-BAR, E4300C-01#1998/299#607*, Stefan Koch, Federal Aliens Police, to the Director of the Youth Welfare Office of the Canton of Neuchâtel, 10 February 1975.

The report by Mr Koch on the adoption of foreign children, about which little was known at federal and cantonal level, was viewed positively in various quarters within the Swiss Aliens Police.⁶⁶⁸ "I find it very useful when Mr Koch informs the adoption offices about the requirements of the Aliens Police for the adoption of foreign children and about the correct procedure. Cases in which a fait accompli is created are quite common. Presumptive adoptive parents are often very impatient and do not want to understand that it is in the child's interest to insist that we only want to authorise entry if the subsequent adoption is actually possible."⁶⁶⁹ The note shows that entries of children for whom the legal requirements were not met were frequent. It also points out that the members of the authorities were already clearly aware of the issue of child welfare in 1974. However, those responsible in Switzerland acted under pressure from couples interested in adoption, which meant that the interests of the child, which they wanted to take into account, often took a back seat.

This is the context of Koch's presentation at the meeting of the working group for adoption issues of the Swiss National Conference for Social Affairs in Bern in May 1975. In his presentation "Adoptive children from abroad in the light of the regulations and practice of the Federal Aliens Police"⁶⁷⁰, Koch demanded that the entry regulations be correctly observed for the benefit of the child. Children could only enter the country for adoption purposes, as only adoption offered a stable legal relationship and the children the necessary security for the future. Koch's speech, given in French, was translated into German and sent out many times. It can be found in the inventories of Swiss representations and was also published in the *Schweizerische Zeitschrift für Gemein-nützigkeit* and the *Zeitschrift für Vormundschaftswesen*.⁶⁷¹ These widely read journals were aimed at experts at federal, cantonal and municipal level.

In a lecture that Koch gave to representatives of the cantonal immigration police in Savognin in 1978, he again criticised the fact that prospective adopters sometimes looked for a child directly on the spot, without consulting a placement agency recognised by the authorities, and that Swiss representations did not always have the necessary information to advise them. He emphasised that foreign children may only be placed by recognised placement agencies. The problem is that this regulation is of little use if the parents are increasingly travelling to the country themselves. In his presentation, Koch therefore recalled the most important points: firstly, it must be clarified before the child arrives whether all the requirements for adoption are met. Secondly, only children who

⁶⁶⁸CH-BAR, E4300C-01#1998/299#610*, note from Bruno Zimmermann* to Silvio Mancini*, 21 April 1975.

⁶⁶⁹CH-BAR, E4300C-01#1998/299#610*, note by Bruno Zimmermann, 20 November 1974.

⁶⁷⁰CH-BAR, E4300C-01#1998/299#610*, résumé of the presentation "Die ausländischen Adoptivkinder im Lichte der Vorschriften und der Praxis der Eidgenössischen Fremdenpolizei" by Stefan Koch on the occasion of the meeting of the working group for adoption issues of the Swiss National Conference for Social Affairs on 12 May 1975 in Bern.

⁶⁷¹Cf. E.g. Stefan Koch, "Die ausländischen Adoptivkinder im Lichte der Vorschriften der Praxis der Eidgenössischen Fremden-polizei", in: *Schweiz. Zeitschrift für Gemeinnützigkeit*, Heft 4/1975, p. 76ff.; also in: *Zeitschrift für Vormundschaftswesen* 1976, issue 1, p. 12ff. These articles met with a favourable response and were cited by Hess-Häberli in 1976.

were intended for adoption. Thirdly, prospective adoptive parents had to sign an undertaking that they would provide for the maintenance of the adopted child.⁶⁷²

Warnings to the Swiss representations in the countries of residence

The Federal Aliens Police also sent a copy of this presentation to Swiss representations abroad.⁶⁷³ The reason for this was the expectation that the new adoption law would expand the circle of parents willing to adopt. "There are couples who sometimes ignore the formalities that have to be fulfilled in advance; they go straight to the place in the hope of being able to return home with a child. Only then do they contact the competent Swiss representation."⁶⁷⁴ Mention was also made of people "who meet one of these unfortunate children on a holiday trip and feel the desire to take it home with them."⁶⁷⁵ As the Swiss representations in this area "presumably do not have the necessary documents, it will not always be possible for them to provide the relevant information."⁶⁷⁶ Koch's comments were intended to remedy this situation. The fact that Swiss couples took a child to Switzerland from their holidays without first obtaining a visa or other documents required for an adoption is also evident from a letter from an official guardian addressed to the competent cantonal immigration police. The latter in turn reported this case to the Federal Office for Immigration Affairs.⁶⁷⁷

Parents who looked for a child locally on their own initiative disregarded the system of Swiss placement centres. In view of the growing interest in adoptive children from abroad, Koch also repeatedly urged Swiss representations to exercise caution in this regard. In 1977, he wrote to the Swiss Consulate General in Rio de Janeiro that adoptions from the Third World had reached such an extent since the new adoption law, "que nous sommes obligés de recommander à nos représentations une certaine prudence, so that a child is not entrusted prematurely to a couple abroad, while it is possible that we will refuse to enter because the conditions for a future adoption are not met in Switzerland. It is essential to wait for authorisation from our side before undertaking any action, even if it is on the ground. [...] We strongly encourage you to recommend, as far as possible, to the authorities

⁶⁷²CH-BAR, E2200.64#1994/251#23*, presentation "Die Praxis hinsichtlich der Erteilung von Aufenthaltsbewilligungen für ausländische Pflege- und Adoptivkinder in der Schweiz" by Stefan Koch, adjunct at the Federal Aliens Police, on the occasion of the regional conference of aliens police chiefs and their deputies from the eastern Swiss cantons on 8/9 June 1978 in Savognin.

⁶⁷³Cf. for example chapter 5.2 on adoptions from Chile.

⁶⁷⁴CH-BAR, E4300C-01#2021/3#557*, Silvio Mancini*, Federal Aliens Police [at this time already Federal Office for Foreigners' Affairs, author's note], to the Swiss representations abroad, 28 August 1979.

⁶⁷⁵CH-BAR, E4300C-01#2021/3#557*, Silvio Mancini, Federal Aliens Police, to the Swiss representations abroad, 28 August 1979.

⁶⁷⁶CH-BAR, E4300C-01#2021/3#557*, Silvio Mancini, Federal Aliens Police, to the Swiss representations abroad, 28 August 1979.

⁶⁷⁷CH-BAR, E4300C-01#1998/299#1778*, correspondence between the Federal Office for Foreigners' Affairs, Cantonal Aliens Police [...] and official guardianship [...] from 1982.

brésiliennes compétentes de n'accepter aucune demande de placement sans autorisation d'entrée préalable de notre part. ⁶⁷⁸

Koch repeatedly insisted on compliance with the legal requirements and the correct sequence of procedures. In 1979, for example, he called on the Swiss representations in New Delhi and Bombay to intervene with the Indian authorities to prevent the Indian exit formalities - the judicial authorisation to allow a child to leave the country for the purpose of later adoption and the issuing of a passport - from taking place before Switzerland had obtained an entry permit from the immigration police.⁶⁷⁹

Discussions about a possible change of course for international adoptions

In view of the increase in foreign adoptions from the mid-1970s, exponents of the Federal Aliens Police discussed on various occasions whether a change of course would be appropriate. In 1975, it was discussed "whether we should [...] let things run their course or whether we should try to control the wave of adoptions. ⁶⁸⁰ A change of direction in the policy on international adoptions was also considered in 1981. This was prompted, among other things, by media reports in the Ecuadorian press about the mistreatment of adopted children in Italy, which the Swiss representation in Quito passed on to the FDFA. The minister responsible immediately banned all adoptions by foreigners. Rumours are circulating that in future those countries that have concluded an adoption agreement with Ecuador will be given preference. For the Swiss embassy in Quito, the question therefore arose as to whether it would not also be beneficial for Switzerland to sign such an agreement.⁶⁸¹

In its opinion on this, the Private International Law Section of the Federal Office of Justice fundamentally questioned whether the federal Swiss "private placement system" - there were no state placement centres in Switzerland - had proved its worth. The section came to the conclusion that the number of "wild" procurements of children spoke against it and predicted,

"that the Federal Council will have to fundamentally rethink its policy in the field of international adoptions over time, also and especially with regard to the many 'wild' adoptions. ⁶⁸² In addition to the "private placement system", the problem of "wild" adoptions addressed a problem that the federal authorities had been dealing with since the mid-1970s.

⁶⁷⁸CH-BAR, E4300C-01#1998/299#1205*, Stefan Koch, Federal Aliens Police, to the Swiss Consulate General in Rio de Janeiro, 20 October 1977.

⁶⁷⁹ CH-BAR, E2200.64#1994/251#23*, 1975-1984, AZ 123.320, Stefan Koch, Federal Aliens Police, to FDFA, Political Affairs Division II, 1 May 1979. For Koch's interventions in Brazil, Chile, Korea, Colombia and Lebanon, for example, see the preceding chapters on Swiss representations in the ten countries of origin.

⁶⁸⁰CH-BAR, E4300C-01#1998/299#610*, note from Bruno Zimmermann* to Silvio Mancini*, 12 August 1975.

⁶⁸¹CH-BAR, E4300C-01#1998/299#607*, Swiss Embassy in Quito to FDFA, Political Affairs Division II, 23 July 1981.

⁶⁸²All quotations from: CH-BAR, E4300C-01#1998/299#607*, Opinion of the Section for Private International Law to the Federal Office for Civil Status, concerning the "Conclusion of an adoption agreement with Ecuador", 25 August 1981.

was a constant topic and will be discussed again later in this chapter. In addition, cantonal supervision of the placement centres posed a problem.

13.2 Cooperation with couples interested in adoption

The problem of couples wishing to adopt bringing a child to Switzerland without a recognised placement agency and also without prior authorisation or the required social reports was known to the federal authorities and was repeatedly discussed. In 1978, the Federal Aliens Police reported to the cantonal aliens police that the majority of married couples were choosing their children abroad themselves and, as a result, were making excessive demands on the cantonal authorities.⁶⁸³ In 1979, Stefan Koch expressed concern about the fact that almost all children were now being adopted from outside Europe "sans ne plus passer par un bureau agréé en matière d'adoptions à caractère international ou interracial, c'est-à-dire un bureau qui a les connaissances exigées par la loi, qui n'hésite pas à appliquer des critères sélectifs et qui traite lui-même avec le correspondant à l'étranger offrant les garanties nécessaires."⁶⁸⁴ With this statement, Koch assessed the majority of adoptions as problematic. The necessary knowledge about the country of origin, which the relevant ordinance stipulated for the placement of foreign children, did not come into play in these cases because no placement centre was involved in the procedure.

Beat Vollenweider*, Deputy Director of the Justice Division of the Federal Department of Justice and Police⁶⁸⁵, also wrote to the Federal Aliens Police in 1977 that more and more people, "including those who would not even be considered for a Swiss child due to their lack of suitability, [were] trying to obtain a foreign child, especially from Asia or South America, by all means - even unauthorised 'self-help'. The border authorities, the immigration police, but also the child protection authorities are thus repeatedly confronted with regrettable 'faits accomplis'. "⁶⁸⁶ In 1977, the deputy director therefore considered an "unconditional obligation to pay costs" for persons who brought foreign children to Switzerland. This "would not only create a clear legal basis". The obligation to pay costs "would also be suitable for counteracting the often ill-considered and unauthorised bringing of foreign children to Switzerland. "⁶⁸⁷ Since the ZGB

⁶⁸³CH-BAR, E4300C-01#1998/299#610*, Federal Aliens Police to Aliens Police Chiefs of various cantons, 11 December 1978.

⁶⁸⁴CH-BAR, E4300C-01#1998/299#607*, Stefan Koch, Federal Aliens Police, to Beat Vollenweider*, Deputy Director of the Justice Division of the Federal Department of Justice and Police, 26 July 1979.

⁶⁸⁵(685) Renamed Federal Office of Justice from 1979, see Federal Office of Justice 2002, p. 2.

⁶⁸⁶CH-BAR, E4300C-01#1998/299#252*, Beat Vollenweider*, Deputy Director of the Justice Division of the Federal Department of Justice and Police, to the Federal Aliens Police, 2 March 1977.

⁶⁸⁷CH-BAR, E4300C-01#1998/299#252*, Beat Vollenweider, Deputy Director of the Justice Division of the Federal Department of Justice and Police, to the Federal Aliens Police, 2 March 1977.

only regulates domestic circumstances, the inclusion of the corresponding provision in the Foreign Nationals Act should be considered.⁶⁸⁸ The obligation to pay costs demanded by the Deputy Director was ultimately incorporated into the PAVO.

Indications of illegal adoptions

The files of the Federal Office for Foreign Nationals document specific cases in which prospective adoptive parents brought children to Switzerland under questionable circumstances. For example, a Swiss couple took a child with them during a stay in Paraguay in 1979, although the files give no indication of how the couple came to have the child. Before travelling back to Switzerland, the couple stayed in Brazil with the child for a few months. The Swiss Consulate General in São Paulo intervened on behalf of the Swiss woman and the Swiss man with the Federal Aliens Police: "[We] have [...] come to the beginning of a human tragedy. In fact, the aforementioned cannot return the infant entrusted to their care with an official document to his misery in Paraguay. There was already too much emotional contact between the foster mother and the child for him to be returned to the unknown. Almost insurmountable difficulties would stand in the way of his temporary placement in Brazil. The foster parents will be here for another two to three months and will remain in contact with this Consulate General. In view of the circumstances described, I would be extremely grateful if you would treat the enclosed application for entry with favour and generosity. Unaware of the harsh reality, these two serious young people have lost their hearts. I wonder whether all our representations in countries that are potential candidates for child adoption should not be informed in detail about the regulations that exist in Switzerland. The exposé written by Mr Stefan Koch would be excellent for this information."⁶⁸⁹ The Consul General justified the fait accompli with the couple's lack of knowledge, romantic naivety and young age and called for better information from the Swiss representations. He argued with the already existing mother-child bond and asked the Federal Aliens Police or the Federal Office for Foreigners' Affairs to treat the application favourably.

The reaction of the Federal Office for Foreigners' Affairs is not recorded in the case files,⁶⁹⁰ however, for another case in which a married couple brought a child from Peru to Switzerland in 1976 under dubious circumstances. The couple had not yet reached the age prescribed for adoptive parents under Peruvian law. The civil registrar then entered the couple in the birth register as biological parents. The Swiss Federal Aliens Police did not address this irregular procedure in the country of origin, but criticised the fact that the child was brought to Switzerland without authorisation.

⁶⁸⁸CH-BAR, E4300C-01#1998/299#252*, Beat Vollenweider, Deputy Director of the Justice Division of the Federal Department of Justice and Police, to the Federal Aliens Police, 2 March 1977.

⁶⁸⁹CH-BAR, E4300C-01#1998/299#1205*, Swiss Consul General in São Paulo to Federal Aliens Police [at this time already Federal Office for Foreigners' Affairs, author's note], 25 June 1979.

⁶⁹⁰The competent Swiss representation would have to check separately whether an individual case file exists.

and the parents did not have a care placement permit. She reminded the Swiss embassy in Lima to inform the immigration police when people interested in adopting a child contacted the embassy directly and to advise the Peruvian authorities "de ne pas autoriser un placement adoptif ou nourricier dans notre pays sans autorisation d'entrée préalable de nos services".⁶⁹¹

In this case, the Federal Aliens Police were not prepared to authorise the stay without clarifying the reasons for the fait accompli. A similar case was recently described by a guardianship authority: "If the child is already there, the whole adoption procedure almost becomes a farce. We [...] are often amazed at how little guardianship authorities, youth welfare offices and even immigration police authorities are bothered by such 'fait accompli'. Those who act in this way are not even reported, and the foster parents who act correctly and have to accept a longer waiting period for clarification are therefore at a disadvantage."⁶⁹² What else happened in the adoption case from Peru is not clear from the documents in the case file. It would also be necessary to analyse any existing individual case file.

"Wild adoptions"

In the correspondence between the Federal Aliens Police and the Swiss embassy in Mexico, a case from 1979 is mentioned in which a Swiss couple brought a child from Mexico to Switzerland without obtaining a residence permit from the embassy. The embassy got the impression that the couple had left Mexico as quickly as possible to avoid getting into trouble. The Federal Aliens Police stated: "[...] nous en-tendons fixer des conditions d'admission plus sévères dans le cadre des prescriptions de police des étrangers lorsqu'il s'agit d'un enfant provenant d'un pays extraeuropéen. However, this opens the door to all possible abuses, which are not absent and which some of our neighbourhoods qualify as dirty adoptions or even child trafficking. In the case of the [surnames], it is enough that the lawyer has given a certain amount of money to the mother for this to be a business; on the other hand, it is not difficult to encourage women alone to abandon their child, as was the case in France and Thailand when there was little time left and to make a profit." The Federal Aliens Police spoke of child trafficking. However, it qualified this by adding that certain circles would call these abusive practices child trafficking. Again, she also mentioned that individual couples would be prepared to do anything to fulfil their desire to have children. "C'est la raison pour laquelle nous avons fixé des règles bien précises", for example, that the child must be abandoned or orphaned, a provision that in practice is not applied.

⁶⁹¹CH-BAR, E4300C-01#1998/299#1152*, Stefan Koch, Federal Aliens Police, to the Swiss Embassy in Lima, 28 January 1977.

⁶⁹²CH-BAR, E4300C-01#1998/299#1152*, note on the letter from Stefan Koch, Federal Aliens Police, to the Swiss Embassy in Lima, 28 January 1977.

was, however, extremely flexible. Furthermore, the local intermediaries had to be officially recognised for adoptions abroad.⁶⁹³

As these examples illustrate, there are incidents in the material we examined in the case files in which people interested in adoption acted in contravention of the law. In serious cases, the federal authorities also addressed the issue of child trafficking and even considered it appropriate for the competent cantonal and communal authorities to report couples wishing to adopt. The federal and cantonal authorities spoke of *fait accompli*. This was accompanied by a second argumentative makeshift solution, namely the distinction between those willing to adopt who acted correctly, who went to a great deal of effort together with a recognised placement agency, and those who acted on their own initiative. The fact that there were also abuses in the case of foreign adoptions was ignored in this argument.

13.3 Attempts by the Federal Office for Foreign Nationals to exert influence

Stefan Koch identified problems not only with the couples interested in adopting, but also with the cantonal and communal authorities. He criticised their lack of legal knowledge and also hinted at conflicts between authorities. In a note to his superior Silvio Mancini* in 1975, Koch stated: "Certains services cantonaux ou communaux de l'enfance, souvent par ignorance, s'estiment seuls compétents pour décider du placement d'un enfant étranger, c'est-à-dire en faisant abstraction de la police des étrangers. They issue an authorisation for placement which, in the eyes of the foreign authorities, is a valid document [...]. The foreigners' licences are often placed before a case is completed, the child is sometimes only released after a period of time in which the trial is completed, or if the canton is authorised from the outset "⁶⁹⁴.

In 1979, Koch again criticised the enforcement practices of the cantonal authorities. As there were too few placement centres in Switzerland, particularly in German-speaking Switzerland, parents would turn to the youth welfare offices. These would often sign, which is not strictly prohibited by the new Adoption Act. "That's why we have the widest range of criteria for adoption and what binds us, because we can't refuse a case just for reasons of foreign police and not for the sake of the foreigner.

⁶⁹³All quotes in the paragraph from: CH-BAR, E4300C-01#1998/299#607*, Federal Aliens Police to Swiss Embassy in Mexico, 5 Feb. 1979. The letter mentioned as further rules the consent of the foreign authority to the foster child's stay in Switzerland, the disclosure of the motives for the adoption and the consent of the child's legal representative to the adoption, as well as the existence of a valid passport.

⁶⁹⁴CH-BAR, E4300C-01#1998/299#610*, note from Stefan Koch, Federal Aliens Police, to Silvio Mancini*, Director of the Federal Aliens Police, 12 August 1975.

other motives [...]. Si une suggestion m'est permise, c'est bien celle qui consisterait à adresser des recommandations aux autorités tutélaires et autres services compétents qui ne savent guère sur quelle pratique se fonder.⁶⁹⁵ In this case, he again recommended better education of the cantonal supervisory authorities in order to shape adoption practice in a criteria-based manner. He also regretted that his authority was only able to reject entries for adoption purposes for reasons of immigration police, but not for reasons of content.

The examples cited here from the files make it clear that the Federal Office for Foreign Nationals was aware of the enforcement problems. Stefan Koch insisted that the Swiss representations and the cantonal authorities comply with the guidelines. The rather accommodating attitude towards prospective adoptive parents on the part of the federal and cantonal authorities, on the other hand, was sometimes criticised by experts. In 1981, for example, an official guardian from Lausanne pointed out in a presentation that the Federal Office for Foreigners' Affairs had so far only admonished parents who had brought a child to Switzerland without taking the legally prescribed steps. He wondered whether more forceful measures would not be appropriate.⁶⁹⁶

Disputes between the Confederation and the cantons

The Federal Aliens Police - or rather the Federal Office for Immigration Matters as its successor authority - played a leading role in the area of international adoptions and tried to exert influence here for years. Stefan Koch in particular was a central figure. This rather atypical role for a Swiss official and the smouldering conflicts of competence between the guardianship authorities and the immigration police also led to open disputes.

Koch's influence on the practice of the cantons was not only met with approval. The Geneva authorities, for example, considered his interventions to be interference and referred to the federal responsibilities and competences of the guardianship authorities and the courts.⁶⁹⁷ In 1976, the Geneva Chamber of Guardians complained to the President of the Department of Justice and Police of the Canton of Geneva that Koch had repeatedly allowed himself to intervene in an adoption matter. In this case, he had intervened "au sujet du bien fondé [sic] d'une demande d'adoption, demande soumise à la Chambre des tutelles qui au vu d'un rapport du Service de protection de la jeunesse a préavisé favorablement."⁶⁹⁸ The same had already happened twice before.

⁶⁹⁵CH-BAR, E4300C-01#1998/299#607*, Stefan Koch, Federal Aliens Police, to Beat Vollenweider*, Deputy Director of the Justice Division of the Federal Department of Justice and Police, 26.7.1979. The desire for a uniform authorisation practice in the Canton of Zurich is also reflected in a letter from the Head of the Mother and Child Department, Youth Welfare Office of the Canton of Zurich, to the Aliens Police of the Canton of Zurich, 17.12.1979.

⁶⁹⁶CH-BAR, E4300C-01#1998/299#607*, presentation by Marcel Perrin, official guardian Lausanne. Quelques aspect pratiques de l'adoption, Expériences vaudoises 1973-1980, in: Droit de la filiation et de l'adoption, Zurich 1981.

⁶⁹⁷CH-BAR, E4300C-01#1998/299#611*, Guardianship Chamber of the Canton of Geneva to the President of the Justice and Police Department of the Canton of Geneva, 25 May 1976.

⁶⁹⁸CH-BAR, E4300C-01#1998/299#611*, Guardianship Chamber of the Canton of Geneva to the President of the Justice and Police Department of the Canton of Geneva, 25 May 1976.

occurred. It was not up to Koch to judge whether the conditions prescribed by law were met. He had to approve or reject the entry permits, but not interfere in the decisions of the guardianship authorities.⁶⁹⁹ This was followed by a complaint to Federal Councillor Kurt Furgler that Koch was overstepping his authority and interfering in an area of responsibility that in Geneva was reserved for the judge. In one case, Koch had criticised the fact that the woman was working, in another case that the children were too old to enter Switzerland for adoption at the age of five and six. The President of the Department of Justice and Police of the Canton of Geneva considered the approach of the Federal Aliens Police to be "pas satisfaisante": "Je souhaite que celle-ci soit revue "⁷⁰⁰.

Federal Councillor Furgler replied that the applications for entry permits did not always contain the necessary information, especially if the children did not come to Switzerland through a recognised placement agency. Employees of his department would therefore have to request clarification in such cases. Furgler's reply gave the impression that problems existed in particular with so-called independent adoptions. Federal Councillor Furgler subsequently proposed a discussion between Koch and members of the authorities, which took place on 13 October 1976.⁷⁰¹ The minutes of this meeting clearly show the efforts of the Federal Aliens Police to standardise the criteria for placement and the social reports across the cantons.⁷⁰²

Koch himself emphasised that "[nous] ne modifions pas un préavis d'un organe de protection de l'enfance", instead asking for additional information or drawing attention to sore points such as the age or occupation of both parents. The responsibility for the child's entry into the country lies with the immigration police. It would be irresponsible to allow entry without a complete dossier, as it is usually not possible for the children to return. The cases mentioned by the President of the Department of Justice and Police had been approved, "nous n'avons fait qu'éclaircir certains points, car une autorisation d'entrée engage tout l'avenir d'un enfant. [...] We never immerse ourselves in an adoption and the separation of powers is complete. But in case of failure, it is certainly our authorisation to enter that will be revoked if the case has not been examined as it should have been from the outset. "⁷⁰³

In a statement to Federal Councillor Furgler, the Director of the Federal Foreign Police, Silvio Mancini*, also considered the criticism from Geneva to be only partially justified. All entry applications were centralised with Koch "in order to ensure uniform practice. "⁷⁰⁴ "It has happened that

⁶⁹⁹CH-BAR, E4300C-01#1998/299#611*, Guardianship Chamber of the Canton of Geneva to the President of the Department of Justice and Police of the Canton of Geneva, 25 May 1976.

⁷⁰⁰CH-BAR, E4300C-01#1998/299#611*, Le conseiller d'état chef du département de justice et police Genève to Federal Councillor Kurt Furgler, July 1976.

⁷⁰¹CH-BAR, E4300C-01#1998/299#611*, Federal Councillor Kurt Furgler to le conseiller d'état chef du département de justice et police Canton of Geneva, 30 August 1976.

⁷⁰²CH-BAR, E4300C-01#1998/299#611*, Minutes of meeting 13 October 1976 "Politique d'accueil d'enfants étrangers en vue d'adoption", representatives of the Geneva authorities, the Federal Office of Justice and the Federal Aliens Police.

⁷⁰³Both quotations from: CH-BAR, E4300C-01#1998/299#611*, Stefan Koch, Rapport sur la procédure d'accueil et d'examen relative aux enfants adoptifs provenant du Tiers Monde et des états voisins, 11.8.1976.

⁷⁰⁴CH-BAR, E4300C-01#1998/299#611*, Silvio Mancini*, Federal Aliens Police, 26 August 1976.

Mr Koch occasionally requested information from the cantons that had already been obtained from the social welfare offices. He handled the cases with great care and his cooperation with Terre des hommes and the other social welfare organisations was excellent. ⁷⁰⁵

This example shows that the efforts of the Federal Aliens Police to standardise and professionalise the adoption system in the cantons had reached their limits. Koch had also assessed cases in terms of content, which was perceived as interference in the canton of Geneva. He saw the problem in the above case not so much in the child's entry into Switzerland or the question of how the child came to Switzerland in the first place, but rather that a certain ideal of the adoptive family had not been fulfilled. Koch seems to have had a classic role model or a breadwinner-housewife model in mind. Conflicts of responsibility shifted to this secondary arena of international adoptions. In contrast, unresolved entries took a back seat.

It is striking that in the material we examined in the case files, the entries were authorised in almost all cases, even if the Federal Aliens Police or the Federal Office for Immigration Matters had reservations.⁷⁰⁶ In fact, their powers were limited. In November 1979, Bruno Zimmermann*, head of department at the Federal Office for Foreigners' Affairs, "openly admitted [...] that his predecessor, Mr Koch, had not succeeded in refusing the necessary foreign police permits for the admission of foreign foster children with a view to adoption, although this would have been necessary on various occasions, taking into account the entire social situation (foster parents willing to adopt at the age of grandparents, both spouses working full-time [...])."⁷⁰⁷ In 1981, the Swiss Conference of Cantonal Youth Directors therefore again called for clearer and more standardised criteria for the selection of foster parents.

The Federal Office for Foreigners' Affairs therefore had little opportunity to refuse entry on immigration police grounds if the prior reports from the cantonal immigration police and guardianship authorities were favourable. It could only ask the competent cantonal authorities to create clear guidelines in their cantons and to carefully investigate the foster parents.⁷⁰⁸ This became clear, for example, on the occasion of an illegal adoption of a child from India arranged by Sister Hildegard*.⁷⁰⁹ The scandal not only resulted in extensive investigations and calls for a revision of adoption practice, but also once again highlighted the limited options available to the federal authorities. An internal memo to the deputy director of the Federal Office for Immigration Affairs, Norbert Länzlinger*, stated: "Purely avendo tutte le responsabilità che gli derivano dalle decisioni prese, il nostro Ufficio ha tuttavia, in pratica, limitate competenze." All the preparatory work is carried out by the competent cantonal authorities. If a

⁷⁰⁵CH-BAR, E4300C-01#1998/299#611*, Silvio Mancini, Federal Aliens Police, 26 August 1976.

⁷⁰⁶This requires an additional systematic historical analysis of the existing individual case files.

⁷⁰⁷CH-BAR, E4300C-01#2021/3#559*, Bruno Zimmermann*, Federal Office for Foreigners' Affairs, cited in: Unterlagen zu Schweizerische Konferenz der kantonalen Jugendamtsleiter vom 29.10.1981.

⁷⁰⁸Cf. Bitter, Bangerter, Ramsauer 2020, p. 172.

⁷⁰⁹Cf. chapter 7 on India.

When a case comes to the Federal Office for Foreign Nationals, it is usually accompanied by a positive preliminary decision from the cantonal immigration police. The Federal Office therefore has no reason "per rifiutare e ci limitiamo praticamente a trasmettere l'autorizzazione con una generale osservazione alle nostre Rap-presentanze." However, if irregularities or even a scandal emerged in the country of origin, the Federal Office for Foreigners and its decisions would be criticised. The author of the note therefore considered it necessary to "fissare una prassi più severa e meno incoraggiante che contempli anche maggiori possibilità decisionali per il nostro Ufficio." He held out the prospect of a circular letter calling on the cantons to specify to the adoptive parents "in what circumstances our office could follow up on their situation. Ritengo infine necessario centralizzare tutte le pratiche."⁷¹⁰

Circular letter from the Federal Office for Foreigners' Affairs

In the same year, 1983, the Federal Office for Immigration Affairs issued a circular letter to the Swiss representations abroad and to the cantonal immigration police authorities. This central document summarised and responded to the problems discussed in the 1970s and early 1980s.⁷¹¹ It illustrates the efforts of the Federal Office for Foreigners' Affairs to clarify the applicable provisions for the adoption of a child from abroad and to raise awareness of sensitive aspects of adoption practice. Like directives, circulars are administrative ordinances and contain generally abstract rules that do not confer rights or impose obligations on the subjects of the law in a directly binding manner, but are intended to guide the implementation of binding law.⁷¹²

The circular letter of 1983 called for the authorities to correct their course with regard to foreign adoptions.⁷¹³ Firstly, it was again generally stated that the adoption of foreign children was not unproblematic. The foster parents often did not comply with the entry formalities or tried to circumvent the foreign exit regulations. This leads to critical reactions from the public and the foreign authorities. The Federal Office also summarised its remit and referred to responsibilities: The communal and cantonal authorities are responsible for examining an application for the admission of a child. The Federal Office itself can only authorise the entry of a child into Switzerland with the consent of the cantonal and communal authorities. In order to counter these "difficulties and make the authorisation process more transparent", the Federal Office issued various directives: Firstly, the Federal Office for Immigration Affairs would only authorise the entry of a child if it had already been born and its identity had been established. Applicants must also state where the child is currently located.

⁷¹⁰All quotations from: CH-BAR, E4300C-01#1998/299#1778*, internal note to Sign. Länzlinger*, Deputy Director of the Federal Office for Foreigners' Affairs, regarding "Adozione di fanciulli indiani", 18 January 1983.

⁷¹¹CH-BAR, E4300C-01#1960/27#577*, circular no. 10/83: Adoption of foreign children, 13 June 1983.

⁷¹²Federal Office of Justice, Legislative Guide, p. 143.

⁷¹³Cf. Bitter, Bangerter, Ramsauer 2020, p. 211.

Secondly, entry would only be authorised for abandoned children or children without parents. Thirdly, an assessment was required to determine whether the prospective adoptive parents were "capable of taking in and raising a child from a different ethnic background" and whether the requirements for a subsequent adoption were met. The best interests of the child take precedence over the interests of the future adoptive parents. Finally, attention was once again drawn to the dangers of international adoptions. The prospective adoptive parents must contact the official placement centres of the child's home country. This is important "because otherwise they run the risk of having to return the child entrusted to them as an orphan or an abandoned child to the mother or parents who were misled and from whom it was taken away."⁷¹⁴

The circular also contained explicit instructions for Swiss representations abroad. These were also aimed at preventing abusive practices. The representations were instructed to check the validity of all documents required for emigration and the court ^{judgement}⁷¹⁵ before issuing a visa and to ensure that local laws were complied with. The Federal Office for Foreign Nationals pointed out that the child needed a valid passport and an entry visa. It also asked the Swiss representations to provide "periodic information" on all matters relating to the adoption of foreign children: it requested reports on local conditions, any abuses discovered, the reaction of the press and the authorities and, finally, any changes to the relevant legislation that made it necessary to adapt Swiss practice. It also asked the representations to review the activities of the placement centres and to report those persons who "contravene local laws."⁷¹⁶

With reference to this circular, the Federal Office for Foreign Nationals subsequently pointed out that blank permits and assurances with fictitious names were no longer possible. In recent years, it had become apparent that foster parents often attempted to circumvent entry formalities and foreign exit regulations. In October 1983, Hohler* from the Federal Office for Foreign Nationals stated in a memo: "In order to avoid this - child trafficking must be prevented at all costs - formal authorisation for the entry of a child can only be granted if it has already been born and its identity has been established. It is not possible to revert to our previous procedure, where authorisations were issued with fictitious personal details. The new practice in accordance with our circular 10/83 has proved its worth [...]. The recent increase in cases where placement centres fly abroad with several Swiss families at the same time (mainly Sri Lanka), look for a child on the spot and then ask for a permit.

⁷¹⁴Circular no. 10/83: Adoption of foreign children of 13 June 1983. Cf. also Bitter, Bangerter, Ramsauer 2020, S. 176.

⁷¹⁵In most countries, this involved a declaration by the legal representative responsible under the child's home country law regarding the purpose of the placement in Switzerland and his or her consent. Cf. CH-BAR, E4300C-01#1998/299#1778*, Report Hohler*, Federal Office for Foreigners' Affairs, 11 May 1982, on "Requirements for the entry of foreign infants for the purpose of subsequent adoption".

⁷¹⁶Circular no. 10/83: Adoption of foreign children of 13 June 1983. Cf. also Bitter, Bangerter, Ramsauer 2020, S. 176.

requesting our authorisation to enter the country by telegraph involves certain risks that must be countered from the outset. In the case of a serious placement, it can be assumed that the future foster parents are in possession of the child's personal details before their departure. The issuing of telegraphic authorisations should therefore normally be avoided.⁷¹⁷ In May 1982, Hohler mentioned in a report on "Requirements for the entry of foreign infants for the purpose of subsequent adoption" that in most cases the child's personal details were still unknown when the application was made. "Therefore, the family name of the future parents as well as any first name and the desired year of birth of the child are provisionally used. Once the child has entered the country, the provisional personal details are replaced by those stated in the passport (when the child's further stay is organised)."⁷¹⁸ Nevertheless, blank permits remained in practice even after 1983. With the revision of the PAVO, the ban was lifted in 1989 and the long-standing illegal practice was legalised.⁷¹⁹

The Federal Office for Foreign Nationals also has a circular letter from the Federal Council to the supervisory authorities on the foster child system and adoption placement dated 21 December 1988 on the revision of the PAVO, which contains explanations and instructions on foreign adoptions.⁷²⁰ Under the old ordinance, applicants had to submit a declaration from the child's legal representative responsible under the child's home country law on the purpose of the placement and his or her consent to it. As these children often do not have a legal representative, the Federal Council now stipulates that a state agency should check that the legal provisions of the country of origin have been complied with and that the child is legally authorised to leave the country. The involvement of a state agency would "create a desirable barrier against the procurement of children in an unfair manner."⁷²¹ This declaration of harmlessness could consist of "entrusting the foster parents with the guardianship of the child, as in India, having it adopted by Swiss foster parents in the country of origin, for example in various South American countries, having it placed by an official agency authorised to do so or having a competent authority certify that there is nothing to prevent the child being handed over to the foster parents in Switzerland under the law of the country of origin."⁷²²

The Federal Council also referred to the Declaration on Adoption and Foster Care of the United Nations General Assembly of 3 December 1986. It considers intercountry adoption to be a suitable means of child welfare only if the child cannot grow up either with its traditional family or with an adoptive or foster family in its country of origin.

⁷¹⁷CH-BAR, E2200.64#1998/111#22*, file note Hohler*, Federal Office for Foreigners' Affairs, 17 October 1983.

⁷¹⁸Cf. CH-BAR, E4300C-01#1998/299#1778*, Report Hohler, Federal Office for Foreigners' Affairs, 11 May 1982, on "Prerequisites for the entry of foreign infants for the purpose of subsequent adoption".

⁷¹⁹Bitter, Bangerter, Ramsauer 2020, p. 176f.

⁷²⁰CH-BAR, E4300C-01#2021/3#558*, Circular letter from the Federal Council to the supervisory authorities on foster care and adoption placement of 21 December 1988.

⁷²¹CH-BAR, E4300C-01#2021/3#558*, Circular letter from the Federal Council to the supervisory authorities on foster care and adoption placement of 21 December 1988.

⁷²²CH-BAR, E4300C-01#2021/3#558*, Circular letter of the Federal Council to the supervisory authorities on foster care and adoption placement of 21 December 1988.

could. "In the opinion of the Federal Council, this guideline must also apply to the international adoption practice of our country." However, it would be difficult for the supervisory authorities to monitor this. This is basically the responsibility of the authorities in the country of origin. This is why this guideline is not mentioned in the ordinance. However, parents seeking a child abroad with a provisional authorisation should be made aware of this recognised guideline.⁷²³

The case files we consulted from the Federal Office for Foreign Nationals also indicate that there was later closer co-operation between communal, cantonal and federal authorities in the area of foreign adoptions. For example, there is evidence of an exchange between the cantonal Vaudois immigration police, the adoption commission, the cantonal civil status office and the Service de protection de la jeunesse of the canton of Vaud in December 1990 at the Federal Office for Foreigners' Affairs. At this meeting, the modalities of the social reports on the future adoptive parents, adoption secrecy, pressing adoptive parents, the search for the identity of adoptees or the entry of children without permits were discussed. Illegal adoptions from Brazil and Chile were also discussed.⁷²⁴

Attitude towards foreign adoptions in Switzerland

The circular letter from 1983 clarifies the attitude of the Federal Office for Foreign Nationals with regard to international adoptions. Other documents in its collection also provide answers to the question of the attitude of various actors towards international adoptions. Stefan Koch repeatedly stated that children should only be separated from their parents of origin and brought to Switzerland in an emergency, "because it is much more humane to help on the spot. Our intervention must have a humanitarian character in line with the decision of the Federal Council in 1967 when the problem of the reception of the first Vietnamese children arose. The aim is to save the children in detention and not to satisfy a need of parents in need of adoption."⁷²⁵ Not everyone was of this opinion. For example, the Swiss chargé d'affaires ad interim in Seoul at the end of the 1970s was clearly in favour of Korean children leaving the country for adoption purposes.⁷²⁶

There are a few reports from foster parents in the files inspected. The dossier "Admission conditions for foster and adoptive parents" contains a letter from a couple to Terre des

⁷²³CH-BAR, E4300C-01#2021/3#558*, circular letter from the Federal Council to the supervisory authorities on foster care and adoption placement dated 21 December 1988.

⁷²⁴CH-BAR, E4300C-01#2021/3#558*, Minutes of the meeting of 3 December 1990 at the Federal Office for Foreigners' Affairs on international adoptions.

⁷²⁵CH-BAR, E4300C-01#1998/299#607*, Federal Aliens Police to the Swiss Embassy in Mexico, 5 February 1979.

⁷²⁶CH-BAR, E4300C-01#1998/299#1489*, V. Münger*, Swiss Chargé d'Affaires ad interim, Seoul to the Federal Aliens Police, 29 December 1978.1978: "All these human shortcomings, however, do not detract from the fact that thousands of Korean orphans, half-orphans and cast-offs have been given an existence worth living every year by the international adoption agencies and, as long as the government still closes one or both eyes, will continue to do so in the future." Cf. also CH-BAR, E4300C-01#1998/299#1489*, employee of the Swiss Embassy in Seoul to the Federal Aliens Police, 7 July 1978.

hommes Lausanne. She reported problems with her children adopted from Korea. One of the children was at least two years older than stated in the passport, which had led to difficulties at school: "Today we are convinced that people of this age [...] should no longer be transplanted. [...] The difficulties are very great for both parties [...]."⁷²⁷

Finally, the fonds contain information on the Federal Council's attitude to this topic. In 1979, National Councillor Gloor asked a simple question ^{about} the Federal Council's "fundamental attitude towards the adoption of children from disadvantaged countries by Swiss families"⁷²⁸. In its reply of 27 February 1980, the Federal Council pointed out that it had already dealt with these issues on various occasions, including the Bauer postulate of 24 March 1977, which called for better protection for foster children from the Third World. He was "fundamentally in favour of the adoption of children from disadvantaged countries by Swiss families. It is aware of the particular difficulties associated with such adoptions."⁷²⁹ The Federal Council cited the new adoption law, the Federal Council Ordinance on the Admission of Foster Children and cooperation between the immigration police and guardianship authorities as prerequisites for "creating favourable conditions for the adopted children. If an adoption is considered in an individual case, Swiss diplomatic and consular representations abroad shall assist the families and humanitarian organisations concerned as far as possible."⁷³⁰ The Federal Council was open to international adoptions. It spoke of difficulties, which it did not, however, specify. The Federal Council also referred to the competent authorities and Swiss representations abroad.

13.4 Case files on individual placement centres and countries of origin

The case files of the Federal Office for Immigration Affairs provide information on problems and irregularities in the placement of foreign adoptive children based on specific incidents. The Federal Office for Immigration Affairs had evidence of child trafficking in various countries of origin and had information on problematic practices of individual intermediaries.

⁷²⁷CH-BAR, E4300C-01#1998/299#611*, Couple interested in adoption from Switzerland to Terre des hommes Lausanne, 8 March 1977.

⁷²⁸CH-BAR, E4300C-01#1998/299#607*, Simple question Gloor in the National Council of 10 December 1979 (79.827) "Adoption of children from the Third World".

⁷²⁹CH-BAR, E4300C-01#1998/299#607*, Federal Council reply of 27 February 1980 to Gloor's simple question in the National Council of 10 December 1979 (79.827) "Adoption of children from the Third World".

⁷³⁰CH-BAR, E4300C-01#1998/299#607*, Federal Council reply of 27 February 1980 to simple question by Gloor in the National Council of 10 December 1979 (79.827) "Adoption of children from the Third World".

Information on intermediaries

The definition of placement activity, which was always a matter of interpretation, is one of the issues addressed. It was often difficult for the authorities to judge what role a person really played. In the case of a person living in the canton of Zurich, for example, the cantonal and federal immigration police repeatedly discussed from 1977 onwards whether the person was merely acting in an advisory capacity or whether he or she was carrying out a placement activity requiring a permit.⁷³¹ Bitter et al. show for Sri Lanka that individuals were sometimes active in the field of foreign adoptions without a permit.⁷³² This was confirmed by our research. In 1981, for example, the Federal Office for Immigration Affairs wrote to the cantonal immigration police of Vaud that it had information that a woman from a Vaud municipality was placing children from Haiti without a licence.⁷³³

Sporadically, individual adoption centres came under scrutiny. In 1993, an article in the newspaper *La Liberté* raised the question of whether the Fribourg adoption agency Service d'adoption du Mouvement Enfance et Foyers was involved in child trafficking from Lebanon. A French lawyer was demanding "exorbitant fees" for Lebanese children. The Federal Office for Immigration Affairs deemed the suspicion to be unfounded.⁷³⁴ With regard to mediation activities, another sensitive point was the confusion of competences. As early as 1968, the Federal Aliens Police criticised the fact that Terre des hommes both prepared assessment reports and placed adoptive children.⁷³⁵ In some cases, the mediators acted as the children's guardians during the care phase, thereby mixing the interests of parents and children.⁷³⁶

From the 1980s at the latest, there was a further exchange between the Federal Office for Foreign Nationals and state-recognised placement agencies such as Terre des hommes Lausanne, the Bu-reau Genevois d'Adoption or the Geneva Divali Adoption Service. The mediators also tried to influence the adoption procedures. In 1981, for example, the president of the Bureau Genevois d'Adoption asked the Federal Office for Foreigners' Affairs to simplify the entry regulations: Whether it would not be possible to draw them up in the name of the future parents instead of inventing a name for the child. This would simplify the procedure in view of the increasing number of adoptions.⁷³⁷ The nun Mother Teresa, Missionaries of Charity, who ran orphanages in India from which children were also placed for adoption in Switzerland, called for a simplification of the entry procedure.

⁷³¹CH-BAR, E4300C-01#1998/299#609*, Miscellaneous correspondence from the Federal Office for Foreigners' Affairs 1981/2 concerning the above-mentioned mediator. See also correspondence from 1981/82 on the placement activities of the Lüthi* couple. Also contains a letter about the mediator Doris Kälin*. See also the chapter on India.

⁷³²Bitter, Bangerter, Ramsauer 2020, pp. 106-109.

⁷³³CH-BAR, E4300C-01#1998/299#607*, Federal Office for Foreigners' Affairs to Cantonal Aliens Police Vaud, 26 March 1981.

⁷³⁴CH-BAR, E4300C-01#2021/3#558*, note from L.-K. Füssli*, Federal Office for Foreigners' Affairs, 3 June 1993.

⁷³⁵CH-BAR, E4300C-01#1998/299#611*, Gugger*, Federal Aliens Police, to Geneva Residents' Registration Office, 21 November 1968.

⁷³⁶Cf. Bitter, Bangerter, Ramsauer 2020, p. 94.

⁷³⁷CH-BAR, E4300C-01#1998/299#607*, President of the Bureau Genevois d'Adoption to the Federal Office for Foreigners' Affairs, 4 February 1981.

1987 from the Federal Office for Immigration Affairs for a faster processing of the entry permit. This would often arrive late, the cases would remain pending in court for a long time, and the children could not be reunited with their adoptive parents early enough.⁷³⁸

For the years 1979 and 1980 as well as for the mid-1980s, the files of the Federal Office for Immigration Affairs document further meetings between the Federal Office for Immigration Affairs, the Federal Department of Justice, cantonal youth welfare offices and various placement agencies, at which criteria for the selection of adoptive parents and an optimisation of adoption practice were discussed.⁷³⁹ The placement agencies in French-speaking Switzerland in particular were in charge.⁷⁴⁰

The fonds also contain a wide range of information on individual placement centres, including applications for authorisation and annual reports as well as correspondence.⁷⁴¹ The Federal Office for Foreigners' Affairs also dealt with placement agents who brought children to Switzerland under unclear or illegal circumstances. The files contain detailed information on Margret Bucher*, a Catholic nun from the canton of Appenzell Ausserrhoden, who brought children from India without authorisation.⁷⁴² There were also indications of problematic conditions in the children's home she ran in India. In 1980, Hohler* from the Federal Office for Foreigners' Affairs asked the Federal Office of Justice about ways to stop Sister Bucher's activities or to channel them into legal channels. In its reply, the Federal Office of Justice explained the legal sanctions that could be imposed on unauthorised adoption agencies and opaque aid organisations in general, but did not make a final "judgement"⁷⁴³. A short time later, the municipal authorities of Appenzell Ausserrhoden imposed administrative fines on Bucher because she had placed Indian children without having a licence to do so. Nevertheless, she was not fined. She was merely threatened with another fine if she violated the order.⁷⁴⁴

⁷³⁸CH-BAR, E4300C-01#2021/126#1117*, letter from Mother Teresa to the Federal Office for Foreigners' Affairs, 12 October 1987.

⁷³⁹CH-BAR, E4300C-01#1998/299#611*. See, for example, letter from the President of the Bureau Genevois d'Adoption to various adoption agencies, 10 July 1979. See also: CH-BAR, E4300C-01#1998/299#1779*, Minutes, Groupe de travail sur l'adoption, 13 November 1985.

⁷⁴⁰The files contain documents relating to a conference held in Tramelan in June 1992 on the placement of foreign children for later adoption. The conference was attended by placement agencies from western Switzerland (Divali Adoption Service, Terre des hommes Lausanne, Service d'adoption du Mouvement Enfance et Foyers, Fribourg), the Service social du Jura bernois, municipal social services and youth welfare offices. Among other things, the requirements for adoptive parents of foreign children, adoption secrecy and the modalities of the social report were discussed. Cf. CH-BAR, E4300C-01#2021/3#558*, documents relating to the meeting of 18 June 1992 in Tramelan. The Geneva placement centre Divali Adoption Service was also in contact with the Federal Office for Foreigners' Affairs. A circular letter from Ursula Smith* of the Divali Adoption Service dated 13 February 1989 with an invitation to attend the arrival of the 400th child placed in Switzerland by the placement agency on 28 February 1989 in Geneva-Cointrin was sent personally to the Director of the Federal Office for Foreigners' Affairs: CH-BAR, E4300C-01#2021/126#1117*.

⁷⁴¹In particular in the dossier "Adoption agencies": CH-BAR, E4300C-01#1998/299#609*, Order of the Youth Welfare Office of the Canton of Zurich of 23 March 1984 concerning authorisation for inter-country adoption placement for India to Doris Kälin*. Or the 1973 orders to Alba Dos* and Ursula Smith* for India. It also contains documents on the Honegger case and the Sri Lanka scandal, such as a letter from the Federal Office for Foreigners' Affairs to the cantonal immigration police of various cantons dated 11 October 1984 concerning the activities of the intermediary Dawn De Silva, documents on the establishment of the Adoptio Foundation by Alice Honegger and correspondence between the Federal Office for Foreigners' Affairs and the Swiss representation in Colombo, 23 September 1985, concerning the application for authorisation for Adoptio to act as an adoption intermediary. CH-BAR, E4300C-01#2021/3#568* contains mainly addresses of adoption agencies.

⁷⁴²Cf. chapter 7 on India.

⁷⁴³CH-BAR, E4300C-01#1998/299#607*. Federal Office of Justice to Federal Office for Foreigners' Affairs, 17 March 1980.

⁷⁴⁴CH-BAR, E4300C-01#1998/299#607*, Municipal Directorate of Appenzell Ausserrhoden, order of 19 August 1980: Sanctions against the adoption placement by Sr Margret Bucher*.

The files of the Federal Office for Foreign Nationals also contain documents on Alice Honegger's activities in Sri Lanka and India. As this is already the subject of the Sri Lanka report, it will not be discussed here.⁷⁴⁵ In the case of Bucher and Honegger, the reluctance of the cantonal authorities to intervene in the case of unauthorised placement activities is evident. Like Bucher, Honegger did not have a licence for a time, but nevertheless placed children from Sri Lanka during this period.

Brazil

There are also several specialised dossiers on the topic of "foster care and adoption" for specific regions as well as dossiers on individual countries. In the dossier on Brazil⁷⁴⁶, there are references to children who were handed over to married couples shortly after birth, who had them entered in the civil register as biological children on the basis of false information without carrying out an adoption procedure. In addition to the falsification, the six-week period after which the birth mothers could have given their consent, which is prescribed by Swiss adoption law, was not observed in the case of foreign adoptions. The Swiss Consulate General in São Paulo contacted the Federal Office for Civil Status in 1979 and reported that "it is a well-known fact that in São Paulo and probably elsewhere in Brazil, babies are given to married couples who can be registered as biological children without having to go through an adoption procedure at a civil registry office. Usually, all that is needed to register a birth is an identity card from the hospital where the child was born and a marriage certificate. The former document can be bought or forged if necessary."⁷⁴⁷ The Consulate General described two recent cases. In the first case, a Swiss couple had registered a "child [...] most probably not of their own".⁷⁴⁸ The childless couple from Switzerland had travelled to Brazil, allegedly for business purposes, and a son was born a week later. "My specific questions, such as an air travel permit for a heavily pregnant woman, the time of the stay in Brazil, do not unsettle the father of the child at all; he spontaneously presents a confirmation from the clinic, which provides information about the wife's stay, the weight of the child, etc.". etc. Although I have no proof, I cannot help thinking that this is a foreign child."⁷⁴⁹

In the second case, a married couple living in São Paulo had a foreign infant registered as their own child. The spouse did not conceal this from the consulate general. On further enquiry

⁷⁴⁵CH-BAR, E4300C-01#1998/299#607*, Pflegekinderfürsorge Winterthur to City Councillors Eggli and Bertschi, 20 May 1980. The Dossiers concerning Sri Lanka are CH-BAR, E4300C-01#1998/299#1324* and CH-BAR, E4300C-01#2021/126#1078*. See also CH-BAR, E4300C-01#1998/299#1778*; on Sri Lanka, see Bitter, Bangerter, Ramsauer 2020.

⁷⁴⁶CH-BAR, 4300C-01#1998/299#1205*.

⁷⁴⁷CH-BAR, E4300C-01#1998/299#1205*, Swiss Consulate General São Paulo to the Federal Office of Civil Status, 7 December 1979.

⁷⁴⁸CH-BAR, E4300C-01#1998/299#1205*, Swiss Consulate General São Paulo to the Federal Office of Civil Status, 7 December 1979.

⁷⁴⁹CH-BAR, E4300C-01#1998/299#1205*, Swiss Consulate General São Paulo to the Federal Office for Civil Status, 7 Dec. 1979; see also Federal Office for Civil Status to the Swiss Consulate General São Paulo, 18 March 1980.

he replied that his wife could no longer have children of her own and that they had long wished to adopt a Brazilian child. As the adoption procedure could no longer be carried out due to the imminent return to Switzerland, he had the "most longed-for child" registered as his own. Otherwise he would have had to give it up. The Consul General asked the Federal Office for Civil Status for instructions on how such incidents should be handled: "I need not emphasise the delicate situation I find myself in in such cases, which are invariably humanitarian in nature and, depending on the behaviour of the Consulate General, could undoubtedly have unpleasant consequences for both parties. I would be grateful if you would look into this problem again and give me precise instructions on how to deal with these cases."⁷⁵⁰ Without going into the criminal behaviour of the couple, the Federal Office for Civil Status referred to the difficulty of verifying the "truthfulness of the register": in Switzerland, a civil status officer checks the information provided. If it turned out that the information was incorrect, the alleged parents would have to face criminal charges for, among other things, obtaining a false notarisation. "If a foreign child is registered as the legitimate child of the spouses concerned without checking the existing circumstances, there is a greater risk that the child will not fit into that family and that the unformal [sic] 'adoption of a child' will ultimately serve neither its welfare nor that of the parents. Moreover, in the case of such a less formal adoption of another person's child, there is no guarantee that the child has not been taken away from the authorised person against their will. Finally, it does not appear to us to be entirely unobjectionable if relatives of a foreign country pass off a child born there as their own in their host country and in this way deceive the local authorities when the child leaves that country. It is of course beyond the capabilities of our consular representations - and it is also not their task - to ascertain the material truth of the foreign civil status documents submitted to them concerning Swiss citizens." If the consulate is presented with civil status documents whose authenticity is in doubt, these should be forwarded to the Office for Civil Status as usual for the attention of the home authority. At the same time, the Office asked for further information. Finally, "it would not be inappropriate if the parties involved [...] were made aware of the rather unpleasant consequences that a false registration [...] can have." The Federal Office for Civil Status added that such a notice "should be of a purely informative nature and should not have a threatening tone. If the alleged parents decide to make a confession to you, we should be informed of this fact when the birth certificate is forwarded."⁷⁵¹ There is no further information in the case file about this procedure, which was illegal in the country of origin. It should be checked whether there is also an individual case file.

⁷⁵⁰All quotations from: CH-BAR, E4300C-01#1998/299#1205*, Swiss Consulate General São Paulo to the Federal Office for Civil Status, 7 Dec. 1979; see also Federal Office for Civil Status to the Swiss Consulate General São Paulo, 18 March 1980.

⁷⁵¹All quotations from: CH-BAR, E4300C-01#1998/299#607*, Federal Office of Civil Status to Swiss Consulate General São Paulo, 18 March 1980.

In 1984, a news programme in Brazil repeatedly reported on the sale of babies to foreigners, which was legalised either by means of a simple adoption under Brazilian law or by means of an incorrect entry in the birth register. The target of the criticism was the juvenile court in Curitiba, which had carried out ten per cent of all adoptions in Brazil in the previous year. The biological mothers were destitute single women who had been persuaded with false information to entrust their child to a married couple for care. As a result, all adoptions from 1983 were scrutinised. In addition, adoption abroad was to be made more difficult.⁷⁵² In 1992, another article on baby trafficking appeared in a Brazilian newspaper, which the Swiss representation in Brasilia forwarded to the FDJP, Section for Private International Law.⁷⁵³

Correspondence from 1990 between the Federal Office for Foreigners' Affairs, the Swiss representation in São Paulo and the Swiss pastor Paul Noser*, who worked in the Igreja Evangélica Suíça in São Paulo, appears to be revealing for the question of irregular adoption practices. The latter had sent a letter - "strictly confidential" - to the Consulate General in São Paulo stating that adoptions from Brazil to Switzerland were not well prepared. He mentioned the case of a couple who had been "presented" with two boys aged five and seven. The younger boy was "severely damaged by his environment" and refused to go with the potential adoptive parents. "Apparently the mother also got in touch again [...] and wanted the boy back." A seven-year-old girl was then taken from a care home as a replacement. "The girl had no idea where she was going, so she had no preparation. The adoptive parents were also here without any support and then found a German woman through the judge who helped with the translation." Noser also pointed out that no medical reports were made, as required by Swiss regulations.⁷⁵⁴ The Consulate General forwarded Pastor Noser's letter to the Federal Office for Foreigners' Affairs and asked for a statement to be sent to the concerned pastor. According to the Federal Office of Justice, Mr Noser observed with concern "a sharp increase in the number of black children from Brazil given up for adoption in Switzerland and is convinced that the willingness in our country to accept them is fuelling the generous practice of the Brazilian juvenile courts in releasing particularly black children, some of whom have suffered damage to their environment." He considered "a stricter handling of the legal means vis-à-vis intermediary organisations (Pro Kind, etc.) and stricter admission conditions by the BFA to be in the interest of the children and the future parents"⁷⁵⁵.

⁷⁵²CH-BAR, E4300C-01#1998/299#1205*, memorandum from the Swiss Consulate in Curitiba, 3 May 1984.

⁷⁵³CH-BAR, E4300C-01#2021/3#475*, Swiss representation Brasilia to FDJP, Private International Law Section, 18 March 1992. The CH-BAR dossier, E4300C-01#2021/126#936* contains numerous letters from the Swiss representation in Curitiba in Brazil to the Federal Office for Foreigners' Affairs, which were accompanied by newspaper articles with translations. For example, the article Traficantes de bebês voltam à carga, in: Gazeta do Povo, 7 August 1987, in which the head of the Youth Welfare Office called for rigorous action against baby smugglers.

⁷⁵⁴All quotes from: CH-BAR, E4300C-01#2021/126#936*, Pastor Noser*, Igreja Evangélica Suíça in São Paulo, to Swiss Consulate General São Paulo, 22 May 1990.

⁷⁵⁵CH-BAR, E4300C-01#2021/126#936*, Federal Office of Justice, Section for Private International Law and Civil Procedure, Milena Rochat*, to the Swiss Consulate General in São Paulo, 7 June 1990. Cf. also Chapter 4.2 on Brazil for this letter.

In June, the Federal Office of Justice, Section for International Private and Civil Procedure Law, wrote to the Swiss Consulate General in São Paulo that "cases such as the one cited by Pastor Noser are in fact not uncommon" and that parents wishing to adopt were once again "faced with the dilemma: a child other than the expected one or none at all. Since the formal requirements are met [...], judicial authorities seem to easily decide in favour of this procedure. Pastor Noser thus asks whether this kind of almost 'adoption coercion' does not contradict the true meaning of adoption." The Section for Private International Law and Civil Procedure of the Federal Office of Justice commented on this as follows: "1. Our office is well aware of the problems described above in adoption cases with third countries, e.g. Brazil. We will not fail to forward Father Noser's request to the Federal Office for Foreigners' Affairs. As far as possible, we should have as much concrete information as possible in order to prevent abuses. We would therefore be very grateful if you would ask Mr Noser to describe the cases he is aware of, including names." In addition, the Section for Private International Law and Civil Procedure referred to the Hague Conference on Private International Law of June 1990, which was dedicated to drawing up a new convention on inter-country adoptions to replace the old Hague Convention of 15 November 1965. Brazil took part in this.⁷⁵⁶

In this case, it is interesting to note that although the priest reported abuses to the Swiss authorities, he himself arranged adoptions without a licence. In June 1990, he wrote to the Federal Office for Foreigners' Affairs that he had arranged "2-3 adoptions per year in the last 9 years". Now a new judge was in office who only wanted to work with an officially recognised placement agency in Switzerland. The priest therefore asked whether a provisional authorisation could be sent by fax and the original submitted later. "So that we don't lose too much time and the children in our home don't have to wait unnecessarily".⁷⁵⁷ He explained that he was not arranging adoptions as his "main occupation", but "as a little help for children and adoptive parents". The Federal Office for Immigration Affairs did not comment on the fact that the pastor had apparently been arranging adoptions for years without authorisation. However, it reported its concerns regarding a permit to the Federal Office of Justice: "In our opinion, it would be problematic to issue the confirmation requested by Father Noser in São Paulo. "⁷⁵⁸ This was ultimately not granted.⁷⁵⁹

⁷⁵⁶All quotes in the paragraph from: CH-BAR, E4300C-01#2021/126#936*, Federal Office of Justice, Section for Private International Law and Civil Procedure, Milena Rochat*, to Swiss Consulate General São Paulo, 7 June 1990.

⁷⁵⁷CH-BAR, E4300C-01#2021/126#936*, Pastor Noser, Igreja Evangélica Suíça in São Paulo, to Burger*, Federal Office for Foreigners' Affairs, 1 June 1990.

⁷⁵⁸) Quotes from: CH-BAR, E4300C-01#2021/126#936*, note Federal Office for Immigration Affairs to Federal Office of Justice, undated.

⁷⁵⁹CH-BAR, E4300C-01#2021/126#936*, letter from the Federal Office for Foreigners' Affairs, 22 August 1990.

Chile, Ecuador, Colombia and Peru

A case file on foster care and adoption documents an illegal entry that concerned Ecuador and was treated as a precedent. In 1978, the Federal Aliens Police wrote to the Swiss embassy in Quito that a Swiss family had travelled to Ecuador. They had taken a child home without the authorisation of the competent cantonal immigration police and without prior examination of the situation by the guardianship authorities. This was "inadmissible" and the Ecuadorian authorities should be warned not to allow any more placements in Switzerland without prior authorisation from the immigration police. The Federal Aliens Police feared that this would set a negative example. Other Swiss nationals could hear about this and take similar action. At the same time, the Federal Aliens Police sent a copy of their letter to the competent cantonal aliens police and asked them to make an appearance at the family's home and ask how they had come by the child, who the intermediaries were in Switzerland and abroad, and why they had brought the child to Switzerland illegally.⁷⁶⁰

The dossiers of the Federal Office for Immigration Affairs on Chile, Peru and Colombia contain various newspaper articles on the subject of child trafficking.⁷⁶¹ There is correspondence on Peru between the Federal Aliens Police and the Swiss embassy in Lima relating to faits accomplis.⁷⁶² In 1977, a case was also brought up in which the parents brought the child to Switzerland under dubious circumstances.⁷⁶³ The dossier on Colombia contains copies of the Colombian government's decrees, file notes from the Swiss authorities, correspondence from the Swiss representation, Colombian government forms for adoption issues and a key document from the Federal Office of Justice on child trafficking in Bogotá from 1981.⁷⁶⁴

Lebanon and Romania

In 1980, the Service de protection de la jeunesse of the canton of Vaud reported to the Federal Office for Immigration Affairs that a certain Mrs Dallavecchio* was looking for sponsors for Lebanese orphans by means of a newspaper advertisement. Using the telephone number provided, a person stated that Dallavecchio had placed a certain number of children in Switzerland. Dallavecchio was then summoned. She claimed that she had never placed children from Lebanon in Switzerland. The Service de protection de la jeunesse then asked the Federal Office for Immigration and Naturalisation

⁷⁶⁰CH-BAR, E4300C-01#1998/299#1222*, Federal Aliens Police to the Swiss Embassy in Quito, 24 May 1978. The dossier also contains documents on the question of a bilateral agreement with Ecuador, which are dealt with in Chapter 13.1. CH-BAR, E4300C-01#1998/299#607*, Swiss Embassy Quito to FDFA, Political Affairs Division II, 23 July 1981. As with Ecuador, the negotiation of bilateral agreements was also an issue in Peru and Romania. See chapters 11 and 12.

⁷⁶¹CH-BAR, E4300C-01#1998/299#1152*, article on Chile: Baby trafficking and hunger, in: Volksrecht, 16.9.1983; Peru's police take action against child trafficking, in: Tages-Anzeiger, 6.11.1982. Cf. article in the NZZ, January 1984: Verdict on child trafficking in Peru.

⁷⁶²CH-BAR, E4300C-01#1998/299#1152*, Federal Aliens Police to the Swiss Embassy in Lima, 28 January 1977.

⁷⁶³CH-BAR, E4300C-01#1998/299#1152*, Swiss Embassy in Lima to Federal Aliens Police, 11 February 1977.

⁷⁶⁴CH-BAR, 4300C-01#1998/299#1240*.

Information on this woman.⁷⁶⁵ In December 1980, the Federal Office for Immigration Affairs replied regarding the possibly illegal placement of the Lebanese children. It mentioned an intermediary from the canton of Vaud and asked whether she was connected to Dallavecchio.⁷⁶⁶

In 1987, the Federal Office for Foreigners' Affairs forwarded a report from the Service de protection de la jeunesse of the canton of Vaud to the Swiss embassy in Beirut. The report drew attention to a Lebanese lawyer "who is apparently enriching herself with the lucrative trafficking of children. We would be grateful if you would try to investigate the matter as far as possible despite the difficult situation you are currently facing."⁷⁶⁷ The embassy in Beirut replied that it was aware "that in addition to lawyers, doctors, nurses and midwives are also making money from the sale of children. In East Beirut, a very respected doctor recently 'sold' another baby to Germany. A Swiss woman living here was refused a child by the same doctor about four years ago because she could not afford the sum of LL 25,000 (approx. SFr. 8,000) at the time." The matter was being investigated and entry applications would be checked more closely in future.⁷⁶⁸

Two months later, the Swiss representation in Beirut reported the following to the Federal Office for Foreigners' Affairs: "[I]e inform you that I have no information about candidates from other Swiss cantons who have also used the services of Mrs Hadid*. However, I would like to inform you that this Embassy has taken note of this file and that in the future I will do my best to avoid the attention of people who would like to adopt through the intermediary of Mrs Hadid." The Federal Office for Foreigners' Affairs in turn forwarded this message to the Service de protection de la jeunesse in Lausanne.⁷⁶⁹ In a letter from Stefan Koch of the Federal Foreign Police to the embassy in Beirut, he had already urged great caution in 1979: "We need to be very cautious.

"extrême prudence lors de l'octroi de visas en faveur de ressortissants suisses de passage qui se présentent chez vous avec un enfant libanais et de nous soumettre toute demande d'autorisation d'entrée pour décision en cas de doute."⁷⁷⁰ No further information can be found in the dossier.

From 1990 onwards, there were many requests for adoptions from Romania, and the Federal Office for Foreigners' Affairs was contacted daily with written requests and telephone calls. The Federal Office also spoke of child trafficking in the case of Romania and discussed whether the practice needed to be changed: "It gives the impression (as in other countries elsewhere) that there is a certain amount of child trafficking, especially when the 'parents' do not address themselves to an organisation but directly to private individuals and are willing to exchange a car for a child. The real state of health of these children also seems to me to be a matter of concern. The quality or accuracy of the medical certificates can be planned

⁷⁶⁵CH-BAR, E4300C-01#1998/299#1307*, Service de protection de la jeunesse Canton Vaud to Federal Office for Foreigners' Affairs, 6 October 1980.

⁷⁶⁶CH-BAR, E4300C-01#1998/299#1307*, Stefan Koch, Federal Office for Foreigners' Affairs, to Service de protection de la jeunesse Canton Vaud, 5 December 1980. For the intermediary B. R. T. K.* mentioned above, see also Chapter 10.1.

⁷⁶⁷CH-BAR, E4300C-01#1998/299#1307*, Federal Office for Foreigners' Affairs to the Swiss Embassy in Beirut, 8 August 1987.

⁷⁶⁸CH-BAR, E4300C-01#1998/299#1307*, Swiss Embassy in Beirut to the Federal Office for Foreign Nationals, 18 August 1987.

⁷⁶⁹CH-BAR, E4300C-01#1998/299#1307*, Swiss Embassy in Beirut to the Federal Office for Immigration Affairs, 12 October 1987.

⁷⁷⁰CH-BAR, E4300C-01#1998/299#1207*, Stefan Koch, Federal Aliens Police [at this time already Federal Office for Foreigners' Affairs, author's note], to the Swiss Embassy in Beirut, 16 July 1979.

quelques doutes (taux de séropositivité élevé dans ce pays). These few reflections lead me to pose the question of the need for a new procedure to be examined? "⁷⁷¹

Subject files on other countries of origin

The files of the Federal Office for Foreign Nationals contain files on countries that were not the focus of this report and that became important for intercountry adoptions in the late 1980s and 1990s: These include Albania, Bolivia, Haiti, Yugoslavia, the Philippines, Portugal, Russia, Hungary and Vietnam, as well as African countries such as Madagascar and Ethiopia.⁷⁷² The Federal Archives received these subject dossiers in a second delivery during our ongoing research work. It was part of the mandate to examine these dossiers as well.⁷⁷³

The files contain general references to problematic practices in these countries. For example, the chargé d'affaires for Madagascar wrote to the Federal Office for Foreign Nationals in 1990 that the exit procedures were very simple and could be initiated immediately after the adoption had been granted in Madagascar. He spoke out against this "cash and carry a child", as he called it in the opening and closing sentences.⁷⁷⁴ The files also contain information on specific adoption cases and references to child trafficking. One case concerns a dubious adoption placement from the Philippines by a Swiss citizen who was also suspected of paedophilia and child prostitution.⁷⁷⁵

The International Social Service of Switzerland (ISS), Zurich Section, provided the Federal Office for Foreign Nationals with information on child trafficking on several occasions. Two cases involved a Swiss national in Manila in 1990.⁷⁷⁶ The files for Thailand also document a specific case of child trafficking to Switzerland. The social worker at the ISS reported to the Federal Office for Immigration Affairs that a one-and-a-half-year-old boy from Thailand had been brought to Switzerland via Amsterdam. A Thai woman had claimed to be the child's biological mother. "The Thai woman had travelled to Switzerland on a one-day visa, without any knowledge of German, under the influence of drugs with a woman [...] and had handed the child over to two men and a woman at a train station - a place unknown to her." The ISS social worker went on to write: "It seems to me that silence is no longer an adequate defence here."

⁷⁷¹CH-BAR, E4300C-01#2021/3#558*, Note Ilsa-Louise Kessler*, Federal Office for Foreigners' Affairs, 23 May 1991.

⁷⁷²CH-BAR, E4300C-01#2021/126#1379* contains little information on Ethiopia 1993-1994, including an enquiry from the Winterthur guardianship authority to the Federal Office for Foreigners' Affairs in November 1993 as to whether visas for Ethiopian children had already been issued by the Swiss embassy in Addis Ababa, and on Ethiopian adoption practice. It is mentioned that the Pro Kind mediation centre from the Canton of Zurich is active in Ethiopia.

⁷⁷³Cf. chapter 1.4, footnote 22. This second delivery is listed in the unprinted sources on the last page of the Federal Office for Foreigners' Affairs.

⁷⁷⁴CH-BAR, E4300C-01#2021/126#1339*, Swiss chargé d'affaires in Madagascar to the Federal Office of Justice, 28 December 1990.

⁷⁷⁵CH-BAR, E4300C-01#2021/126#1237*, correspondence from February/March 1989 and detailed statement from a Swiss municipality.

⁷⁷⁶CH-BAR, E4300C-01#2021/126#1237*, International Social Service of Switzerland, Zurich Section, to the Federal Office for Foreign Nationals, 8 June 1990.

reaction can be considered. I would be pleased if these indications could be followed up - precisely because there may also be time pressure. If the child has been integrated into a normal adoption procedure under a different name, it is to be expected that an adoption could be pronounced as early as May 91 ... [sic] If it is possible to establish the child's whereabouts, I would like to point out once again that a professionally competent agency (social work!) with experience of this problem should be called in immediately. Unfortunately, experience to date with the organisations concerned has not been very encouraging. It must even be noted that the involvement of specialised agencies is postponed - and sometimes even avoided. "777 The Federal Office for Immigration Affairs informed the ISS that attempts were being made in cooperation with the Federal Office of Justice to find out the current whereabouts of the child, and it also mentioned a child who could be the Thai boy brought to Switzerland illegally.⁷⁷⁸ What happened next cannot be inferred from the case file. More information can be found in the documents of the Swiss representation in Thailand.

In June 1995, newspaper articles appeared about illegal adoptions and child trafficking in Taiwan and Russia. Ilse-Louise Kessler*, adoption specialist for French-speaking Switzerland at the Federal Office for Immigration Issues, pointed out to Eduard Duman*, Assistant Director of the Western Switzerland and Ticino Section of the Federal Office for Immigration Issues, that enquiries from these countries should now be treated with caution.⁷⁷⁹

Other dossiers held by the Federal Office for Immigration Matters

The holdings of the Federal Office for Immigration Affairs contain other subject dossiers that were not examined in detail for this report, but are also of interest for further research. For example, a dossier on "Directives and Laws "⁷⁸⁰, which contains, among other things, a report prepared by the "Third World Adoptions" working group within the Federal Office of Justice and published in 1986.⁷⁸¹ As various issues relating to foreign adoptions were not or not satisfactorily regulated by the Adoption Placement Ordinance of 1973 and the Foster Children Ordinance of 1977, the Conference of Cantonal Youth Welfare Office Heads asked the Federal Office of Justice in 1983 to examine the partial revision of the two ordinances. Problems arose in particular from the fact that foster parents without recognised mediators were taking care of a child abroad.

⁷⁷⁷All quotes from: CH-BAR, E4300C-01#2021/126#1264*, Internationaler Sozialdienst der Schweiz, Sektion Zürich, an Bundesamt für Ausländerfragen, 28 November 1990.

⁷⁷⁸CH-BAR, E4300C-01#2021/126#1264*, Federal Office for Foreigners' Affairs to ISS and Federal Office of Justice, 12 February 1991. There is a separate dossier on Thailand, which we have not reviewed for this report: CH-BAR, E4300C-01#1998/299#1479*.

⁷⁷⁹CH-BAR, E4300C-01#2021/3#558*, Note Ilse-Louise Kessler*, Federal Office for Foreigners' Affairs, 26 June 1995.

⁷⁸⁰CH-BAR, E4300C-01#2021/3#559*.

⁷⁸¹CH-BAR, E4300C-01#1998/299#1779*, Report of the Working Group of the Civil Code Section of the Federal Office of Justice of 23 July 1986 "Adoption of children from the Third World".

sought. There was a risk that the children would come to Switzerland illegally. Such adoptions meant a great additional burden for public youth welfare services.⁷⁸²

The dossier "Important documents and papers "⁷⁸³ contains not only presentations but also permits for placement activities and annual reports from the placement organisations. The dossier "Newspaper articles "⁷⁸⁴ is informative for analysing media coverage of foreign adoptions. Statistical material from the Federal Office for Foreign Nationals on the entry permits granted to foster children can be found in "Statistics "⁷⁸⁵. The dossier "Child welfare: general" includes, among other things Map-pen on unaccompanied minors, on "General child aid, Bolivian children", "Child aid Brazil", on Lebanese and Romanian holiday children, Russian and Tibetan children, "Guatemalan children", including correspondence between the Federal Office for Foreigners' Affairs and the Swiss embassy in Ciudad de Guatemala on the placement of children by the lawyer Antonio Lopez*.⁷⁸⁶ The dossier on the Hague Convention of 29 May 1993 on the Protection of Children contains various documents relating to the signing of the Hague Convention as well as drafts of the Federal Act on the Hague Convention, correspondence on office consultations and the ratification consultation.⁷⁸⁷

⁷⁸² CH-BAR, E4300C-01#1998/299#1779*, Report of the Working Group of the Civil Code Section of the Federal Office of Justice of 23 July 1986 "Adoption of Children from the Third World".

⁷⁸³ CH-BAR, E4300C-01#2021/3#560*.

⁷⁸⁴ CH-BAR, E4300C-01#2021/3#565*.

⁷⁸⁵ CH-BAR, E4300C-01#2021/3#564*.

⁷⁸⁶ CH-BAR, E4300C-01#2021/3#556*. For Guatemala, see chapter 6.

⁷⁸⁷ CH-BAR, E4300C-01#2021/3#569*.

14 Holdings of other federal authorities

In addition to the fonds of the Federal Office for Immigration Affairs, the Swiss Federal Archives contain documents from other federal authorities on foreign adoptions. Subject files from the Federal Office of Justice, the General Secretariat of the FDJP and the FDFA Head Office were examined for the inventory. The selection does not claim to be exhaustive. We refer only summarily to the files of the Federal Office for Civil Status and the Federal Data Protection and Information Commissioner. We did not examine individual case files.

14.1 Federal Office of Justice

In the context of adoptions, the Federal Office of Justice is primarily involved when it comes to questions of legislation.⁷⁸⁸ The Federal Office of Justice's holdings on foreign adoptions in the narrower sense are limited. Dossiers containing correspondence between the Federal Office of Justice and Swiss representations abroad as well as correspondence with other federal offices on Asia⁷⁸⁹ and on individual countries such as Brazil, Chile, Guatemala, Colombia and Peru were reviewed for the report.⁷⁹⁰ In addition, selected dossiers on adoption mediation and cantonal supervisory authorities were examined.⁷⁹¹ Two dossiers relate to parliamentary procedural requests.⁷⁹²

General correspondence from the Federal Office of Justice

The dossier on general correspondence is not extensive.⁷⁹³ It includes various issues of the Bulletin d'information du Centre international sur la protection de l'enfant dans l'adoption and documents relating to a handbook on international adoption.⁷⁹⁴ In addition to various statistics, the handbook also contains an overview of appeal decisions in international adoptions since 1983 with case descriptions and the text of an examining magistrate, himself an adoptive father,

⁷⁸⁸Cf. chapter 2.2.

⁷⁸⁹CH-BAR, E4110-03#2003/262#220*.

⁷⁹⁰CH-BAR, E4110-03#2003/262#220*; CH-BAR, E4110-03#2003/262#215*; CH-BAR, E4110-03#2003/262#216*; CH-BAR, E4110-03#2003/262#217*; CH-BAR, E4110-03#2003/262#211*; CH-BAR, E4110-03#2003/262#214*.

⁷⁹¹CH-BAR, E4114A#2012/179#158*; CH-BAR, E4114A#1994/205#747*; CH-BAR, E4114A#1992/246#925*; CH-BAR, E4114A#1999/156#1488*.

⁷⁹²CH-BAR, E4114A#1992/246#213*; CH-BAR, E4114A#1992/246#173*.

⁷⁹³CH-BAR, E4110-03#2003/262#199*.

⁷⁹⁴CH-BAR, E4110-03#2003/262#199*.

on legal issues relating to international adoption.⁷⁹⁵ The fonds also contain correspondence between the Divali Adoption Service, Geneva authorities and the Federal Office of Justice concerning the authorisation of an intermediary. The dossier also contains documents on the introduction of maternity insurance.⁷⁹⁶ A note from the head of the Section for Private International Law and Civil Procedure dated March 1992 summarises the "necessary clarifications for international adoptions".⁷⁹⁷

The dossier contains a letter in which the authorities in French-speaking Switzerland, Bern and Ticino and Terre des hommes Lausanne wrote to the Federal Office for Immigration, the Federal Office of Justice and the relevant cantonal central authorities in 1993 to express their "current concerns": "We are unsure about the possibilities that exist in the world of child traffic. Because of their desire to have children, candidates for adoption from our country contribute to the international market for children and we want to have the assurance that we are acting in the best interests of the child in the case of international adoption. We realise that our means are limited to intervene in this context, but we receive, through the reports of the parents, a lot of information on the dubious files and the excessive costs of the procedure. We want to create an intercantonal information system that allows us to centralise and disseminate all this information. [...] We want you to take our concerns into account and to discuss this issue between federal and cantonal authorities, and we want you to propose a centralised information point. On the other hand, we want the recognised intermediaries to benefit from stricter monitoring of their activities, for the powers and means of the supervisory authorities to be strengthened and for independent adoptions to also be subject to this monitoring. [...] It is also important that Swiss diplomatic missions abroad (consulates) are better informed about the problems of international adoption and the traffic of children."⁷⁹⁸ The letter concluded with a call for Switzerland to sign the Hague Convention.

Documents relating to the Bär postulate of 31 January 1992 are also filed in the dossier. The postulate enquired about legal protection for foreign adoptive children who had already lost the nationality of their country of origin due to the adoption pronounced abroad, but were not adopted in Switzerland after the two-year care phase.⁷⁹⁹ According to Milena Rochat* from the Section for Private International Law and Civil Procedure at the Federal Office of Justice

"we [the Federal Office of Justice, author's note] are not aware of any case in which the adoptive child's foreign country of origin granted him or her the right to adopt before acquiring the nationality of the receiving state.

⁷⁹⁵CH-BAR-#4110-03#20037262#199*, document "Rekursentscheide bei internationalen Adoptionen seit 1983, Ausgabe 1993", Jugendamt des Kantons Zürich, Zentralstelle Jugend- und Familienberatung, 14.10.1997.

⁷⁹⁶CH-BAR-#4110-03#20037262#199*.

⁷⁹⁷CH-BAR-#4110-03#20037262#199*, document "Erforderliche Abklärungen bei internationalen Adoptionen", Federal Office of Justice, Section for International Private and Civil Procedure Law, 11 March 1992.

⁷⁹⁸Quotes from: CH-BAR, E4110-03#2003/262#199*, Département de l'instruction publique, Service de protection de la jeunesse, to Milena Rochat*, Federal Office of Justice, Section for International Private and Civil Procedure Law, 12 July 1993.

⁷⁹⁹CH-BAR, E4110-03#2003/262#199*, 92.3023 Postulate Bär of 31 January 1992, https://www.parlament.ch/afs/data/d/gesch/1992/d_gesch_19923023_002.htm, accessed on 11 June 2022. Cf. also Bitter, Bangerter, Ramsauer 2020.

would deprive them of their own nationality". Furthermore, the Federal Office of Justice saw it as the duty of the country of origin: "Should such cases nevertheless occur, it would, in our opinion, be primarily the responsibility of the child's foreign country of origin to remedy such an undesirable legal situation through appropriate legislative measures."⁸⁰⁰ Cristine Togni Fischer*, Head of the Section for Private International Law and Civil Procedure at the Federal Office of Justice, denied the legal vacuum referred to in the postulate: "To our knowledge, there is no nationality law that would provide for a contrary regulation, so that one could not speak of a vacuum situation of any kind. If the postulate were to be accepted, however, this would falsely diagnose an inadequacy of the legal situation in this area." She was of the opinion that "the difficult situation of foreign children who are subsequently not adopted" was sufficiently addressed by a postulate adopted by Parliament on the facilitated naturalisation of young foreigners who had grown up in Switzerland.⁸⁰¹

Correspondence with Swiss representations and with India

In line with the remit of the Federal Office of Justice in adoption proceedings, the correspondence with Swiss representations abroad mainly contains correspondence between these representations and the Federal Office of Justice focussing on legal issues. In some cases, the Federal Office for Foreign Nationals is also involved. The dossier entitled "Adoption Asia - general correspondence" is extensive.⁸⁰² In addition to India, the files in this dossier also concern Indonesia, the Philippines, Sri Lanka, Bhutan, Japan, Cambodia, Iran, Pakistan, Vietnam, Israel, China and Thailand. Newspaper articles and legal texts from these countries of origin are also filed. At the beginning of the 1990s in particular, the Federal Office of Justice enquired with the respective Swiss representations about the legal basis for adoptions in the countries of origin.

The dossier on India contains correspondence between the Federal Office of Justice and the Swiss embassy in New Delhi, including newspaper articles on child trafficking in India.⁸⁰³ In spring 1984, an article in the Berner Zeitung reported that the Supreme Court in India had "put its foot down for the time being in view of the government's inability to enact an appropriate adoption law [...] in the matter of 'baby export'"⁸⁰⁴ : Only "organisations recognised by the government either in India or abroad" would henceforth be allowed to arrange adoptions.

⁸⁰⁰CH-BAR, E4110-03#2003/262#199*, Milena Rochat*, Federal Office of Justice, Section for International Private and Civil Procedure Law, to Federal Office of Police, Civil Rights Section, 20 February 1992.

⁸⁰¹Quotes from: CH-BAR, E4110-03#2003/262#199*, Cristine Togni Fischer*, Federal Office of Justice, Section for International Private and Civil Procedure Law, to Federal Office of Police, 26 February 1992. This refers to Postulate Portmann 89.635, "Zweite Ausländergeneration. Facilitated naturalisation", https://www.parlament.ch/afs/data/d/gesch/1989/d_ge-sch_19890635_002.htm, accessed on 11 June 2022.

⁸⁰²CH-BAR, E4110-03#2003/262#220*.

⁸⁰³CH-BAR, E4110-03#2003/262#220*, Correspondence between the Federal Office of Justice, Section for Private International Law and Civil Procedure, and the Swiss representation in New Delhi, 28 May 1990.

⁸⁰⁴CH-BAR, E4110-03#2003/262#220*, Martin Peter, Indien will den Baby-Export bremsen, in: Berner Zeitung, 1 March 1984.

This prompted the Indian embassy in Bern to request "a list of social or child welfare agencies licensed or recognised by the Federal/Cantonal authorities for sponsor-ing applications from Swiss nationals for inter country adoptions" from the Federal Office of Justice in the summer of 1984.⁸⁰⁵ The Federal Office of Justice sent the Indian embassy such a list of ten Swiss placement agencies. The report by Adoption International, which the Swiss representation in Bombay sent to the Federal Office of Justice, should also be seen in the context of this decision by the Supreme Court in India.⁸⁰⁶ In this report, the representative of Adoption International described how the adoption procedure in India should be organised in the future. The exchange of letters between the Federal Office of Justice and the Swiss embassy in New Delhi focussed on mutual information about legal provisions.⁸⁰⁷ Two dossiers from the Federal Office of Justice on India were originally recorded as individual case files. As it turned out that some of these dossiers were factual, two new factual dossiers were created. These could no longer be reviewed for the present inventory.⁸⁰⁸

At the beginning of the 1990s, the Federal Office of Justice prepared a circular letter on the recognition of foreign adoptions in Switzerland. To this end, it asked the Swiss representations in various Asian countries to provide the currently applicable provisions. These enquiries have been filed.⁸⁰⁹ Some of the replies from the respective Swiss representations are accompanied by legal texts. The overview of applicable legal provisions posed a challenge for the Swiss representations. This was also the case in India, as documented by the exchange of letters between the Federal Office of Justice and the Swiss representation in spring 1990.⁸¹⁰ The circular letter to the Swiss representations and the competent cantonal civil status authorities was sent in July 1992.⁸¹¹

Correspondence with the Swiss representations in Chile, Guatemala, Colombia and Peru

The dossiers of the Federal Office of Justice on various South and Central American countries include correspondence, newspaper articles and legal texts from the 1990s. The dossier on Chile contains correspondence between the Federal Office of Justice and the Swiss representation from the period 1994 to 1998.⁸¹² The subject of the correspondence included enquiries about the applicable legal provisions in Chile.

⁸⁰⁵CH-BAR, E4110-03#2003/262#220*, Embassy of India in Bern to Federal Office of Justice, 26 June 1984.

⁸⁰⁶CH-BAR, E4110-03#2003/262#220*, Swiss representation in Bombay to the Federal Office of Justice, 12 March 1984.

⁸⁰⁷Cf. E.g. CH-BAR, E4110-03#2003/262#220*, Henry Dubois* Swiss Ambassador in New Delhi, to Federal Office of Justice, Section for Private International Law and Civil Procedure, 24 October 1989.

⁸⁰⁸) These are the two dossiers CH-BAR, E4110-03#2008/300#564* and CH-BAR, E4110-03#2008/300#570*.

⁸⁰⁹CH-BAR, E4110-03#2003/262#220*.

⁸¹⁰CH-BAR, E4110-03#2003/262#220*, Correspondence between the Federal Office of Justice, Section for Private International Law and Civil Procedure, and the Swiss Mission in New Delhi, 28 May 1990.

⁸¹¹CH-BAR, E4110-03#2003/262#220*, Director of the Federal Office of Justice to the cantonal supervisory authorities in the field of civil status and to the competent cantonal supervisory authorities in the field of adoption, 15 June 1992.

⁸¹²CH-BAR, E4110-03#2003/262#216*.

Provisions and a possible treaty between Switzerland and Chile on the adoption of children. In October 1998, the Swiss ambassador in Chile sent explanatory notes on the legal provisions and the Chilean adoption procedure to the Federal Office of Justice. The latter forwarded the document to the Federal Office for Foreigners' Affairs.⁸¹³ The dossier also contains enquiries from cantonal authorities to the Federal Office of Justice about local authorisations for placement organisations in the countries of origin.⁸¹⁴ The Federal Office of Justice forwarded these enquiries to the Swiss representations in the respective country with a request for clarification.

The dossier with the correspondence of the Federal Office of Justice on Guatemala comprises only a few pages.⁸¹⁵ It contains a letter from the International Social Service to the authorities of the Central European countries as well as Canada, New Zealand and Australia entitled "Les droits de l'enfant en danger au Guatemala/Children's Rights at Risk in Guatemala". The document refers to an attached list of lawyers and juvenile court judges in Guatemala who, according to the knowledge of the informant from International Social Service, were "suspected of serious abuses in intercountry adoption in Guatemala".⁸¹⁶ A handwritten note was attached to the letter: "none is a trusted lawyer embassy". Apparently, the Federal Office of Justice had checked whether one of the lawyers accused of illegal practices was a trusted lawyer of the Swiss embassy.

The dossier on Colombia contains correspondence from the period between 1994 and 1998 as well as documents on individual adoption cases.⁸¹⁷ There is a newspaper article from 1996 on the "Exportación de niños", which was forwarded to the Federal Office of Justice by the Swiss representation in Colombia,⁸¹⁸ as well as the Federal Office of Justice's response to an enquiry from the Federal Office of Police on "Trafficking in Colombian children - illegal adoptions" from 1998.⁸¹⁹

The dossier containing correspondence between the Federal Office of Justice and the Swiss representation in Peru includes documents from 1995 to 1998.⁸²⁰ They document the clarifications and efforts of the Federal Office of Justice together with the Swiss embassy in Peru in the context of the adoption freeze, as described in the chapter on Peru. The Swiss representation in Lima would have welcomed a bilateral agreement between Switzerland and Peru.⁸²¹ In a letter to Cristine Togni Fischer*, head of the Section for Private International Law and Civil Procedure, Terre des hommes Lausanne informed the Federal Office of Justice that "après avoir étudié la question et consulté son délégué à Lima, Pérou, Terre des hommes a décidé de ne pas entreprendre de démarches

⁸¹³CH-BAR, E4110-03#2003/262#216*, Swiss Ambassador to Chile to the Federal Office of Justice, 1 October 1998.⁸¹⁴CH-BAR, E4110-03#2003/262#216*.

⁸¹⁵CH-BAR, E4110-03#2003/262#216*.

⁸¹⁶CH-BAR, E4110-03#2003/262#217*.

⁸¹⁷CH-BAR, E4110-03#2003/262#217*, International Social Service to the governments of Western Europe, Canada, New Zealand and Australia, 30 September 1998.

⁸¹⁸CH-BAR, E4110-03#2003/262#214*.

⁸¹⁹CH-BAR, E4110-03#2003/262#214*, German Hernandez, "Exportación de niños", in: Cambio Colombia, 22 April 1996.

⁸²⁰CH-BAR, E4110-03#2003/262#214*, Federal Office of Justice, Private Law Division, to Federal Office of Police, Crime Analysis Section, 10 December 1998.

⁸²¹CH-BAR, E4110-03#2003/262#215*.

⁸²¹CH-BAR, E4110-03#2003/262#215*, Swiss Ambassador in Lima to the Federal Office of Justice, Section for International Private and Civil Procedure Law, 31 January 1995.

actuellement en vue de signer une convention avec la Secretaria Técnica de Adopciones".⁸²² The legal provisions of Switzerland and Peru remained incompatible after Peru's ratification of the Hague Convention in 1996, so that adoptions into Switzerland were still not possible.⁸²³ Nevertheless, Swiss nationals interested in adoption repeatedly approached the Federal Office of Justice, as they were rumoured to have heard that the Peruvian regulations had been relaxed.⁸²⁴ A letter from Federal Councillor Flavio Cotti, then head of the FDFA, in which he explains the stop to a couple interested in adoption, is also filed in the dossier.⁸²⁵

Various exchanges of letters between the Federal Office of Justice, the Federal Office for Foreigners' Affairs and the Swiss representation in Lima show that the adoption stop raised legal questions.⁸²⁶ On the occasion of the posting of the new Swiss ambassador to Peru and Bolivia, Milena Rochat* from the Section for Private International Law and Civil Procedure wrote a memorandum in August 1998 summarising the current status of international adoption proceedings with Peru:

"Situation bloquée depuis des années. "⁸²⁷ Nevertheless, the Federal Office of Justice still wanted to seek "une solution intermédiaire" with the Peruvian authorities and sent the new ambassador all relevant legal texts and correspondence from recent years.⁸²⁸ However, the Swiss ambassador's efforts to create understanding for the Swiss legal situation among the responsible Peruvian authorities and to enable adoptions into Switzerland again remained unsuccessful, even after a change of personnel at the head of the responsible Peruvian authority.⁸²⁹

Child trafficking and problematic procedures in Brazil

The dossier of correspondence between the Federal Office of Justice and the Swiss representations in Brazil is extensive and includes numerous newspaper articles on child trafficking in addition to Brazilian legal texts.⁸³⁰ The Federal Office of Justice was grateful for the delivery of these media reports. The letters from the Swiss representations on the adoption freezes in the Brazilian states of Pernambuco and Ceará referred to numerous media reports on child trafficking as

⁸²²CH-BAR, E4110-03#2003/262#215*, Terre des hommes Lausanne to Cristine Togni Fischer*, Federal Office of Justice, Section for Private International Law and Civil Procedure, 20 April 1995.

⁸²³CH-BAR, E4110-03#2003/262#215*, Milena Rochat*, Federal Office of Justice, Section for Private International Law and Civil Procedure, to a Swiss couple, 17 October 1996.

⁸²⁴CH-BAR, E4110-03#2003/262#215*, Milena Rochat, Federal Office of Justice, to Swiss Embassy in Lima, 12 August 1997; Swiss representation in Lima to Milena Rochat, Federal Office of Justice, 12 August 1997; Peruvian authority in Lima, 12 August 1997.8.8.1997; Peruvian authority to Swiss representation in Lima, 22.8.1997; Swiss couple to Federal Office of Justice, 7.10.1996; Federal Office for Foreigners' Affairs to Federal Office of Justice, 11.8.1997.

⁸²⁵CH-BAR, E4110-03#2003/262#215*, Federal Councillor Flavio Cotti, Head of the FDFA, to a couple interested in adoption, 17 September 1997.

⁸²⁶CH-BAR, E4110-03#2003/262#215*, Federal Office for Immigration Matters to Milena Rochat, Federal Office of Justice, Section for Private International Law and Civil Procedure, 23 January 1998; Milena Rochat, Federal Office of Justice, to Swiss Embassy in Lima, 29 January 1998; Swiss representation in Lima to FDJP, 29 January 1998; Milena Rochat, Federal Office of Justice, to Federal Office for Immigration Matters, 24 February 1998.

⁸²⁷CH-BAR, E4110-03#2003/262#215*, memorandum Milena Rochat, Federal Office of Justice, 20 August 1998.

⁸²⁸CH-BAR, E4110-03#2003/262#215*, memo to Milena Rochat, Federal Office of Justice, 20 August 1998; Milena Rochat, Federal Office of Justice, to the Swiss representation in Lima, 17 December 1998.

⁸²⁹CH-BAR, E4110-03#2003/262#215*, Swiss Ambassador in Lima to the Federal Office of Justice, 27 April 1998.

⁸³⁰CH-BAR, E4110-03#2003/262#211*.

Enclosure. The dossier contains documents from the Youth Welfare Office of the Canton of Zurich, the Federal Office of Justice and the Swiss Consulate General in São Paulo relating to the authorisation of the Bras Kind placement organisation. The clarifications regarding the authorisation of a further placement agency are also documented. The UMBET Switzerland association provided financial support to the Monte Refugio institution in São Paulo, which placed Brazilian children with Swiss couples. Monte Refugio in Brazil was run by a Swiss couple.⁸³¹ The documents relating to the enquiries made by the Swiss Embassy in Brasilia and the Swiss Consulate General in Rio de Janeiro about the intermediary Iris Mettler Kamm*, with whom the Association for Adoption Aid in Brazil wanted to work. The investigations of the Swiss representations in Brazil had revealed that Iris Mettler Kamm had been mentioned several times in newspaper reports between 1980 and 1985 in connection with child trafficking.⁸³² The Federal Office of Justice forwarded this finding of the Swiss representations in Brazil as confidential information to the Youth Welfare Office of the Canton of Bern and pointed out that Iris Mettler Kamm possibly did not fulfil the necessary requirements as an intermediary.⁸³³

The dossier on Brazil also contains documents from the lawyer Elena Lucrezia Barlotti* in which she describes how the adoptions she arranged came about. An enclosed list of the adopted children she mediated shows that most of them came from the states of Paraná and Pernambuco.⁸³⁴ Child trafficking often took place in these states. Elena Lucrezia Barlotti published adverts in the newspaper Corriere del Ticino advertising her placement activities. The Ticino authorities approached the Federal Office of Justice with a request for clarification. The dossier contains correspondence between the Ticino authorities, the Federal Office of Justice and the Swiss embassy in Brasilia. Correspondence with the pastor Paul Noser* from the Igreja Evangélica Suiça working in São Paulo is also filed.⁸³⁵ The dossier also contains documents and correspondence on new legal adoption regulations introduced in Brazil in 1990.

Authorisation procedures and complaints

The extensive dossiers of the Civil Code Section of the Federal Office of Justice contain correspondence of various origins.⁸³⁶ Of particular interest are the letters from the cantons

⁸³¹CH-BAR, E4110-03#2003/262#211*, Brigit and Emil Waser* to the Federal Office of Justice, 20 June 1994.

⁸³²CH-BAR, E4110-03#2003/262#211*, Swiss Embassy in Brasilia to Federal Office of Justice, 22 April 1986.

⁸³³CH-BAR, E4110-03#2003/262#211*, Federal Office of Justice to the Cantonal Youth Welfare Office of Bern, 13 May 1986.

⁸³⁴CH-BAR, E4110-03#2003/262#211*, Documentation Elena Lucrezia Barlotti*, 11 July 1990.

⁸³⁵CH-BAR, E4110-03#2003/262#211*, Pastor Paul Noser, Igreja Evangélica Suiça in São Paulo, to Federal Office of Justice and Federal Office for Foreigners' Affairs, 22 May 1990 (emphasis underlined in original); Swiss Consulate General in São Paulo to Federal Office of Justice, 30 April 1991; Swiss Consulate General to Federal Office of Justice, 28 May 1991. Cf. also Chapter 4.2 on Brazil.

⁸³⁶CH-BAR, E4114A#1992/246#925*, CH-BAR, E4114A#1994/205#747*, CH-BAR, E4114A#1999/156#1488*, CH-BAR, E4114A#2012/179#158*.

to the Federal Office of Justice. They concern various topics: from the course programme for adoptive parents to individual legal questions on problematic procedures and invitations to the consultation procedure for cantonal law revisions. Kathrin Keller* was often asked by the Federal Office of Justice to assess legal issues.⁸³⁷ The dossiers contain the cantonal confirmations for the approved placement agencies, as well as the lists of approved placement agencies that Kathrin Keller compiled.⁸³⁸ The approval procedure can be reconstructed on the basis of these dossiers. The numerous letters filed by couples interested in adoption allow conclusions to be drawn about their motives. In some cases, they addressed their requests for support directly to the responsible Federal Councillors. In one example, a couple interested in adoption described to Federal Councillor Elisabeth Kopp the challenges they faced and the injustice they felt.⁸³⁹ The dossier contains appeals that cantonal councillors had to deal with. The correspondence relating to complaints from adoptive parents about placement centres and the associated enquiries from cantonal authorities is also revealing. In some cases, these enquiries triggered internal investigations by the Federal Office of Justice.⁸⁴⁰ One example is the enquiry by a cantonal authority to the Federal Office of Justice as to whether "à-fonds-perdu payments" to the birth mother, as was common practice at the Rainbow Children placement agency in the USA, were legal.⁸⁴¹ In this context, the correspondence between the Federal Office of Justice and the Service Social International regarding the activities of American adoption agencies in Switzerland should also be mentioned.⁸⁴²

From 1998 onwards, a new actor becomes visible in the files, namely the newly founded Conference of Adoption Placement Centres.⁸⁴³ Nine placement centres came together to form this conference in 1998. The conference did not carry out any placements, but did discuss the quality of placement work. The documents include a letter from 1999 in which the president of this conference drew the attention of the Federal Office of Justice to two adoption agencies that the conference considered to be "questionable on a deontological and ethical level".⁸⁴⁴

Revision of the Ordinance on Adoption Placement and Ratification of the Hague Convention

The holdings of the Civil Code Section contain dossiers that are relevant for analysing the revision process of the Foster Children Ordinance at the end of the 1980s. The Federal Office of Justice sent out the drafts for the revision of the Ordinance on the Admission of Foster Children and the Ordinance on the Admission of Foster Children.

⁸³⁷CH-BAR, E4114A#1994/205#747*.

⁸³⁸CH-BAR, E4114A#1994/205#747*; CH-BAR, E4114A#2012/179#158*, CH-BAR, E4114A#1999/156#1488*.

⁸³⁹CH-BAR, E4114A#1994/205#747*.

⁸⁴⁰CH-BAR, E4114A#2012/179#158*, correspondence on the complaint about Fondation Enfants-Espoir, 16 July 1998.

⁸⁴¹CH-BAR, E4114A#2012/179#158*, Department of Home Affairs of the Canton of Aargau to the Federal Office of Justice, 18 November 1998.

⁸⁴²CH-BAR, E4114A#2012/179#158*, Federal Office of Justice to Service Social International, 6 October 1998.

⁸⁴³CH-BAR, E4114A#2012/179#158*.

⁸⁴⁴CH-BAR, E4114A#2012/179#158*, Dr Philip Dennler*, Konferenz der Adoptionsvermittlungsstellen der Schweiz, to Federal Office of Justice, Section for Private International Law and Civil Procedure, 8.3.1999.

for the revision of the Ordinance on Adoption Placement to various senders with a request for feedback. Various interest groups submitted their comments to the Federal Office of Justice.⁸⁴⁵ The minutes of the working group for the revision and reply letters from mediation organisations have also been filed. Of interest is a letter from the Aliens Police of the Canton of Zurich, which used case studies to highlight procedural problems. This included in particular the contradiction that "on the one hand [...] the ordinance requires an entry permit from the immigration police (or assurance of a residence permit), but on the other hand it must be established before the entry permit is issued whether a foster child permit can be issued at all. This is a contradiction that needs to be resolved through legislation."⁸⁴⁶ The statement by the Federal Office for Foreigners' Affairs also referred to the inadequate delimitation of the competences of the guardianship authorities and the immigration police and regarded the clearer delimitation provided for in the revision "as a positive [...] and [...] major step forward".⁸⁴⁷ The parliamentary motions by Longet and Nabholz should also be seen in the context of the revision of the Adoption Ordinance.⁸⁴⁸

Relevant in connection with the revision is the correspondence between Terre des hommes Lau-sanne and the Federal Office of Justice, which exemplifies the position of the mediation centre:

"According to Terre des hommes, it would be desirable for the federal authorities to act on the revision of the regulations on the placement of children and on the activity of the intermediary with a view to adoption. But the movement considers that it would not be realistic to provide for the obligation for future adoptive parents to go through an intermediary (impossibility, for the intermediaries of our country, to share and absorb the requests)." Terre des hommes Lausanne proposed two solutions to the Federal Office of Justice to curb child trafficking: "The creation of an instance charged with centralising and disseminating practical information on adoption; this mission could be entrusted to the officials of the Federal Office of Justice." As a second solution, Terre des hommes Lausanne suggested "the conclusion of bilateral agreements with the countries of origin of the children".⁸⁴⁹ In her reply to Terre des hommes Lausanne, however, Federal Councillor Elisabeth Kopp made it clear that she rejected the creation of a central supervisory authority. Rather, she saw bilateral and multilateral agreements as a possibility and mentioned that the International Conference on Private Law in The Hague had already contacted certain countries to discuss the creation of a convention.⁸⁵⁰ After the resignation of Federal Councillor Elisabeth Kopp, Terre des hommes Lausanne undertook a number of measures in 1989.

⁸⁴⁵CH-BAR, E4114A#1992/246#925*.

⁸⁴⁶CH-BAR, E4114A#1992/246#925*, Aliens Police Canton Zurich to Federal Office of Justice, 2 September 1986

⁸⁴⁷CH-BAR, E4114A#1992/246#925*, Opinion of the Federal Office for Foreigners' Affairs on the draft ordinances in the context of the office consultation for the attention of the Federal Office of Justice, Civil Code Section, 10 October 1986.

⁸⁴⁸E4114A#1992/246#213*, 87.732 Einfache Anfrage Nabholz of 18 December 1987, Adoptionsfälle in Rumänien, https://www.parlement.ch/afs/data/d/gesch/1987/d_gesch_19870732_002.htm, accessed on 12 June 2022. CH-BAR, E4114A#1992/246#173*, 88.372 Interpellation Internationale Adoption. Regulations of 10 March [1988](https://www.parlement.ch/afs/data/d/gesch/1988/d_ge-sch_19880372_002.htm) https://www.parlement.ch/afs/data/d/gesch/1988/d_ge-sch_19880372_002.htm, accessed on 12 June 2022.

⁸⁴⁹All French citations from: CH-BAR, E4114A#1992/246#925*, Brief summary of the Federal Office of Justice on the report "Le trafic d'enfants lié à l'adoption internationale: étude et propositions" by Terre des hommes Lausanne, 30 November 1988, for the attention of Federal Councillor Elisabeth Kopp, 16 December 1988.

⁸⁵⁰CH-BAR, E4114A#1992/246#925*, letter from Federal Councillor Elisabeth Kopp, Head of the Federal Department of Justice and Police, to Terre des hommes Lausanne, 20 December 1988.

The Federal Council made another attempt to create a central office, whose tasks it outlined as follows: "Compiling the adoption laws of foreign countries. Determining the procedure to be followed for an adoption abroad and its costs. Gathering information on reputable orphanages and intermediaries abroad to whom an adoption application can be submitted. Providing information to interested citizens, placement agencies and cantonal authorities."⁸⁵¹ Kathrin Keller* from the Federal Office of Justice noted in the accompanying memo to Federal Councillor Arnold Koller: "Previous experience in connection with the granting of licences to adoption agencies shows that it is practically impossible for our representations abroad to clarify the reputability of the placement agencies and orphanages there."⁸⁵² In 2003, the Federal Office of Justice replaced the cantonal authorities as the competent supervisory authority for adoption agencies. The trend had been in the direction of a central supervisory authority, which Terre des hommes Lausanne had proposed 15 years earlier, but Elisabeth Kopp had rejected at the time. The attitude of the head of the FDJP at the time could be one explanation for the fact that the Federal Office of Justice attempted to work towards bilateral adoption agreements in the 1990s, as shown by the example of Peru in this review.

The files also contain letters from private individuals to Federal Councillor Elisabeth Kopp requesting that the new ordinance on the placement of children be withdrawn "in the name of human rights for revision".⁸⁵³ Most of the letters were from adoptive parents or interested couples who feared that they would not be able to adopt a child under the new ordinance and who therefore wanted a procedure that was as unbureaucratic as possible.⁸⁵⁴

Finally, there are numerous dossiers on the drafting process of the International Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 29 May 1993.⁸⁵⁵ For example, there are files of the head of the delegation, Cristine Togni Fischer*, head of the Section for Private International Law and Civil Procedure. Documents from Prof Dr Michael Frei*, professor at the University of Geneva and deputy head of the delegation, are also archived. These documents include reports from the head of delegation to the Federal Council as well as documents and correspondence from international working groups.

⁸⁵¹CH-BAR, E4114A#1992/246#925*, memorandum from Kathrin Keller*, Federal Office of Justice, for the attention of Federal Councillor Arnold Koller, Head of the Federal Department of Justice and Police, 14 April 1989.

⁸⁵²CH-BAR, E4114A#1992/246#925*, memorandum from Kathrin Keller, Federal Office of Justice, for the attention of Federal Councillor Arnold Koller, Head of the Federal Department of Justice and Police, 14 April 1989.

⁸⁵³CH-BAR, E4114A#1992/246#925*.

⁸⁵⁴CH-BAR, E4114A#1992/246#925*, letter from adoptive mother to Federal Councillor Elisabeth Kopp, 12 April 1988.

⁸⁵⁵CH-BAR, E4110-03#2003/262#484*; CH-BAR, E4110-03#2003/262#486*.

14.2 General Secretariat FDJP

During their research in the fonds of the General Secretariat of the Federal Department of Justice and Police FDJP, the Federal Archives staff identified three relevant file numbers for the keyword "adoptions". We examined selected dossiers from these.

Revision of the Swiss Civil Code of 1973 and 1978

The files of the Judicial Division Civil Code contain dossiers on the revisions of the Civil Code of 1973 and 1978.⁸⁵⁶ These include a contract between the Federal Office of Justice on the one hand and Prof. Dr Ernst A. von Schneider* and lawyer Dr Gustav Wüst* on the other concerning an expert opinion on the recognition of foreign adoptions in the context of the new Swiss adoption law of 1973. The reason for the expert opinion was that, following the entry into force of the new adoption law, "considerable uncertainties and fundamental differences of opinion regarding the recognition of foreign adoptions had arisen in the practice of the competent federal and cantonal authorities".⁸⁵⁷ The Federal Office of Justice commissioned the expert opinion in order to "create clarity in this regard and ensure uniform practice from the outset".⁸⁵⁸ The measure indicates that foreign adoptions had not been adequately considered in the revised adoption law and that enforcement problems had arisen as a result. A letter from the Director of the Federal Department of Justice to the working group on adoption issues of the Swiss National Conference for Social Affairs also showed that the 1973 Adoption Act left questions unanswered.⁸⁵⁹

Revision of the Federal Ordinance on the Admission of Foster Children 1988

The 1988 revision of the Federal Ordinance on the Admission of Foster Children was submitted for consultation to the cantonal authorities and various interest groups.⁸⁶⁰ These included placement centres, some of which asked adoptive parents who had turned to them to become active. Over several months, many dozens of letters were received by the federal authorities and Federal Councillors Elisabeth Kopp and Jean-Pascal Delamuraz. One employee noted: "Targeted action following an article in 'Hebdo' [...] in the FDJP, FC and other departments." As

⁸⁵⁶CH-BAR, E4001E#1985/152#38. See also: Bitter, Bangerter, Ramsauer 2020, p. 26ff.

⁸⁵⁷CH-BAR, E4001E#1985/152#38, contract between the Federal Office of Justice and Prof. Dr Ernst A. von Schneider* and lawyer Dr Gustav Wüst*, 19 February 1974.

⁸⁵⁸CH-BAR, E4001E#1985/152#38, contract between the Federal Office of Justice and Prof. Dr Ernst A. von Schneider and lawyer Dr Gustav Wüst, 19 February 1974.

⁸⁵⁹CH-BAR, E4001E#1985/152#38, Director of the Federal Justice Department to the Swiss National Conference for Social Affairs, Working Group for Adoption Issues, 22 July 1975.

⁸⁶⁰CH-BAR, E4010A#1994/344#506*.

Divali Adoption Service was believed to be the initiator behind this campaign. Kathrin Keller* from the Federal Office of Justice, Civil Code Section, was responsible for replying to the letters. She was able to use standardised "memory letters [...] from the automatic shouting machine" to deal with the numerous replies.⁸⁶¹ Despite the use of modern office technology to deal with the large volume of correspondence, Kathrin Keller also wrote personal replies on behalf of the Federal Councillors. It is striking how strongly the federal authorities emphasised in these letters that the concerns of the writers, often adoptive parents or representatives of placement agencies, would be taken seriously in the revision.⁸⁶² "The aim of the revision is by no means to prevent international adoptions, but merely to regulate them better in the interests of the child,"⁸⁶³ wrote Kathrin Keller. At the same time, she assured that the report on the life history of the child, which was to be newly introduced with the revision, "is in no way intended [...] to exclude or make more difficult the adoption of foundlings or children without a documented history". Even if this report had to be submitted, it was clear "that a report can only summarise what is known. In the case of foundlings, for example, the report can only describe the life story after the child was found." Kathrin Keller pointed out that this report allows the adoptive parents to "answer any questions the child may later have about their origins". "The aim of the revision is not to prevent adoptions", Keller continued, but to create "optimal conditions" and "avoid child trafficking wherever possible".⁸⁶⁴

Alice Honegger also contacted Federal Councillor Elisabeth Kopp and reported "on her personal experiences in the adoption system". In her reply, Kathrin Keller assured her on behalf of the Federal Councillor that her "assessment of Scandinavian adoption practice [...] was useful": "The responsible federal offices are currently examining the possibility of bilateral agreements, such as those that Sweden has concluded with various Third World countries".⁸⁶⁵

In the context of the revision, the question of whether international adoptions should only take place via recognised placement agencies was discussed. In response to a corresponding proposal by a placement agency, the Federal Office of Justice assured that the adaptation of the legal provisions as part of the revision would offer sufficient protection for the children even without this channelling and thus prevent "international adoption from becoming a 'self-service shop' for parents who cannot have children of their own."⁸⁶⁶

⁸⁶¹Quotes from: CH-BAR, E4010A#1994/344#506*, file note without date.

⁸⁶²CH-BAR, E4010A#1994/344#506*, Federal Councillor Jean-Pascal Delamuraz, on his own initiative, to couple, 25 February 1988.

⁸⁶³CH-BAR, E4010A#1994/344#506*, Kathrin Keller*, Federal Office of Justice, Civil Code Section, to President of the Aarau Working Group of Terre des hommes Children's Aid, 9 September 1988.

⁸⁶⁴All quotations from: CH-BAR, E4010A#1994/344#506*, Kathrin Keller, Federal Office of Justice, Civil Code Section, to a private individual, 22 July 1988.

⁸⁶⁵Quotes from: CH-BAR, E4010A#1994/344#506*, Kathrin Keller, Federal Office of Justice, Civil Code Section, to Alice Honegger, 21 June 1988.

⁸⁶⁶CH-BAR, E4010A#1994/344#506*, Dr Emil Blättler*, Federal Office of Justice, Civil Code Section, to Terre des hommes Working Group Basel-Land, 20.10.1988.

Extensive documentation on Switzerland's ratification of the Hague Convention is held by the General Secretariat of the FDJP.⁸⁶⁷ The simple question submitted to the Federal Council on 18 December 1987 by National Councillor Lili Nab-holz in support of the adoption procedures blocked by Romania is also documented.⁸⁶⁸

14.3 FDFA Head Office

A large proportion of these dossiers deal with civil, family, child or human rights issues. Of particular relevance to the questions posed in this report are two dossiers from the holdings of the Directorate for International Organisations, which contain documents on the two placement agencies *Terre des hommes* Lausanne and Adoption International Kreuzlingen.⁸⁶⁹

Terre des hommes Lausanne

The dossier on *Terre des hommes Lausanne* shows the exchange between Edmond Kaiser, founder of the aid organisation, and the federal authorities in the first half of the 1970s. As the report on the adoption of children from Sri Lanka has already shown, relations were close and sometimes characterised by conflict. Just how close Edmond Kaiser was to the federal authorities and their representatives is shown by an invitation from 1973 to Pierre Graber, Federal Councillor and Head of the Political Department (now the FDFA), to be present in person at Geneva-Cointrin Airport when Bangladeshi adoptive children arrived in Switzerland.⁸⁷⁰ According to the handwritten note on the invitation, Pierre Graber accepted the invitation.

Terre des hommes Lausanne was interested in an amicable co-operation with the federal authorities, which took care of problems encountered by the aid organisation. The Swiss embassy in New Delhi, for example, sent an English-language report on the adoption of Indian children to the FDFA head office with the following comment: "Terre des hommes seems to have great difficulties in the selection of enfants susceptible to adoption in Europe".⁸⁷¹ In the

⁽⁸⁶⁷⁾ The CH-BAR dossier, E4010B#2018/45#429* contains, for example, documents on the ratification of the Hague Convention, reports from the Legal Affairs Committees of the National Council and the Council of States and correspondence from the Conference of Swiss Adoption Agencies (KAVS) to Federal Councillor Ruth Metzler.

⁽⁸⁶⁸⁾ CH-BAR, E4010A#1994/344#511*, EA-Nabholz of 18.12.87: Adoption cases from Romania. 87.732 EDA, reply BR of 17.2.1988.

⁸⁶⁹ CH-BAR, E2003A#1988/15#744*; CH-BAR, E2023A#1998/212#1161*.

⁸⁷⁰ CH-BAR, E2003A#1988/15#744*, Edmond Kaiser, *Terre des hommes* Lausanne, to Pierre Graber, Federal Councillor and Head of the Political Department, 21 February 1973.

⁸⁷¹ CH-BAR, E2003A#1988/15#744*, Swiss Ambassador in New Delhi/India to Direction des Organisations internationales, 2.3.1973.

This dossier also contains correspondence between the Swiss Embassy in Dhaka/Bangla-desh, the FDFA and the Federal Aliens Police. It concerns the authorisation of entry visas for Bangladeshi children cared for by Terre des hommes Lausanne, for whom the information in the passports submitted did not match the information on the entry permits, as children who had been intended for adoption in Switzerland had apparently died in the meantime and been replaced by others.⁸⁷² A handwritten telephone note from the Swiss embassy in Dhaka states: "Frepol does not dare to refuse such cases."⁸⁷³ The immigration police finally agreed to the entry of these children, apparently not least because of fears of negative press reports.⁸⁷⁴ Just one day after the immigration police had given the Swiss representation in Bangladesh the green light for the entry of "new, substituted adoptive children", the latter contacted the FDFA again: the local representative of Terre des hommes Lausanne applied for an entry visa for a child who did not correspond "in any respect to the passport presented". Accordingly, the Swiss representation refused the visa. In a letter to the FDFA's Directorate of Political Affairs, the Swiss representation described what happened next as follows: "At her request [the representative of Terre des hommes Lausanne, author's note], I gave her the name of the entry permit. The next day [the representative of Terre des hommes Lausanne] promptly appeared with the corrected passport, i.e. the original name was supplemented by the local passport authority with [the name mentioned]." As the dates of birth in the passport and in the entry permit also did not match and there was therefore "sufficient evidence", the Swiss representation did not issue the visa. The Swiss representation asked the FDFA for a statement to back up its own actions, as "further similar cases must be expected".⁸⁷⁵

The FDFA's response to the enquiry from Bangladesh was agreed with Stefan Koch from the Federal Aliens Police: "FREPO has pointed out that inaccuracies repeatedly occur in the transmission of personal data by Terre des Hommes, which is a prerequisite for the granting of entry permits. However, incorrect name details are often partly due to translation errors, which means that the date of birth is also sometimes incorrect. However, such inaccuracies are of minor importance. Authorisation is granted for the child in need. The decisive factor is therefore which child is designated by the Terre des Hommes representative as being destined for entry into Switzerland." The Swiss embassy in Dhaka was instructed by the Directorate for International Organisations, FDFA Headquarters, to issue the refused entry visa and "to proceed in future according to the principle that the

⁸⁷²CH-BAR, E2003A#1988/15#744*, Terre des hommes Lausanne to local representative, 4 and 9 September 1974; telephone memo from the Swiss embassy in Dhaka/Bangladesh dated 15 January 1975.

⁸⁷³CH-BAR, E2003A#1988/15#744*, telephone memo from the Swiss Embassy in Dhaka/Bangladesh, 15 January 1975.

⁸⁷⁴CH-BAR, E2003A#1988/15#744*, telephone memo from the Swiss Embassy in Dhaka/Bangladesh dated 15 January 1975; telegram No 4 dated 15 January 1975 to the Swiss Embassy in Dhaka/Bangladesh.

⁸⁷⁵All quotations from: CH-BAR, E2003A#1988/15#744*, Swiss Embassy in Dhaka/Bangladesh to FDFA, Political Directorate, 16 January 1975.

representative of Terre des Hommes is the person appointed to designate the child favoured for entry.⁸⁷⁶ The Directorate for International Organisations justified this by stating that "it would be difficult to communicate a negative decision to the Swiss public (including the press)". Neither the Directorate for International Organisations nor the Federal Aliens Police wanted to accept "human responsibility" for a negative decision.

Neither the Directorate for International Organisations nor the Federal Aliens Police wanted to take "human responsibility" for a negative decision: "The Aliens Police informed us that they are not prepared to reject substitution cases if the necessary new personal details of the children are available. At the same time, it points out that approvals may only be granted with its formal consent."⁸⁷⁷ In consultation with the Federal Aliens Police, the Directorate for International Organisations granted the representative of Terre des hommes Lausanne leeway with regard to the formalities for adopting children.

The dossier also provides an insight into Terre des hommes Lausanne's approach to establishing contacts in new countries of origin such as Brazil and Ecuador.⁸⁷⁸ In the case of Brazil, a member of the National Council of the Social Democratic Party spoke out in favour of Edmond Kaiser. This support prompted the Swiss representation in Brazil to ask the FDFA what its position was on Edmond Kaiser's request.⁸⁷⁹ The FDFA in turn consulted with the Federal Foreign Police and signalled to the Swiss representation in Brazil that the Foreign Police "had no objections to this project, provided it was carried out on a modest scale". The FDFA also let the representation know that the Federal Aliens Police attested to Edmond Kaiser's "very satisfactory handling of legal issues in connection with an adoption".⁸⁸⁰ This favourable attitude of the FDFA and the Federal Aliens Police towards Terre des hommes Lausanne coincided with their attitude towards the aid organisation's activities in Sri Lanka.⁸⁸¹ And as in the case of Sri Lanka, the federal authorities appealed to Terre des hommes Lausanne not to attract attention by placing a large number of adoptive children, "which could not only damage the good reputation of 'Terre des Hommes' as such, but also that of our country as the organisation's headquarters".⁸⁸² Terre des hommes also benefited from financial advantages: The federal authorities granted the organisation a 50 per cent price reduction on air travel between the

⁸⁷⁶Both quotations from: CH-BAR, E2003A#1988/15#744*, Directorate for International Organisations to the Swiss Embassy in Dhaka/Bangladesh, 30.1.1975.

⁸⁷⁷Both quotations from: CH-BAR, E2003A#1988/15#744*, Directorate for International Organisations to Swiss Embassy in Dhaka/Bangladesh, 16.1.1975.

⁸⁷⁸CH-BAR, E2003A#1988/15#744*.

⁸⁷⁹CH-BAR, E2003A#1988/15#744*, Swiss Embassy in Rio de Janeiro/Brazil to FDFA, Directeur de la Direction des Organisations internationales, 24.9.1974.

⁸⁸⁰Quotes from: CH-BAR, E2003A#1988/15#744*, Directorate for International Organisations to Swiss Consulate General in Rio de Janeiro/Brazil, 30.9.1974.

⁸⁸¹See Bitter, Bangerter, Ramsauer 2020, p. 85ff.

⁸⁸²CH-BAR, E2003A#1988/15#744*, Directorate for International Organisations to the Swiss Consulate General in Rio de Janeiro/Brazil, 30.9.1974; Directorate for International Organisations to the Swiss Embassy in Ecuador, 9.12.1974. See also: Bitter, Bangerter, Ramsauer 2020, p. 85ff.

Switzerland, Bombay and Bangkok.⁸⁸³ Finally, the filed correspondence provides an insight into the collaboration between Terre des hommes Lausanne and a local representative in Calcutta,⁸⁸⁴ as well as into the work of the relief organisation in Vietnam and Cambodia.⁸⁸⁵

Adoption International Kreuzlingen

In addition to the dossier on Terre des hommes Lausanne, the FDFA Head Office and the Directorate for International Organisations also have a dossier on Adoption International Kreuzlingen.⁸⁸⁶ This placement agency was founded in 1980 with the aim of integrating children "for whom there is little or no chance of leading a meaningful and fulfilling life" into an adoptive family.⁸⁸⁷ The dossier contains the statutes and the activity report from 1981/82. The documents show how, at the beginning of the 1980s, the placement centre endeavoured to establish contacts in India and Thailand with the Swiss representation there, with children's homes and with Mother Teresa. It was not easy for the newly founded placement centre to gain a foothold in India.⁸⁸⁸ The Swiss embassy arranged contact with the Catholic nun Hildegard* and the embassy's lawyer of trust.⁸⁸⁹ In 1982, Adoption International approached the FDFA for financial support.⁸⁹⁰ The dossier also contains correspondence between the Swiss embassy in New Delhi/India and the FDFA head office concerning "the reputation and reliability" of Doris Kälin*, who acted as mediator.⁸⁹¹

⁸⁸³CH-BAR, E2003A#1988/15#744*, Edmond Kaiser, Terre des hommes Lausanne, to the Director of the Federal Aviation Department, 20 October 1973.

⁸⁸⁴CH-BAR, E2003A#1988/15#744*, Terre des hommes Lausanne to local representative, 4.9.1974 and 9.9.1974.

⁸⁸⁵CH-BAR, E2003A#1988/15#744*. See also: Bitter, Bangerter, Ramsauer 2020, p. 85ff.

⁸⁸⁶CH-BAR, E2023A#1998/212#1161*. See also chapter 6.2 on Guatemala.

⁸⁸⁷CH-BAR, E2023A#1998/212#1161*, Adoption International to the Swiss Embassy in New Delhi/India, 22 December 1981. Cf. also Chapter 6.2 on Guatemala.

⁸⁸⁸CH-BAR, E2023A#1998/212#1161*, Swiss Consul General in Bombay/India to FDFA, Development Cooperation and Humanitarian Aid, Humanitarian Aid Division, 29 March 1982; memo from staff of the Swiss Embassy in New Delhi/India, 19 January 1982.

⁸⁸⁹CH-BAR, E2023A#1998/212#1161*, memo from employees of the Swiss Embassy in New Delhi/India, 19 January 1982; see also Chapter 7 on India.

⁸⁹⁰CH-BAR, E2023A#1998/212#1161*, Adoption International to FDFA, Humanitarian Aid Division, 12 January 1982.

⁸⁹¹CH-BAR, E2023A#1998/212#1161*. On Doris Kälin*, see also Chapter 7 on India.

14.4 Federal Office for Civil Status and Federal Data Protection and Information Commissioner

The Federal Office for Civil Status is the supervisory authority for civil status matters.⁸⁹² It receives adoption notifications from the cantonal authorities. The inventory is of little relevance to the questions posed in this report. A first dossier contains documents on the new adoption law and adoption secrecy. These include, for example, an article by Cyril Hegnauer in the *Zeitschrift für Vormundschaftswesen* from 1973 and an article from the *Neue Zürcher Zeitung* entitled "Was das neue Kindesrecht bringt" from 1976. Also included are the minutes of the working meeting of the cantonal supervisory authorities in civil status matters on 4 July 1974 concerning the new adoption law. One part of the dossier is devoted to the question of how to deal with adoptions pronounced abroad.⁸⁹³ A second dossier contains annual reports from the adoption advice centre and lists of adoption agencies.⁸⁹⁴ A third dossier in this collection contains the central adoption directory.⁸⁹⁵ The remaining three dossiers contain adoption notifications from cantonal authorities to the Federal Office for Civil Status.⁸⁹⁶

Since the early 1990s, the Federal Data Protection and Information Commissioner (FDPIC) has been responsible for advising and supervising the federal authorities as well as private companies and organisations with regard to data collection and processing in compliance with data protection regulations.⁸⁹⁷ He also advises citizens in this matter. The five subject dossiers researched by employees of the Swiss Federal Archives are listed in the sources.

⁸⁹²See: <https://www.bj.admin.ch/bj/de/home/gesellschaft/zivilstand.html>, accessed on 4 February 2022.

⁸⁹³CH-BAR, E4160D#2002/57#131*, e.g. Directive of the Directorate of Home Affairs and Justice of the Canton of Zurich to the Civil Status Division of the Directorate of Home Affairs concerning the treatment of foreign adoptions, 12 September 1974, or comments of the Federal Office of Civil Status on the draft circular letter to the cantonal governments concerning the recognition and registration of adoptions pronounced abroad, 7 November 1974.

⁸⁹⁴CH-BAR, E4160D#2002/57#132*.

⁸⁹⁵CH-BAR, E4160D#2002/57#133*, Federal Office for Civil Status to the cantonal supervisory authorities for civil status, 22 February 1974: Central Adoption Register.

⁸⁹⁶CH-BAR, E4160D#1998/170#1-3*.

⁸⁹⁷See: <https://www.edoeb.admin.ch/edoeb/de/home/der-edoeb/auftrag.html>, accessed on 18 March 2022.

15 Results and need for research

The ten countries of origin Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Korea, Lebanon, Peru and Romania, which were selected for this survey, experienced different trends in foreign adoptions in the period from the 1970s to the 1990s. In the 1970s, most entry permits to Switzerland were granted to children from Asia. In the 1980s, the total number of all entry permits almost doubled to a total of 6,157 compared to the 1970s with a total of 3,520 permits. Asia continued to lead the way in the 1980s, but was now closely followed by South America. This continent became the frontrunner in the 1990s, when the overall figures were slightly lower than in the 1980s. More children now also came from Eastern Europe. Of the ten selected countries of origin, the highest number in the period 1970 to 1999 was children from India with 2,799 entry permits, followed by Colombia with 2,122, Brazil with 1,222 and Korea with 1,065 entry permits. Guatemala recorded the smallest number with 130 entry permits. The number of entry permits for children from Bangladesh and Lebanon was also below 200.⁸⁹⁸ If adoptions in one of the countries of origin were suspended for a period of time due to illegal practices, such as in Peru, the Swiss authorities tried to find solutions with the responsible authorities in order to enable adoptions in Switzerland again on the basis of the adapted laws, or the demand from Swiss couples willing to adopt shifted to another country, as happened in the case of Korea.

For this inventory, no individual case files were examined, only factual dossiers held in the Swiss Federal Archives. In the following, we focus on the central question for this report, namely what the Swiss representations in the ten countries of origin and the federal authorities in Bern, in particular the Federal Aliens Police and its successor authority from 1979, the Federal Office for Foreigners' Affairs, knew about illegal adoptions and how they reacted to them, insofar as this can be reconstructed from the documents in the case files. During the period under investigation, they had information about irregular and problematic practices in many countries of origin. The Swiss representations and the federal authorities regularly exchanged information about procedural irregularities. If illegal incidents became known in a country, the federal authorities urged caution, and Stefan Koch* from the Federal Aliens Police, for example, insisted in the 1970s on compliance with the laws and guidelines, the implementation of which was the responsibility of the cantons.

⁸⁹⁸For the figures, see Appendix 1 to 3. For the problem that there is still no reliable statistical data on the history of adoptions of children from abroad in Switzerland, see Chapter 2.1.

While the Swiss representations only had an overview of the respective country of residence, the federal authorities in Bern had knowledge of illegal adoptions in various countries of origin from which foster children travelled to Switzerland for later adoption. In the case of foreign adoptions in Switzerland, structural problems are evident at all stages of the procedure. The reactions of the Swiss representations and the federal authorities to irregularities were often similar. They only saw themselves as responsible for part of the process according to their area of competence, which is why the information collected on illegal adoptions could hardly be bundled into comprehensive knowledge bases that referred to transnational problems. In the case of irregularities such as incomplete documents, they looked for solutions depending on the situation.

The main reasons for this attitude on the part of the federal authorities and Swiss representations were, firstly, the complex procedures with many parties involved, which were almost impossible to monitor, the numerous responsibilities and the cross-border legal provisions. Secondly, there was a majority conviction that the adopted children would be better off in Switzerland than in their country of origin - an opinion that they shared with the future adoptive parents and the mediators. Thirdly, it should not be underestimated that the Swiss representations and the federal authorities, as a pragmatic reaction to the constantly high pressure of demand, prioritised the concerns of couples willing to adopt even more than the interests of the adoptive children. In addition, they did not want to be seen as inhumane officials who sent children back for fear of negative press. Goodwill on entry was justified by the consideration of the best interests of the child at the time, namely that a country of origin would no longer take the child in question back. A child who travelled to Switzerland with insufficient documents presented the authorities involved with a dilemma between guaranteeing the best interests of the child and procedural correctness.

The best interests of the child, which functioned as a central legal concept in the Swiss Civil Code, was a pivotal point in the justifications, procedures, motives and experiences of the actors involved in the adoptions and vividly reflects the change in social values that lies behind the adoptions and the associated family models and ideas of an intact family. The documents we examined from the case files show a discrepancy between the postulated respect for the best interests of the child and the practice, in which interests other than those of the adopted children were often at the forefront. As a result, the children had an object status.⁸⁹⁹ They were often spoken of as if they were a commodity, for example when there was talk of child importation, or more subtly when adoptive parents formulated wishes regarding the characteristics of the child they wanted to take into care.

Following the studies on Sri Lanka and the canton of St. Gallen,⁹⁰⁰ this inventory of ten countries of origin in the Federal Archives offers further clues for future historical research.

⁸⁹⁹See also Gabriel 2023. The analysis of individual case files can provide further information on the concept of the best interests of the child.

⁹⁰⁰Bitter, Bangerter, Ramsauer 2020; Berthet, Falk 2022.

Studies. In the third part of this summary, we outline the need for research that we believe exists. In the first two parts, we summarise the results on the ten countries of origin and the Swiss representations as well as on the federal authorities.

15.1 Results on the ten countries of origin and the Swiss representations

The Swiss representations in Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Co-rea, Lebanon, Peru and Romania and the federal authorities in Bern repeatedly raised the issue that the majority of couples interested in adopting a child were looking for a child abroad on their own responsibility without the help of official placement agencies. Such couples sometimes circumvented the entry formalities and brought the children to Switzerland without authorisation from the immigration police, without their suitability as prospective foster parents having been clarified in advance by the guardianship authorities or without a valid passport. People interested in adopting a child who were looking for a child directly in Switzerland may have come into contact with child trafficking. For this reason, Peru has had a ban on adoptions since 1993 and a reciprocity agreement with a placement agency authorised by the foreign government was required. No such agreement was reached between Peru and the Swiss placement centres, but in 1997, in a similar case in Romania, an agreement was reached between the Romanian Adoption Committee and the Bureau Genevois d'Adoption and Terre des hommes Lausanne.

Furthermore, Swiss representations and the federal authorities were repeatedly confronted with incorrect, incomplete or falsified documents, for example when future adoptive parents were entered on the child's birth certificate as biological parents, which was common in Brazil, for example. In some cases, important information such as the child's date of birth, details of the birth mother or the parental declaration of consent were missing. In the case files we examined, there are incidents of illegality.⁹⁰¹ The authorities sometimes excused the illegal behaviour of adoptive parents by attributing it to a lack of knowledge, naivety or youthful romanticism. However, this was a misjudgement, especially in cases where couples tried everything to adopt a child and were suspected of criminal offences. There are several documented cases in Chile and Brazil in which a birth was faked, a foreign child was passed off as a biological child and entries in the civil register were falsified or bought.

⁹⁰¹Further findings would result from an analysis of individual case files.

The authorities also had to deal with intermediaries who brought children to Switzerland under unexplained circumstances. For example, the case files contain information on Margret Bucher*, a Catholic nun from the canton of Appenzell Ausserrhoden, who brought children from India without authorisation and worked in Colombia without the authorities having any clarity about who she was working with there. At the time of the accreditation, the contacts in the children's country of origin stipulated by the federal ordinance were also not closely scrutinised in other examples in the relevant cantons.

Before we list the most important findings on the individual countries of origin, we highlight commonalities in the responses to child trafficking, illegal adoption practices and widespread behaviour on the part of Swiss representations. In some cases, however, the circumstances were not clearly illegal. In such cases, the Swiss representations also commented on the alleged errors in the adoption procedure.

Externalisation of the problem and language that creates distance

Firstly, it should be noted that the Swiss representations in the host countries externalised the problem of illegal adoptions. For the most part, they did not feel responsible for illegal practices if they did not fall directly under their own jurisdiction. The representatives were often only concerned about what lay within their own area of competence, but not fundamentally about illegal practices in the country of residence. Moreover, their own territory was often narrowly defined. For example, it was not the task of the embassies "to ascertain the material truth of the foreign civil status documents submitted to them concerning Swiss citizens".⁹⁰²

When the Swiss representations were confronted with child trafficking, they often reacted with restraint. In the event of direct criticism of their approach, they sometimes rejected it or emphasised that they were complying with the instructions from Bern and could not achieve much on the ground. Sometimes they returned the case to the Federal Office for Foreigners' Affairs or other federal authorities. The Swiss representations also requested instructions from Bern. When child trafficking was uncovered in the host country, they sometimes pointed out that the respective government was now planning legal reforms to remedy the abuses and that these would be reported to the federal authorities in due course, together with other media reports. This is what happened in Brazil and Peru, for example. Only rarely did the embassy itself investigate the issue of child trafficking and send corresponding reports to the relevant federal authorities, as in the case of India or Peru.

⁹⁰²CH-BAR, E4300C-01#1998/299#607*, Federal Office for Civil Status to the Swiss Consulate General in São Paulo, 18 March 1980.

Korea happened. In Korea, a request for clarification from Stefan Koch, Federal Aliens Police, in the mid-1970s was the starting point for the research.

Part of this reaction to child trafficking was also a distancing language in the files. The Swiss representations spoke of a "fait accompli" rather than illegal adoptions due to missing or incorrect documents. In Colombia, for example, the sale of children was trivialised as "astonishing even by Colombian standards", while in Peru the embassy spoke of "difficulties", although it was explicitly about child trafficking. The Swiss representations also created linguistic distance by placing the word substitute for child trafficking in quotation marks: In Colombia, the reference was to "adoptions and 'adoptions"'; in Peru, the embassy mentioned the "illegal 'child export'" and spoke of "'specialised' lawyers". Brazilian children were "'legalised' by means of false entries in the birth register". Such expressions were also used by the federal authorities. In 1980, the Federal Office for Civil Status described an illegal adoption to the Swiss General Consulate in São Paulo as an "informal 'child adoption'". The Federal Office for Foreigners' Affairs "'Self-help' of the adoptive parents", "'wild' procurements" of children and "'Faits accomplis'" in opening and closing characters.⁹⁰³

Behavioural reactions to illegal adoptions and media reports as triggers for enquiries

In cases of child trafficking, the Swiss representations often referred to the fact that other host countries were affected or that the few adoptions placed in Switzerland had been carried out correctly, as in the example of Peru. On the other hand, when a child trafficking network was uncovered in Colombia in 1981, 22 placements made that year were enough to trigger investigations into whether Switzerland was also affected. However, as far as can be seen from the documents in the case files, these investigations were not carried out thoroughly. The Federal Office for Foreign Nationals wanted to know whether Swiss couples were also involved in the sale of children in 1981. The office merely pointed out that the papers were now being checked more strictly following the scandal. The Swiss representations sometimes became active when Switzerland's reputation was at stake. In Colombia, there is an indication in connection with the child trafficking of 1981 that the authorities wanted to prevent Switzerland's reputation from being damaged. This was also an important motive in Sri Lanka. There are similar indications for India and Ecuador.

Reports in the international, local or Swiss press often marked the beginning of a reorganisation. When child trafficking was reported in the Swiss media, the authorities in Bern asked the local representations for documentation and clarification as to whether Switzerland was involved, for example in the

⁽⁹⁰³⁾ For the sources cited, see the preceding chapters 3 to 14 on the ten countries of origin and federal authorities.

Colombia is an example. If the topic of child trafficking appeared in the newspapers of the host country, the Swiss representations collected these press reports, for example in Guatemala, India, Colombia or Peru, and sent excerpts of them to the federal authorities in Bern. It often remained with the documentation of newspaper articles, even if the media reports on child trafficking never ceased over a long period of time, as in Brazil, Guatemala or Peru. The dossiers of the Swiss representations contain many corresponding newspaper cuttings.

The knowledge of the Swiss representations about child trafficking or dubious intermediaries mostly came from these media reports. Evidence, on the other hand, was rather difficult to obtain because, for example, the individual case-related documents could not be checked in detail by the respective representation.⁹⁰⁴ In India and Korea, on the other hand, the Swiss representations carried out thorough investigations on site, as is already known for Sri Lanka. They sent their findings to the federal authorities. Conversely, the ambassador in Peru wrote a report on child trafficking - he spoke of bribes and the circumvention of formalities - which is available as a draft in the dossier but was not sent to the federal authorities at his request.

Sometimes the foreign representations organised themselves locally in crisis situations. In Guatemala, Canada initiated an exchange between the embassies in 1995, at a time when child trafficking was particularly evident, in order to discuss suitable measures that could stop child trafficking, such as keeping lists of names of dubious lawyers. Either the Swiss embassy soon ceased to participate or the meetings no longer took place - this cannot be inferred from the relevant case files. In Romania, the foreign embassies were increasingly in contact after the regime was overthrown in 1989.

The files analysed provide some indications that the Swiss representations suggested to the authorities in Bern that the cantonal authorities should be better informed about the circumstances and pitfalls in certain countries, for example in Brazil, Peru and Romania. It was often difficult for the Swiss representations to gather suitable information about dodgy lawyers, as was shown in this survey of South and Central American countries, for example. The embassies also found out little about children's homes where there were question marks, for example in Lebanon, where they limited themselves to questioning only the sisters who ran the home. The research often remained fragmented. In Colombia and Korea, on the other hand, the Swiss representations and the federal authorities gained a comprehensive picture of how the staff of hospitals, children's homes, law firms, notary's offices and courts co-operated in child trafficking, as they did in Sri Lanka.

⁽⁹⁰⁴⁾ The individual case files available in the Swiss Federal Archives would also have to be analysed for this question, which was not part of the mandate for this inventory.

Focus on the adoptive parents

Although only the dossiers of the Swiss representations, and not individual cases, were examined for this review, it can be stated that some foreign adoptions did not comply with the law. During the lengthy process, a child that had been illegally adopted and taken abroad was gradually transformed into a legally adopted child. Sometimes the entry in the birth register already contained discrepancies, or the entry was falsified, as the example of Brazil clearly shows. Although the Swiss representations were aware of this, they often took the view that they were unable to judge what was going on in the host country. When it came to preventing child trafficking, the focus of the representations was therefore in the wrong place. The focus was primarily on the adoptive parents, not on the biological parents and the child. The requirements of Swiss law that a child had to be orphaned or abandoned in order to be adopted needed to be interpreted in practice and had serious consequences in the case of intercountry adoptions. It was in the nature of things that there was insufficient documentation for a child that the Swiss actors involved assumed to be abandoned. In such cases, this assumption meant that the origin of the children was not thoroughly investigated. Sometimes the Swiss representations were aware that supposed orphans still had parents. In Korea, for example, the Swiss chargé d'affaires ad interim spoke of a trade in "pseudo-orphans".⁹⁰⁵

It is also striking that any existing extended family form or other supportive social structure in the village or neighbourhood was rarely an issue when the Swiss representations and the federal authorities looked at the countries of origin of the adopted children. This ignored the fact that there may have been a local kinship network or extended social environment that could have raised the child in question with suitable economic support. With regard to acceptable family forms, however, there were different social and normative contexts in the countries of origin that had to be taken into account, but we were unable to do this in the context of the survey. We found comments in the documents from various countries which show that unmarried mothers were stigmatised and therefore gave their children up for adoption.

The documents in the Federal Archives repeatedly show that the employees of the Swiss representations and the federal and cantonal authorities had an image of the nuclear family with a classic division of roles between fathers and mothers in mind when they thought about the welfare of foreign adoptive children. This prevented openness to culturally different forms of growing up in the country of origin and thus to alternatives to adoption, and, together with the basic assumption that children were abandoned in the country of origin, led to an

⁹⁰⁵CH-BAR, E4300C-01#1998/299#1489*, B. Grossmann*, Swiss chargé d'affaires a. i. in Seoul, to the Federal Aliens Police, 24 October 1977.

A narrative that tended to close itself off to the consequences of child trafficking: neglected, abandoned children could be brought into a better world, where they grew up in small families and were cared for by a mother who was not gainfully employed. This purpose favoured the Swiss representations and authorities looking the other way in the individual procedural steps in the children's country of origin. It also reflects a Eurocentric, post-colonial social attitude of Swiss post-war society.⁹⁰⁶ The fact that local support could be an alternative to adoption was an opinion that was rarely held, as Stefan Koch of the Federal Aliens Police did in the mid-1970s, for example.

The files of the Swiss representations rarely mention the children and their needs, but rather the adoptive parents and their burden, the high costs associated with the adoption and the patience required. The Swiss representations and the Swiss authorities usually assumed *a priori* that adoptive parents had righteous intentions and correct behaviour. Errors in implementation were often excused with reference to the lack of knowledge of those interested in adoption. Overall, the authorities were strongly influenced by the pressure generated by some prospective adoptive parents, who saw themselves presented with a *fait accompli*. Once a child had travelled to Switzerland, the federal authorities felt that it could no longer be sent back. The fact that the couples who wanted to adopt children also sometimes put pressure on the Swiss embassies can be seen from the fact that embassy staff often almost apologised for how lengthy, time-consuming and costly the procedures were. When countries of origin introduced reforms to prevent child trafficking, the process became more complicated or even impossible for the adoptive parents, for which the embassies and consulates asked for their understanding. The greater legal certainty and protection for adoptive children, which were the aims of the reforms, were not at the forefront of the arguments. Embassy and consulate staff rarely explicitly advised against adopting a child from the respective country of residence.

In Peru, pressure from parents willing to adopt led the Swiss embassy to lobby diplomatically at the highest level from 1993 onwards to find new solutions in view of the *de facto* adoption ban. The authorities in Bern supported or initiated this approach, with the Private International Law Section of the Federal Office of Justice taking the lead, also influenced by the attitude of Federal Councillor Elisabeth Kopp, who had favoured bilateral solutions as head of the FDJP in 1988. All in all, this is surprising in that the embassy could have informed the Swiss couples that adoptions from Peru were no longer possible due to child trafficking. Instead, an attempt was even made to win *Terre des hommes* Lausanne back for mediation in Peru in order to channel the requests of couples willing to adopt, as the Swiss embassy candidly described its motivation. *Terre des hommes* Lausanne, however, refused to

⁹⁰⁶On adoption as a phenomenon that emerged after the Second World War as a result of a colonial world order, see Michaelsen 2022, p. 110. See also Berthet, Falk 2022, pp. 58-59.

at that time and instead wanted to wait and observe the situation in Peru because of the child trafficking. In the end, the Hague Convention, which came into force in Switzerland in 2003, resulted in a transnational solution instead of just a bilateral one.

Sometimes personal relationships played a role. Business and academic representatives, members of the authorities and members of other embassies and consulates sometimes approached the Swiss representations on their own behalf or on behalf of friends and relatives who were interested in adopting. They often received more detailed information and support than other couples interested in adoption who were unknown to the embassy staff. Individual ambassadors campaigned for placement centres and children's homes in the country of residence, for example in Colombia. Placement centres in Switzerland were also supported by personalities, such as Terre des hommes Lausanne by a National Councillor of the Social Democratic Party for their adoption placements from Brazil.

Language barriers and knowledge deficits

Finally, we came across structural factors that favoured illegal adoptions instead of preventing them, such as language barriers. For example, the staff of the Swiss representations in India or Korea did not speak the national language, but communicated with local authorities mainly in English. In Korea, the embassy staff therefore sometimes had to rely on the statements of a translator to verify a birth certificate. In addition, diplomatic staff often had only rudimentary knowledge of adoption law in the host country. The situation was made even more difficult when, as in India, federal structures with locally differing legal provisions prevailed or, as in Romania, political upheavals led to temporary lawlessness.

Another difficulty was the fact that the staff of the Swiss representations changed on a rotational basis. This helped to minimise unwanted personal entanglements, but conversely meant that knowledge acquired about the adoption process in the host country was often lost again. Furthermore, adoptions were only a small field of activity for the Swiss representations, in addition to all the other business they were involved in. In addition, there was no central centre of expertise on the subject in Switzerland. For this reason, there was an asymmetry of knowledge between the authorities and the mediation centres. The latter often knew more about the situation in the country of origin than the Swiss authorities. At least the embassy staff and officials at the federal and cantonal levels assumed this and were therefore interested in good cooperation with the placement centres. The fact that they sometimes uncritically overlooked shortcomings is shown, for example, by the fact that the cantonal supervisory authorities, before accrediting a placement centre for a specific country of origin, would

sometimes did not check them carefully. The federal authorities also assumed a problematic dualism. In their view, there were difficulties with adoptive parents who sought a child on their own responsibility, but less so with those who correctly turned to a placement centre in Switzerland. The fact that there were sometimes serious shortcomings in the implementation of this second route and that the involvement of a placement centre was no guarantee of a correct procedure was neglected in this approach.

Despite rotation, the task of the diplomatic representations was to build up local networks. Although the heads of mission rotated, the local counsellors often remained the first point of contact for Swiss representations on legal issues for decades and were sometimes even recommended to prospective adoptive parents, which led to a confusion of interests. When the Swiss representations were asked whether an institution or person involved in adoptions was trustworthy, there was often a lack of verification options. In some cases, this resulted in very general statements about the reputation of an intermediary. On the other hand, this could become a problem if the embassies and consulates informed the cantonal supervisory authorities via the Federal Office for Foreigners' Affairs that the contact of the Swiss placement agency on site was in order and the supervisory authorities issued an additional licence for adoption placement for a specific country on this basis.

Bangladesh

Under the Bangladesh Abandoned Children (Special Provision) Order of 1972, a special regulation that facilitated international adoptions, abuses had been occurring in Bangladesh since the early 1970s, as reported in the international media. Under pressure from these press reports, the Bangladeshi government suspended the special regulation in 1982. The drafting of a new law was delayed beyond the end of the period covered by this report. This legal uncertainty posed a challenge for the Swiss authorities and mediation centres. At the end of the 1980s, the Swiss representation expressly advised against the adoption of children from Bangladesh.

Brazil

The example of Brazil clearly shows the large number of problematic to illegal adoption practices, including forged documents and entries in the birth register, children exchanged shortly before leaving for Switzerland and actors who placed children in Switzerland without authorisation. Child trafficking was frequently reported in the media throughout the period under investigation. The Swiss consulates general in Rio de Janeiro and São Paulo

were confronted with cases in which the Swiss adoptive parents were entered as the biological parents on the children's birth certificates. They asked the federal authorities what should be done. The federal authorities considered it the responsibility of the Brazilian authorities and judges to check the authenticity of the information.

Terre des hommes Lausanne was active as a mediation centre in Brazil. Terre des hommes Lausanne concluded an agreement with the juvenile court in Curitiba in 1987. Only a few years earlier, this court had been confronted with allegations of child trafficking. Other Swiss mediation organisations active in Brazil were Pro Kind Adopt Inform and later Bras Kind, as well as individuals such as Pastor Paul Noser* in São Paulo.

There are indications that other consular districts whose case files were not reviewed for this inventory were affected by child trafficking, for example Fortaleza in the state of Ceará or Recife in the state of Pernambuco.

Chile

After an initial orientation phase, in which the Swiss embassy made up for a lack of language and legal knowledge, the focus in Chile was on the problems of falsified documents and unauthorised local placement activities. During Pinochet's dictatorship between 1973 and 1990, there appears to have been hardly any critical media coverage of the international adoption of Chilean children, as only a few newspaper cuttings from this period have been collected in the Swiss embassy's case files. Other documents in the files show that embassy staff were aware of abusive procedures in the 1980s. A historical reappraisal of the period during Pinochet's dictatorship is currently being planned in Sweden.⁹⁰⁷

As in other Western countries, Chilean children were also popular with the Swiss because of their light skin colour. The Swiss embassy received many enquiries from couples wishing to adopt. The embassy staff helped the prospective adoptive parents to minimise the bureaucratic effort. They sometimes helped acquaintances, employees of other embassies or personalities more than other Swiss couples wishing to adopt. In the mid-1980s, a cantonal prosecution authority opened proceedings in a case in which a Swiss woman had faked a birth and passed off the child of a Chilean mother as her own.

In 1990, the number of adoptions from Chile to Switzerland peaked at 52 entry permits. In the same year, a newspaper in French-speaking Switzerland reported on an agency that rapidly

⁹⁰⁷ See: <https://www.nzz.ch/international/schweden-adoptionen-aus-chile-werden-endlich-untersucht-ld.1659431?reduced=true>, accessed 10.8.2022.

and unbureaucratically promised to bring children from Chile to Switzerland and wanted to place an advert in the aforementioned newspaper. After the end of Pinochet's dictatorship in 1990, Chilean media increasingly reported on forged documents and illegal activities. In response, the Swiss embassy was increasingly reluctant to make recommendations, for example for the involvement of certain local lawyers. At the same time, it also emphasised that the Chilean legislative changes, which were intended to provide better protection for the child, made the process more complicated for the adoptive parents.

The Association for Adoption Aid and Pro Kind Adopt Inform placed Chilean children in Switzerland. Terre des hommes Lausanne stated that it did not want to be an accomplice to the dictatorship. The Swiss embassy also recommended a local Swiss woman whose status was unclear to those interested in adopting. When the Association for Adoption Assistance applied to the competent cantonal authority for an additional licence to place children from Chile, citing the Swiss woman in question as a contact, this authority contacted the Swiss representation in Chile, which had no reservations. As a result, the canton granted the Association for Adoption Assistance the additional licence for Chile, even though the local contacts had not been clarified beyond doubt.

Guatemala

In terms of numbers, child trafficking in Guatemala mainly involved adoptions to the USA, Canada and various European countries. Few Guatemalan children came to Switzerland during the period under investigation. In some of these rare cases, it was found that birth certificates had been forged. The Swiss embassy considered the federal and cantonal authorities to be responsible for adoption matters. For a long time, the embassy recommended specific lawyers when couples enquired, although it was aware of the issue of corrupt Guatemalan lawyers. During periods when child trafficking was making waves in the Guatemalan press, the embassy was reluctant to make recommendations.

In 1992, Swiss authorities also addressed the issue of child trafficking in Guatemala as a result of media reports. The youth welfare office of the canton of Vaud was concerned about a Guatemalan lawyer who was bringing children to Switzerland. This lawyer freely admitted to earning 8,000 US dollars per adoption. It is documented in the files that the Federal Office for Foreigners' Affairs asked the embassy for clarification, triggered by the intervention of the Vaud Youth Welfare Office. The Swiss embassy reported back what it had found out about the lawyer in question.

At the beginning of 1994, there was again talk of child trafficking, which reached into high government circles and forced those responsible in Guatemala to take action. On the initiative of the responsible Guatemalan adoption authority, the foreign embassies in Ciudad de Guatemala met, including the Swiss representation. They discussed ways of preventing abuse, corrupt lawyers and child abduction.

lawyers and child abduction could be stopped. An important pillar was the education of future adoptive parents. Whether the meetings continued to take place and whether any of the planned measures were implemented cannot be assessed on the basis of the documents in the case files.

The issue of Guatemalan child trafficking continued to be raised. The Swiss embassy also received information about this in 2000, including a detailed report by the United Nations on the rights of children in Guatemala. The authors of this report expressed concern about the high number of Guatemalan children trafficked abroad - in relation to the total population - which continued to be a clear indication of child trafficking.

India

In the 1970s, India was the third most important country of origin after Korea and Colombia for foster children who were granted an entry permit for the purpose of later adoption in Switzerland. In the 1980s, India gradually tightened the regulations for adoptions abroad. From 1984 onwards, only adoptions via placement organisations recognised in India were permitted, and from 1989 onwards, adoptions abroad were only possible in exceptional cases.

The files of the Swiss embassy in New Delhi and the Swiss consulate in Mumbai show that they repeatedly had to deal with the issue of child trafficking locally and were also confronted with various scandalous events in connection with the adoption of Indian children by Swiss nationals. In 1981, for example, the Federal Office of Justice warned the Federal Office for Foreigners' Affairs about child trafficking in India. The fact that the Swiss representations in India were aware of the sometimes commercial adoption practices is proven by the numerous articles they collected from Indian newspapers on this topic. In 1978 and 1982, Switzerland itself was the target of media criticism: Indian newspapers reported that Terre des hommes was bringing Indian children to Switzerland for medical experiments. This reporting led to investigations by the federal authorities and the cantonal immigration police.

The child trafficking scandal in Sri Lanka made waves in neighbouring India in 1982. In 1982, a Catholic nun of Swiss nationality, who placed children from India for adoption in Switzerland, was also involved in child trafficking. This prompted the Swiss embassy in New Delhi to report on the situation on the ground. The ambassador did not rule out a scandal similar to that in Sri Lanka in India and called for the cantonal authorities to provide better information to couples interested in adoption. The Swiss Vice-Consul in Bombay also wrote a report on the experiences of adoptions of Indian children. Both distanced themselves from illegal adoption practices by emphasising that the Swiss representations correctly complied with Indian and Swiss laws and that child trafficking took place in places for which the Swiss authorities were not responsible. They also held couples wishing to adopt to account.

The authorities repeatedly raised the issue of couples looking for a child in India without a recognised placement agency. They were prepared to do almost anything and were therefore potential victims of child traffickers. Irregularities in the procedure are also repeatedly mentioned in the files. Swiss mediators were also criticised on several occasions, as was an Indian lawyer who had long been recommended by the embassy as legal counsel for those wishing to adopt. In general, it was difficult to monitor and scrutinise the placement activities.

Colombia

In 1981, a child trafficking ring was exposed in Colombia. The Swiss authorities became involved in this scandal after the Neue Zürcher Zeitung published a news item about it. They wanted to clarify whether the scandal also affected Colombian children who had travelled to Switzerland and whether there was a risk of damage to Switzerland's reputation as a result. In the course of their investigation, the federal authorities gained detailed knowledge of the behaviour of the Colombian lawyers, officials and judges involved. Based on the documents in the case file in question, it is not possible to prove that the original question of whether the scandal also affected mediations in Switzerland was clarified; further sources such as individual case files would have to be consulted.

Before and after this blatant case of child trafficking, forged documents were repeatedly part of the serious enforcement problems in Colombia. Couples sometimes presented officials with a fait accompli when entering Switzerland if they arrived with a Colombian child for whom they did not have the necessary documents or if these contained inaccuracies. The Swiss representation did not advise against adoptions from Colombia, even if prospective adoptive parents were concerned about being involved in child trafficking.

There were problems with the Swiss placement centres that were active in Colombia at various times, although these can only be traced in fragments due to the documents kept in the case files. The activities of the placement agencies with additional licences Terre des hommes Lausanne, Adoption International and Bureau Genevois d'Adoption in Colombia could be investigated on the basis of other files, for example by consulting the adoption dossiers from the relevant municipalities or the documentation of the placement agencies themselves.

Korea

For a long time, Korea was the most important country of origin for foreign adoptions for Swiss nationals. In the 1970s, most children from Korea travelled to Switzerland with a view to adoption.

to Switzerland with a view to adoption. From the mid-1970s, the East Asian country largely prohibited the adoption of Korean children for various countries, including Switzerland. From 1988, the Korean government restricted international adoptions almost completely.

The holdings of the Swiss embassy in Seoul are rather small and provide only approximate answers to the questions posed in this report. However, more detailed information on irregularities in the adoption of children from Korea can be found in the fonds of the Federal Office for Foreigners' Affairs, which contains a separate dossier on foster care and adoptions from Korea. In an exchange of letters between the Federal Aliens Police and the Swiss Embassy in Seoul, for example, children given up for adoption who were reclaimed by their biological parents are discussed. The investigations were initiated by Stefan Koch from the Federal Aliens Police. A report written by an employee of the Swiss embassy in Seoul in the mid-1970s on "the Korean adoptive children problem", which she sent to the Federal Aliens Police, is central to the investigation. The report dealt with various problematic and even illegal placement practices. The Korea Social Service, with which Terre des hommes Lausanne placed children in Switzerland, was criticised in particular. The organisation had a commercial character and considered the placement of children to be a "lucrative business."⁹⁰⁸ Other Korean intermediaries working with Terre des hommes were also suspected of child trafficking around 1977. The embassy reported to Switzerland that Korean children were being passed off as orphans in order to facilitate adoption. The Swiss chargé d'affaires ad interim spoke of a "Trade" with "pseudo-orphans".⁹⁰⁹

In correspondence between the Federal Office for Civil Status and the Swiss embassy, one of the issues raised was that information on the children's names, place and date of birth was often missing or incorrect. Language barriers also played a major role in Korea. The embassy often had to rely on local translators who did not always speak English well. The files also illustrate the difficulty of monitoring and assessing mediators.

Lebanon

During the period under investigation, only a few entry permits were issued for children from Lebanon to enter Switzerland for the purpose of subsequent adoption. The small number of files held by the Swiss

⁹⁰⁸CH-BAR, E4300C-01#1998/299#1489*, report by an employee of the Swiss embassy in Seoul "The Korean adoption problem", undated, 1975 or 1976.

⁹⁰⁹CH-BAR, E4300C-01#1998/299#1489*, B. Grossmann*, Swiss chargé d'affaires a. i. in Seoul, to the Federal Aliens Police, 24 October 1977.

Representation few references to child trafficking and problematic adoption practices in Lebanon. The dossier on Lebanon in the files of the Federal Office for Foreigners' Affairs is more informative on this issue.

Adoption procedures were regulated differently depending on the religious community or, as in the case of Islamic communities, were not known at all. Christian communities played an important role in the placement of Lebanese children in Switzerland. For example, the Crèche St Vincent-de-Paul, which was run by nuns and emphasised the religious education of the children, was an important local partner for the Service d'adoption du Mouvement Enfance et Foyers in Fribourg. From 1976 to 1994, the Crèche was involved in around half of the placements of children from Lebanon to Switzerland. Unmarried mothers often gave birth to their children at the Crèche, some of whom were given up for adoption by the sisters. The origin of the children was not documented by the crèche, as shown by investigations carried out by the Service d'adoption du Mouvement Enfance et Foyers in 2000 at the Swiss representation in the context of the ratification of the Hague Convention. At that time, the investigation centre was confronted with enquiries from Lebanese adoptees, now adults, who wanted to trace their origins.

During the period under investigation, a newspaper reported that doctors, midwives and nurses in Lebanon were trafficking in newborn babies. Against this background, the Crèche's offer to the Swiss embassy to take care of the formalities when Swiss couples had found babies on their own responsibility seems questionable. In the 1970s, Stefan Koch from the Federal Aliens Police referred to the applicable procedures on a case-by-case basis and appealed for them to be adhered to.

Peru

The Swiss representation in Peru has evidence of child trafficking from various decades. Time and again, the Peruvian and foreign press, including in Switzerland, reported on illegal adoption practices, irregularities in local procedures and child trafficking. The Swiss representation in Lima collected the newspaper articles and informed the Swiss authorities as well as couples interested in adoption about the serious shortcomings, which they often merely described as difficulties. A detailed report on child trafficking in Peru was drawn up in 1983 by the Swiss ambassador responsible at the time, but the report was not sent to the relevant federal authorities.

In addition to the obvious cases of child trafficking, the authorities involved and the interested Swiss couples repeatedly raised the issue of procedural irregularities such as Peruvian notaries exceeding their authority or forged declarations of consent. The many scandals led to

At the beginning of the 1990s, the Peruvian authorities put a de facto stop to mediation. Throughout the 1990s, however, the Swiss embassy continued to receive enquiries from Swiss couples wishing to adopt, prompting it and the federal authorities to seek a bilateral solution to lift the freeze. The Swiss embassy intervened at the highest levels within the competent Peruvian authorities. The federal authorities and the embassy were unable to persuade Terre des hommes Lausanne to sign a bilateral agreement with the Peruvian adoption authorities. Such an agreement would have been a prerequisite for continuing to bring children from Peru to Switzerland for adoption.

In retrospect, the Swiss embassy in Lima described the adoption opportunities for interested couples from Switzerland as follows: "Until 1992, it was possible to adopt children from Peru with certain difficulties, provided you had a good (and usually expensive) [sic] lawyer, financial means and enough time, patience and the will [sic] to deal with the relevant authorities for several months. The circumvention of these adoption formalities became more and more widespread and the illegal 'export of children' took on considerable proportions. On television and in the newspapers, people were confronted weekly with arrests by 'specialised' lawyers".⁹¹⁰ After that, the aforementioned stop came about. The Swiss Federal Archives hold many individual case files on Peru, some of them extensive, in the records of the Swiss representation, which were not examined for this report.

Romania

Child trafficking and irregular practices in Romania were an issue throughout the entire period under investigation. When the Romanian side blocked the adoption proceedings for political reasons at the end of the 1980s, the Swiss representation and the federal authorities campaigned for the conclusion of these proceedings. Federal Councillor Pierre Aubert personally intervened with President Nicolae Ceaușescu to finalise blocked adoption procedures. Immediately after the fall of the Ceaușescu regime in 1989, the Swiss embassy quickly located the Romanian children who were to be adopted by Swiss couples in the orphanages and flew them to Switzerland after completing the formalities swiftly and unconventionally.

After the fall of the regime, there were many media reports in the 1990s about child trafficking and corruption, about which the Swiss embassy informed the federal authorities and about which the representations of Western countries were also in dialogue locally. The Swiss embassy primarily saw the authorities in Bern or the Romanian authorities as having a duty to take action against child trafficking and corruption. At the end of the year, the Swiss embassy withdrew from its mediation activities in Romania.

⁹¹⁰CH-BAR, E2200.191#2010/252#50*, Swiss Embassy in Lima, file note, 10 May 1996.

In the 1990s, the Bureau Genevois d'Adoption, Terre des hommes Lausanne and Pro Kind Adopt Inform returned to this role. RomAdopt continued to place adoptive children from Romania in Switzerland. In 2004, an interpellation in the National Council demanded information about the placement activities of RomAdopt.

15.2 Results on the federal authorities

Like the Swiss representations on the ground, the federal offices responsible for foreign adoptions in Bern were informed early on about enforcement problems, illegal adoptions and child trafficking. Their handling of this knowledge was ambivalent. They consistently insisted that the Swiss representations, the cantonal authorities and also those willing to adopt and the placement centres comply with the guidelines. However, when confronted with individual cases that presented them with a fait accompli, they were often accommodating. Adoptive parents were almost never prosecuted for incorrect and sometimes illegal behaviour, not even by cantonal authorities. We encountered one exception in the case files in connection with an adoption from Chile, when the competent canton responded to the illegal procurement of a child with criminal investigations. The case files consulted also make it clear that the members of the authorities were already clearly aware of the importance of the child's welfare under civil law in the mid-1970s. However, the interests of the children often took a back seat, as those responsible in Switzerland and in the countries of origin acted under pressure from couples interested in adoption.

The federal offices were ambivalent about foreign adoptions. On the one hand, the Federal Office for Foreigners' Affairs argued in favour of supporting the children locally, as can be seen in statements by Stefan Koch. On the other hand, they wanted to give abandoned and orphaned children a better life through adoption in Switzerland. These two opposing attitudes can be found simultaneously not only at the Federal Office for Foreigners' Affairs, but also early on at Terre des hommes Lausanne and other placement centres. Terre des hommes Lausanne opposed child trafficking and was also involved in sponsorships to provide local support, but was then active in adoption placement in various countries. Other organisations, such as Adoption International in Colombia, sometimes placed children in Switzerland from homes that they ran in their country of origin with the aim of enabling the children to grow up in their familiar cultural environment.

Federal Office for Foreigners

The extensive holdings of the Federal Office for Foreigners' Affairs, formerly the Federal Aliens Police, are central to the issue at hand, along with the Swiss representations. The Federal Office authorised the entry permits of the cantonal immigration police and was thus involved in the adoption process at the key moment of a foster child's arrival in Switzerland. It had an expert function in matters of foreign adoptions and was the point of contact for questions of various origins. The Federal Office for Foreign Nationals liaised with the Swiss representations in the children's countries of origin as well as with the cantonal authorities and was sometimes also contacted directly by people interested in adoption. The database shows that the Federal Office thus had an overview of problematic and illegal practices relating to the adoption of children from different countries. When foreign adoptions emerged in Switzerland in the 1970s, various enforcement problems in the adoption process, such as foster parents not complying with entry formalities and bringing children to Switzerland without prior authorisation, were already evident.

Although it was continually criticised that many people interested in adoption were bypassing the placement agencies, no tighter controls were introduced. Centralisation of the supervision of adoption placement, as in other countries, was also not yet able to prevail against the federal structures in Switzerland during the period under review. On the other hand, the focus was on education and information. For years, the Federal Office for Foreign Nationals tried to exert influence with campaigns at cantonal authorities and among the public. It also repeatedly approached the Swiss representations in the host countries, urging caution and warning against child trafficking. For example, Stefan Koch intervened with the Swiss representations in Brazil, Chile, India, Korea, Colombia and Lebanon in the event of discrepancies in entry permits. The Federal Aliens Police and the Federal Office for Immigration Affairs liaised with the Private International Law Section of the Federal Office of Justice, which regularly updated its overview of the laws in the countries of origin of adopted children, especially in times of scandal.

A kind of centralisation took place in the person of Stefan Koch, an assistant at the Federal Aliens Police, which promptly led to criticism from the cantons, who insisted on their sole responsibility for authorisation and supervision in adoption matters. They complained that Koch was wrong to interfere in substantive and material issues, for example when he made critical comments on the gainful employment of a foster mother or the quality of a placement centre. Koch repeatedly insisted on compliance with the legal requirements and the correct sequence of proceedings. His lectures were sent to the Swiss representations and published in the *Zeitschrift für Vormundschafts-wesen*, which reached a wide circle of experts at federal and cantonal level.

In 1983, the Federal Office for Foreigners' Affairs issued a circular letter to the Swiss representations and the cantonal authorities responsible for adoptions, clarifying the applicable provisions for the adoption of a child from abroad. In doing so, the Office raised awareness of the problem of irregular practices and wanted to prevent abuses. The representations were instructed to check the validity of all documents required for departure and the court judgement before issuing a visa and to ensure that local laws were complied with. The child needs a valid passport from his or her home country and an entry visa. The Federal Office for Foreigners' Affairs also called on Swiss representations abroad to provide "periodic information on all matters relating to the adoption of foreign children". It requested reports on local conditions, on any abuses discovered, on the reaction of the press and the authorities and on any changes to the relevant legislation that made it necessary to adapt Swiss practice. It also asked the representations to monitor the activities of intermediaries in the host country and to report those persons who "contravene local laws".⁹¹¹

The federal authorities were aware of and repeatedly discussed the problem that couples willing to adopt sometimes brought a child to Switzerland without a recognised placement agency, prior authorisation or the required social reports. In 1978, the Federal Aliens Police reported that the majority of couples chose their children abroad themselves. It is striking that in the material we examined, they authorised entry in almost all cases, even when there were concerns. In fact, the competences of the Federal Aliens Police and its successor authority, the Federal Office for Foreigners' Affairs, were limited. The Office had no possibility of refusing entry for immigration police reasons if the prior reports of the cantonal immigration police and the guardianship authorities were favourable. The Federal Office for Foreigners' Affairs could only call on the competent cantonal authorities to create clear guidelines in their cantons and to carefully clarify the educational suitability of the foster parents. With regard to the course of the procedure, the Federal Office for Immigration Matters, in accordance with its own area of competence, had the time at which the children entered Switzerland in mind.

Federal Office of Justice and other federal authorities

The Federal Office of Justice played a central role when federal legislation on adoption was revised or when Switzerland signed up to international agreements. It set up expert groups and was responsible for the consultations. Many of the corresponding dossiers in the Federal Archives are therefore relevant to the issues addressed in this collection.

⁹¹¹Both quotations from: CH-BAR, E4300C-01#1960/27#577*, Circular No. 10/83: Adoption of foreign children of 13 June 1983. Cf. also Bitter, Bangerter, Ramsauer 2020, p. 176.

The adoption of children in Switzerland does not take centre stage, but is nonetheless of central importance for the reappraisal of the history of domestic and foreign adoptions in Switzerland. The Section for Private International Law always endeavoured to obtain up-to-date information on the adoption laws in the children's countries of origin and checked their compatibility with Swiss law. The Swiss representations in the host countries sent newspaper reports and other information on child trafficking to Bern. As a result, the Federal Office of Justice received many reports of illegal adoption practices, for example in India and in Central and South American countries. The Federal Office was also aware that individual Swiss placement centres and individuals with unclear placement status were involved in adoption procedures. The Federal Office of Justice forwarded information about dubious placement activities to the cantons responsible for supervision.

The General Secretariat of the FDJP has stored the responses from the consultation procedure on the revision of the Foster Children Ordinance. Adoptive parents and couples interested in adoption expressed their concern that the revision would make international adoptions more difficult. They sometimes addressed their letters to the responsible Federal Councillors.

The factual dossiers from the FDFA Head Office provide an insight into the co-operation between the federal authorities and Terre des hommes Lausanne. The FDFA headquarters and the Swiss representations abroad dealt with problems encountered by Terre des hommes Lausanne. In this context, they were aware that some of the information on official documents was incorrect in the case of adoptions of children from Bangladesh. Furthermore, the case files from the FDFA headquarters document how the authorities supported Adoption International Kreuzlingen in expanding its placement activities to India.

Cantonal and communal authorities

We can only make marginal statements about the cantonal authorities, as we only considered files relating to Swiss representations and the federal authorities for the inventory. In some cases, the cantonal and communal authorities made very detailed enquiries. In the archives of the cantons and communes, it would be possible to investigate what happened in individual cases, for example if a required document was not available.

Some cantonal authorities appear to have been more critical than others. These included, for example, the canton of Vaud, which fulfilled its duty to report by drawing the attention of the Federal Office for Foreign Nationals to child trafficking and irregularities in foreign adoptions on several occasions. The canton of Vaud was a hotspot for foreign adoptions because several placement agencies were active there, including Terre des hommes Lausanne, which was active in many countries of origin of adopted children, and because individuals were known to place children without authorisation, for example from Lebanon or Guatemala.

An important issue is the cantonal supervision of the placement centres. Additional licences were often granted even though the contacts of the placement agents in the country of origin were not thoroughly checked, as was shown in the case of the South American countries. In some cases, intermediaries who declared themselves to be private individuals did not have the necessary licences or their status had not been clarified by the competent cantonal supervisory authority.

15.3 Outlook on the need for further research

Research into the history of foreign adoptions in Switzerland is still in its infancy. It is becoming apparent that child trafficking and illegal adoptions took place in many countries of origin. The Swiss representations and the federal authorities were aware of these scandals and dealt with numerous enforcement problems in foreign adoptions, which also affected the procedures in the cantons and communes. An overall picture is missing. Who acted as mediators in the countries of origin and in Switzerland also needs to be investigated. Furthermore, more knowledge is needed about the reasons for the adoptive parents' actions, whose demand was an important driver of foreign adoptions. The adoptees experienced their upbringing in Switzerland in different ways. Some of them grew up under the premise that they had a better life here than in their country of origin and had to be grateful for this, according to the widespread opinion in Swiss society at the time. Others see their childhood and youth in retrospect as free of such challenges. What the different experiences meant for the further course of their lives needs to be explored, as do the effects of irregular practices at the time on the current search for the origin of adopted persons, which is made more difficult by false and incomplete documents. Finally, a comparison of intercountry and domestic adoptions, as well as international comparative studies on both the countries of origin and the receiving countries, would be useful.

Countries of origin of the adopted children

In the ten countries of origin recorded for this inventory, there are irregularities in the adoption procedures and evidence of illegal adoptions. In addition, we received indications of child trafficking in other countries in the case files, which we did not investigate further as part of the mandate. This in turn means that historical research is needed on all countries of origin from which children were placed in Switzerland for the purpose of adoption. This lack of research also applies to the period from 2003 onwards, when the supervision of Swiss placement agencies

and intermediaries was transferred from the cantons to the Federal Office of Justice and Switzerland had ratified the Hague Convention. There were still countries, such as Ethiopia, that had not joined the international agreement for better protection of adopted children against child trafficking and from which children were placed in Switzerland. It is also necessary to clarify the situation regarding the enforcement of adoptions from 2003 onwards, once both sides had ratified the Hague Convention. A systematic study of all countries of origin of adopted children will be able to show the similarities and differences in practice. In addition, international comparisons with countries to which children were placed for adoption would be of great interest. For example, the practice in Switzerland could be compared with other European countries or the United States. The extent of child trafficking and irregular placement activities could thus be better estimated and the various official response patterns could be worked out.

The different economic cycles over time should also be taken into account. For example, the adoption of children from countries in the post-communist era presumably represents a separate issue. The example of Romania shows that blatant incidents of child trafficking occurred not only during the Ceaușescu regime, but also afterwards during a period of political vacuum. The same applies, under different political circumstances, to Chile during and after Pinochet's dictatorship. Furthermore, no African country was represented in the sample for this report. Studies on Ethiopia would be particularly important, as the Federal Office of Justice stopped adoptions from this country in 2016 for reasons that still need to be investigated. Adoption stops are generally an interesting topic from a historical perspective. For all countries of origin, it would be necessary to investigate whether and when such bans were issued, who initiated them and how the Swiss authorities reacted.

The present survey could not go into more detail about the socio-historical context in the ten countries of origin. In addition to the adoption procedures and responsibilities in each country, the influence of political conditions, including dictatorial forms of government or civil wars, religion, economic sectors, any existing drug and women trafficking, poverty, family models and forms of growing up should also be investigated. This country-specific knowledge would be of great importance for the adoptees in order to better understand the circumstances of the events at the time and thus to be able to integrate the personal adoption experience into their own biography. For future research projects on other countries of origin, it will also be important to shed more light on the contexts of the Cold War and the post-colonial era.

It must be emphasised at this point that we have only examined the case files of the Swiss representations and the federal authorities, but not the documents relating to the individual adoption cases,

some of which are also available in the material. For countries such as Peru with proven child trafficking, there are many such individual case files in the Federal Archives. In the bibliography, we refer to the corresponding holdings on the ten countries of origin for the unprinted sources.⁹¹²

Competent authorities and adoption procedures in the cantons and communes

The analysis of the individual case files from the Federal Archives can be supplemented by the material held in the archives at the place of residence and canton of the prospective adoptive parents at the time. In particular, the documents of the guardianship authorities or courts, which were responsible for supervising the prescribed two-year fostering relationship, are of great interest for historical research. The extent to which the prescribed procedures were complied with in Switzerland must be examined on a case-by-case basis, as was done for the cantons of Bern, St. Gallen and Geneva in the report on adoptions from Sri Lanka and has just been analysed in detail in a further study on the canton of St. Gallen.⁹¹³

The files in the cantons and municipalities can provide information on a variety of issues. During the suitability assessment, the so-called social reports in particular reveal not only the reasons for the prospective adoptive parents' actions - with social desirability playing a major role in their statements on record - but also the family ideals of the authority members and social work professionals. The care relationship was monitored and documented for at least two years by means of home visits. These documents show how the professionals assessed the constellation and atmosphere in the prospective adoptive family and how they reacted to any difficulties. According to the PAVO, the foster child had to have a counsellor or guardian. Whether and in what form this was done needs to be investigated. It could be problematic, for example, if a relative represented the interests of the prospective adoptive parents rather than those of the child, or if a mediator was appointed for the guardianship whose organisation was involved in the proceedings. In this context, it is important to identify the similarities and differences between small, rural municipalities and large urban municipalities, whose authorities were characterised by different levels of professionalism.

If there were gaps or discrepancies in the documentation when a child entered Switzerland, the correspondence between the cantonal immigration police, the Federal Office for Immigration Affairs, the cantonal civil status offices and the Federal Office for Civil Status is of particular interest. According to our review of the documents in the Federal Archives, there were always

⁽⁹¹²⁾ For such a systematic examination of individual case dossiers, see the study on St. Gallen by Berthet, Falk 2022.
⁹¹³Bitter, Bangerter, Ramsauer 2020; Berthet, Falk 2022.

In the case of irregularities, the communes and cantons repeatedly enquired with the federal authorities, thus triggering further enquiries with the Swiss representations in the child's country of origin. In order to identify different cantonal adoption policies, the statements from the cantons on the consultation procedures carried out by the Federal Office of Justice on the occasion of the legislative revisions could also be analysed.

Of great relevance for historical research are the files of the authority or court that pronounced the adoption after the two-year fostering relationship in the respective canton. This shows the information basis on which the decisions on the final adoption were made. Finally, the cantons also contain relevant documents from law enforcement agencies, which in individual cases opened proceedings against prospective adoptive parents suspected of illegal activities. In our review of the federal archive material, we only came across one such case concerning an adoptive child from Chile. By chance, we found another example in the Schweizerische Zeitschrift für Vormundschaftswesen concerning Brazil, in which a Swiss couple was sentenced to prison for falsifying their civil status and obtaining a false certificate.⁹¹⁴ Targeted legal-historical research in the relevant legal journals and databases on the subject of adoptions and criminal law could lead to further insights. It also stands to reason that civil law disputes in adoption matters were also referred to the cantonal supreme courts and ultimately to the Federal Supreme Court. A systematic evaluation of the case law on foreign adoptions could shed light on the procedural shortcomings and substantive issues that required clarification at a certain point in time.

Until the end of 2002, the cantons were responsible for supervising the placement centres. It is necessary to examine how they monitored their activities, under what circumstances they extended licences and how they reacted to reports that individual placement agencies were not working properly. The central question is on what basis the cantons granted the placement agencies additional licences for specific countries of origin of adopted children. The material examined showed, for example, that their local contact persons were not always sufficiently checked. It also happened that at least temporary placements were made even though no corresponding authorisation was available. The extent to which and how the cantonal supervisory authorities reacted to indications of abusive practices needs to be investigated. The cantonal central authorities had the power to withdraw licences.

Federal authorities and legal discourse

Since 2003, supervision of the mediation centres has been the responsibility of the Federal Office of Justice. This supervision must also be analysed for the period up to the present day. Until the end of the 1990s, the

⁹¹⁴Hegnauer 1982, p. 131.

Federal Office of Justice appears to have generally limited itself to forwarding information on child trafficking and problematic procedural practices to the cantonal central authorities on a confidential basis. The files of the Federal Office of Justice also provide an insight into the legislative processes relating to domestic and foreign adoptions in Switzerland. A further desideratum for research would be to analyse the legal discourse and the question of how the problems of intercountry adoptions were addressed in specialist circles, for example in the relevant legal journals. Individual legal scholars such as Cyril Hegnauer stood out in this discourse. The federal offices consulted him as an expert, and his commentaries on adoption law in the Swiss Civil Code provided practical guidance for specialists, as did his articles in specialist journals. International legislation should also be considered, such as the history of the Convention on the Rights of the Child or the implementation of the Hague Convention in Switzerland. According to the description of the corresponding dossiers in the online access of the Swiss Federal Archives, the ratification and implementation in both cases seems to have taken a long time.

The Federal Office for Foreign Nationals repeatedly intervened in the procedures for foreign adoptions in Switzerland and attempted to clarify unresolved issues. The interplay with the other responsible offices at federal and cantonal level must be analysed in further research projects. For example, we were only able to shed some light on the role of the FDFA headquarters in Bern or the General Secretariat of the FDJP. Another interesting question is how the responsible federal councillors reacted to spreading rumours about child trafficking or serious enforcement problems. In some cases, adoptive parents even seem to have contacted the respective heads of department directly. Any available reference files could provide more detailed information on this, as could a systematic evaluation of factual files from the general secretariats of the departments involved. In addition, initiatives and debates in the federal parliament on adoption in Switzerland should be analysed, as well as the corresponding negotiations in the cantonal parliaments on implementation in the cantons and municipalities. The biggest gap in research on the authorities is in cantonal adoption practice. The history of adoptions needs to be analysed for all cantons.

Intermediaries in Switzerland and in the adoptive children's country of origin

The adoption agencies require historical analysis. They only appear indirectly in the documents of the Federal Archives. We came across the following organisations for the ten countries of origin: Adoptio, Adoption International, Bras Kind, Bureau Genevois d'Adoption, Caritas Ticino, Divali Adoption Service, Service d'adoption du Mouvement Enfance et Foyer, Pro Kind Adopt Inform, RomAdopt, Schweizerische Stiftung MPB, Schweizerische Vereinigung für Adoptionshilfe, Bak* and Kälin* Social Activities and Terre des hommes Lausanne. Some of these organisations, such as the Bureau Ge-nevois d'Adoption, Pro Kind Adopt Inform and Terre des hommes Lausanne, were active in various countries.

countries. For an analysis, the documents in the Federal Archives on the individual placement centres could be evaluated as well as the files of the cantonal supervisory authorities and the placement centres themselves. Interviews with former mediators are also conceivable.

Terre des hommes Lausanne was one of the most important mediation organisations in Switzerland, which had a multifaceted field of activity and pursued country-specific policies that have not yet been fully analysed. In Peru, there were contacts with the president's wife as long as Terre des hommes Lausanne had placed children, but Terre des hommes also filed a complaint about child trafficking. As a result, the organisation could no longer be persuaded to place Peruvian children in Switzerland, although the embassy and the federal authorities pressed for this in order to be relieved of the many enquiries from couples wishing to adopt. In Colombia, a local Terre des hommes employee was banned from working by the government. In Chile, Terre des hom-mes did not want to be an accomplice to the dictatorship. At the end of the 1970s, Terre des hommes Lausanne's good contacts with the federal offices led it to ask Bern whether the air fares for Indian children could be reduced, and in 1975 a solution was found to allow Bangladeshi children to enter Switzerland despite discrepancies in the documents. There was also contact with a member of parliament. As early as 1988, Terre des hommes proposed centralising the supervision of the placement agencies in Switzerland.

The local impact of the placement organisations should be examined more closely. For example, there were many foreign adoptions in the area around Lake Zurich because a number of placement organisations were active in the canton. Word of the adoption opportunities spread by word of mouth in the local area or were publicised through advertisements in local newspapers. Many children were also placed in French-speaking Switzerland because several placement centres were located in French-speaking Switzerland and brought children from a wide variety of countries of origin to Switzerland. Alice Honegger with Adoptio was subject to authorisation in St. Gallen. She placed children from India and Sri Lanka. The files we consulted show that Alice Honegger had also obtained information about the local conditions in the countries we investigated. Compared to St. Gallen, Vaud and Zurich, other cantons appear less frequently in the documents of the case files we consulted. It remains to be seen whether there is a connection with the selection of the ten countries of origin and whether children from other countries were adopted in other cantons. For overview purposes, statistics could be compiled, broken down by number of adopted children and by canton and country of origin. Furthermore, the role of persons who declared themselves as private individuals and nevertheless supported couples in the adoption process should be investigated.

In some cases, there is a problematic mixture of different tasks at the placement centres, which should be clarified. Sometimes one of their representatives was the child's guardian during the fostering phase, but at the same time advised the prospective adoptive parents. The first available research findings on domestic adoptions of illegitimate children up to the 1970s show such conflicts of interest.

The bundling of tasks with a single professional was questionable in terms of the child's welfare, as there was a lack of advocacy for the child.

Another interesting field of research is the role of church organisations and networks in foreign adoptions. Catholic religious orders in particular were well established and could look back on a long tradition in the 20th century of placing children of unmarried mothers for adoption within Switzerland and running infant and children's homes.⁹¹⁶ They thus had a network in Switzerland, which they also built on from the 1970s onwards in the context of the newly emerging foreign adoptions. As the Catholic church organisations worked together across national borders anyway, they were able to establish themselves well in the children's respective countries of origin, provided Catholicism had a certain significance there. In the dossiers we examined, we came across Ingenbohl sisters in Bangladesh and other Catholic nuns in India, Colombia and Lebanon. A Protestant pastor in Brazil became important in arranging adoptions in Switzerland. The famous Mother Teresa with her order of the Missionaries of Charity appeared several times in adoptions of children from India and was also in personal contact with the Swiss ambassador there. It would be interesting to see how the idea of rescue was interwoven with Catholic images of family and sexuality. For example, ideas of the impurity of the unmarried mother could have been an important motive for Catholic-style adoption mediation. One question that remains unanswered is how many of the state-recognised adoption agencies in Switzerland were Catholic, such as the Seraphisches Liebeswerk in Zug, which is currently undergoing historical research.⁹¹⁷

The question also arises as to what extent the Swiss authorities were rather reluctant to criticise Catholic and Protestant actors. Sister Hildegard* in India, Father Noser* in Brazil and the nuns in Bangladesh and Lebanon seem to have had a free hand. They were only asked about child trafficking in a concealed manner or with great reluctance. This raises the question of how Swiss authorities exercised supervision over church organisations. Another interesting point would be with whom the sisters who ran homes in the countries of origin and brought children to Switzerland as a sideline worked locally. Were they only the adoptive parents, who in this case were looking for a child on their own initiative and came into contact with the sisters in this way? Or were they partly placement agencies that had a licence for their activities in Switzerland and local representatives?

⁹¹⁵Businger, Emmenegger, Gabriel 2022; Bühler, Businger, Ramsauer 2023; Bühler, Ramsauer, Businger 2023.

⁹¹⁶Businger, Ramsauer 2022.

⁹¹⁷Bühler, Businger, Ramsauer 2023; Bühler, Ramsauer, Businger 2023; Meier, Jenzer, Akermann et al. 2022.

Adoptive parents

The factual dossiers analysed reveal various problems relating to adoptive parents. There are adoptive parents who wanted to avoid placement centres and procedures in Switzerland and looked for a child on their own responsibility. There are many indications that prospective adoptive parents often did not use a placement agency recognised in Switzerland, but contacted local contact persons directly in order to look for a child. This allowed them to avoid long waiting times. The federal authorities had been aware of this for years, and the "Third World Adoptions" working group set up by the Federal Office of Justice had also identified this as a problem in 1986.⁹¹⁸ The number of unreported cases of adoptive parents acting on their own authority appears to be high based on our survey and the findings of the Sri Lanka report. However, further research is required in this regard.

As far as the pressure exerted on the authorities by those interested in adoption is concerned, no overall picture has yet emerged. Further files need to be analysed for this. Biographical interviews could also be used to investigate the question of whether and how conflictual the relationship between adoptive parents and their adopted children, whom they had brought to Switzerland on their own initiative, is in comparison to adoptive parents who had adopted their child together with a placement agency in a usually much more time-consuming process. It should be noted that there were sometimes serious shortcomings even when working with a recognised placement agency, as the example of the placement agent Alice Honegger in the report on Sri Lanka shows.

We can only say a little about the social background of the adoptive parents based on the material we have seen. In any case, travelling abroad was time-consuming and costly and required a certain amount of communicative and intercultural skill. Nevertheless, it was evidently not only well-off couples who could afford to adopt a foreign child. This is indicated by letters from prospective adopters to the representations in which they reported their language problems and uncertainties about travelling to the country in question, sometimes mentioning their profession or making other comments that allow conclusions to be drawn about their social status. The analyses of Bern, Geneva and St. Gallen in the Sri Lanka report also showed that the adoptive parents came from different social classes.⁹¹⁹

The files examined document that the prospective adopters wanted a baby that was as young, healthy and, in some cases, as white as possible. The documents on Chile mentioned that Chilean children were popular because of their white skin colour. Sometimes a girl was explicitly requested. Those interested in adopting often asked for two children or considered adopting another child at a later date. In many enquiries to the

⁹¹⁸See Bitter, Bangerter, Ramsauer 2020, p. 99.

⁹¹⁹Bitter, Bangerter, Ramsauer 2020, p. 253.

Swiss embassies and consulates, couples cited their own childlessness as a reason for adopting. In some cases, they stated that they had deliberately decided not to have children of their own in order to provide a home for children from the Third World, as they said.

The material regularly reveals the couples' urgent desire to have children and a certain self-evident entitlement to an adopted child. As is the case today with surrogacy and reproductive medicine, there was a socially accepted attitude that adoptive parents had a fundamental right to a child. The basis for this, according to our thesis, was the central discourse throughout the entire period under investigation that adoption was beneficial for all parties involved and that adoption in Switzerland would give a child a better life than in the country of origin. This discourse, which was overpowering for all those involved, provided the legitimisation for the urgent desire for children of those interested in adoption and, in the cases involving child trafficking, was a cover for the illegal activities of the intermediaries. The idea of charity was able to conceal the desire to have children and prevented prospective adoptive parents from asking critical questions if they paid excessive placement fees. In the case files, however, we also found statements from couples willing to adopt who expressly feared becoming involved in child trafficking and for this reason cancelled their search for a child abroad. There were probably far more of them than was recorded. Conversely, there were couples who deliberately exceeded the legal framework in order to bring a child to Switzerland. Stefan Koch from the Federal Aliens Police surmised early on that those interested in adopting were motivated by an urgent desire to have a child rather than development aid for the Third World or the idea of rescuing a child from a slum. The reasons for the adoptive parents' actions need to be analysed in the context of the social discourse on intact families at the time.

We found very little about the gender-specific motivations of adoptive fathers and mothers. One topic for further studies would be the question of the extent to which social role models, such as the feeling of not conforming to an image of motherhood as a childless woman, fuelled women's desire to adopt. Research in municipal archives would be important for research on this topic. The motivations of the adoptive parents could be worked out from the social reports kept there in particular. It would also be informative to conduct interviews with adoptive parents to find out how their relationship with their adopted children developed after their arrival in Switzerland from their perspective and how this was influenced by the fact that in some cases the adoptive parents suspected that they had been involved in irregular activities before entering Switzerland.

Adopted and biological parents

Today, children have the right to their own name and to know their origins. Both of these rights were not recognised in foreign adoption procedures from the 1970s to the 1990s.

was called into question. The effects of not being aware of this on the lives of the children adopted at the time can be analysed using biographical interviews. This includes the question of what it means for their own lives when adoptees are confronted implicitly or with the clearly expressed requirement to be grateful for their life in Switzerland. Other adopted people experienced their upbringing as free of such imperatives. Even in the case of adoptive relationships that were experienced as good by those affected, the factors that contributed to this success need to be analysed.

There is a great need for research into the lives of adoptees and how they grew up in the adoptive family.⁹²⁰ For example, gender-, class- and culture-specific influences on educational opportunities and social integration need to be examined. Adoptees sometimes experienced racism, which influenced the course of their lives and needs to be analysed. It also had an impact on the adopted children if the adoptive parents did not want to attract attention in the neighbourhood or harboured resentment towards the adopted children because they had not come to terms with their own childlessness. The factors that in other cases led to adoptees experiencing their childhood and youth in Switzerland as beautiful also need to be investigated. One important issue is the question of how adoptive parents and adopted children can discuss together the events that led to the adoption. If the adoptive parents created a taboo around the exact circumstances of the adoption, in extreme cases this can still lead to them keeping the documents they have kept under lock and key, even from their adopted child who has since grown up, or not wanting to talk about them. Conversely, it is also important to find out how taboo-free, open contact affects the relationship between daughter or son and adoptive parents.

A lack of support has an impact on the search for origins. If, as adults, adoptees want to know who their biological parents are, this can become impossible in many cases, as the documentation held by the Swiss authorities, the placement centres and the countries of origin is incomplete or contains falsified data. In addition to assistance with appropriate financial support from the federal government and the cantons, social science studies are needed for the search for origin. Adoptees have different attitudes towards this question. These attitudes and their consequences need to be analysed. Not knowing one's own origins, not wanting to find out about them or, on the contrary, spending years searching for birth parents and ultimately failing can have serious consequences for the rest of one's life. Conversely, if the search was successful, a first meeting with the biological parents, the maintenance of contact and the confrontation with the culture in the country of origin have an effect on the persons concerned. Future research projects should also take into account the reasons why adoptees do not want to explore their origins as adults.

If the birth parents are found in a minority of cases, the adoptees concerned are once again confronted with questions about the beginning of the adoption process many years ago. Parents in

⁹²⁰Cf. E.g. Gabriel, Keller 2020.

gave up a child for adoption in another country. It would be important to investigate their reasons for doing so and the possible coercion they were subjected to at the time. And as with the adoptees, it is also important to trace the effects that this drastic step had on their future lives. A comparison with the history of domestic adoptions in Switzerland could be useful. In some cases, mothers in Switzerland - often single or divorced women - were under similar pressure to the mothers of children adopted abroad, but there are also clear differences with regard to the specific predicaments at the time, which should also be further differentiated according to the respective cultural context in each country.

It is often thanks to the commitment of the respective interest groups that adoptees and parents of origin can find each other again today. Such organisations are currently being set up in Switzerland. They provide support in coming to terms with the consequences of adoption, offer assistance in the search for parents of origin and give affected persons a voice in the current discourse in Switzerland. Adoptees who do not organise themselves are also represented in this debate. The political process in Switzerland, which aims to achieve appropriate social recognition of the suffering experienced in illegal adoptions, is only just getting underway. A comprehensive historical reappraisal of domestic and foreign adoptions in Switzerland in the 20th and 21st centuries is the basis for this.

16 Bibliography

16.1 Unpublished sources in the Swiss Federal Archives

The staff of the Swiss Federal Archives carried out a systematic initial search for us by file number, supplemented by a search using the keyword "adoption". For the period from 1970 to 1999, their research covered the federal authorities in Bern that were involved in the adoption proceedings, as well as the ten selected countries of origin. The staff of the Federal Archives collated the results of the initial research in Excel tables. We use these Excel tables for the unprinted sources.

In order to safeguard the results of the initial research, we show all relevant fonds and subject dossiers in the unprinted sources, even if we have not looked through them. All the holdings we have looked through are coloured light green. Subject dossiers that have not been reviewed are coloured white. This also applies to fonds listed for individual cases; it was not part of the mandate to consult these dossiers.

In our compilation, we use the signatures and titles of the dossiers from the Swiss Federal Archives' online access.

The overall view is divided into the Swiss representations in the ten countries of origin and the federal authorities - in archival terms, these are the so-called file creators - and follows the chapter structure of this inventory. This means that the files relating to the ten countries of origin are listed first in alphabetical order, followed by those relating to the federal authorities.

The tables with the unprinted sources or documents from the Swiss Federal Archives can be found at the end of this inventory, after the appendix.

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17 Information on the authors

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Dr Rahel Bühler is a historian and research assistant at the Zurich University of Applied Sciences, Department of Social Work, Institute for Childhood, Youth and Family. She has a doctorate in the history of youth and researches compulsory welfare measures and the welfare and guardianship system. Among other things, she was a research assistant at the UEK Administrative Care. She is currently working on the above-mentioned NRP 76 project on coercive measures in adoptions in Switzerland.

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List of abbreviations

BFA	Federal Office for Foreign Nationals
FOJ	Federal Office of Justice
CH-BAR	Swiss Federal Archives
FDFA	Federal Department of Foreign Affairs
FDJP	Federal Department of Justice and Police
PAVO	Ordinance on the Admission of Foster Children of 19 October 1977
SWISS CIVIL CODE	Swiss Civil Code of 1907 (in force since 1912)

18 Appendix

Appendix 1: Entry authorisations granted to foreign foster children who are taken in with a view to later adoption or for other reasons, by nationality, 1970 to 1979

Annex 2: Entry authorisations granted to foreign foster children taken in with a view to subsequent adoption or for other reasons, by nationality, 1980 to 1989

Appendix 3: Entry permits granted to foreign foster children taken in with a view to subsequent adoption or for other reasons, by nationality, 1990 to 1999

Appendix 1

Federal Office for Migration FOM, Central Register of Foreigners, Statistics Service, CH-3003 Bern-Wabern
Office fédéral des migrations ODM, Registre central des étrangers, Service de la statistique, CH-3003 Berne-Wabern

- 1 -

Entry authorisations granted to foreign foster children who have been placed with a view to subsequent adoption
or admitted for other reasons, by nationality, 1970 to 1979

1011.A

												- 2 -
AFRICA / AFRIQUE: 1)	7	3	3	3	7	17	11	11	16	20		
305 Angola	-	-	-	-	-	-	-	-	-	-	-	-
302 Ethiopia / Éthiopie	-	-	-	-	-	-	1	-	-	3		
307 Botswana	-	-	-	-	-	1	-	-	-	-		
308 Burundi	-	-	-	-	-	-	-	-	-	-		
309 Benin / Bénin	-	-	-	-	-	-	2	-	-	-		
303 Djibouti	-	-	-	-	-	-	-	-	-	-		
310 Ivory Coast / Côte d'Ivoire	-	-	-	-	-	1	-	-	1	-		
311 Gabon / Gabon	-	-	-	-	-	-	-	-	-	-		
312 Gambia / Gambie	-	-	-	-	-	-	-	-	-	1		
313 Ghana	1	-	-	-	-	-	1	-	-	-		
314 Guinea-Bissau / Guinée-Bissau	-	-	-	-	-	-	-	-	-	-		
317 Cameroon / Cameroun	1	-	1	1	1	1	-	1	-	1		
319 Cape Verde / Iles du Cap-Vert	-	-	-	-	-	-	-	-	-	-		
320 Kenya / Kenya	-	-	-	-	-	-	-	-	2	2		
324 Lesotho	-	-	-	-	-	1	-	-	-	-		
327 Madagascar / Madagascar	-	-	-	1	2	1	-	2	1	-		
329 Malawi	-	-	-	-	-	-	1	-	-	-		
330 Mali	-	-	-	-	-	-	-	-	-	-		
333 Mauritius / Ile Maurice	-	-	-	-	-	-	1	1	-	1		
334 Mozambique	-	-	-	-	-	-	2	-	-	-		
335 Niger	-	-	-	-	-	1	-	-	-	-		
336 Nigeria	-	-	1	-	-	-	-	-	-	-		
337 Burkina Faso	1	1	-	-	1	1	3	-	2	2		
341 Rwanda	1	1	-	-	2	1	-	1	-	2		
343 Zambia / Zambie	-	-	-	-	-	-	-	-	-	1		
344 Sao Tomé, Principe	-	-	-	-	-	-	-	-	-	-		
345 Senegal / Sénégal	-	-	-	-	-	3	-	-	2	-		
346 Seychelles / Seychelles	-	-	-	-	-	-	-	1	2	-		
347 Sierra Leone	-	-	-	-	-	-	-	-	-	-		
348 Somalia / Somalia	-	-	-	-	-	-	-	-	-	-		
349 South Africa / Afrique du Sud	2	-	-	-	-	2	-	-	2	2		
350 Sudan / Soudan	-	-	1	-	-	-	-	-	-	-		
352 Swaziland / Swaziland	-	-	-	-	-	-	-	-	-	1		
354 Togo	-	-	-	1	-	1	-	1	-	-		
356 Chad / Tchad	-	-	-	-	1	2	-	1	1	-		
358 Uganda / Ouganda	-	-	-	-	-	-	-	-	-	-		
323 Zaire / Zaïre	1	1	-	-	-	1	-	2	2	3		
360 Central African Republic	-	-	-	-	-	-	-	1	-	-		
Rép. centrafricaine												
340 Zimbabwe / Zimbabwe	-	-	-	-	-	-	-	-	-	2		
ARAB STATES (AFRICA) /	7	1	2	3	9	4	10	6	11	7		
ÉTATS ARABES (AFRIQUE):												
359 Egypt / Égypte	-	-	-	-	-	-	-	-	-	-		
304 Algeria / Algérie	4	-	2	3	7	1	6	4	4	5		
331 Marokko / Maroc	-	-	-	-	1	1	2	-	5	2		
357 Tunisia / Tunisie	3	1	-	-	1	2	2	2	2	-		

1) Excluding Arab states / Sans les États arabes

Former nationality /
Ancienne nationalité

1970 1971 1972 1973 1974 1975 1976 1977 1978 1979

NORTH AMERICA / AMÉRIQUE DU NORD:	-	-	-	-	-	1	3	2	3	5
423 Kanada / Canada	-	-	-	-	-	-	1	-	-	-
439 United States of America États-Unis d'Amérique	-	-	-	-	-	1	2	2	3	5
CENTRAL AMERICA / AMÉRIQUE CENTRALE:	1	-	-	-	2	6	8	9	16	61
408 Costa Rica	-	-	-	-	1	1	1	2	6	6
409 Dominican Republic Rép. dominicaine	-	-	-	-	-	-	-	-	-	-
411 El Salvador	-	-	-	-	-	-	1	2	-	1
414 Guadeloupe	-	-	-	-	-	-	-	-	-	-
415 Guatemala	-	-	-	-	-	-	-	2	2	1
418 Haiti / Haïti	1	-	-	-	1	2	1	1	5	5
419 Belize	-	-	-	-	-	-	-	-	-	-
420 Honduras	-	-	-	-	-	-	-	-	2	1
421 Jamaica / Jamaïque	-	-	-	-	-	1	-	-	-	1
426 Martinique	-	-	-	-	-	-	2	-	-	-
427 Mexico / Mexique	-	-	-	-	-	2	3	1	1	8
429 Nicaragua	-	-	-	-	-	-	-	-	-	1
430 Panama	-	-	-	-	-	-	-	1	-	-
433 Puerto Rico / Porto Rico	-	-	-	-	-	-	-	-	-	37
SOUTH AMERICA / AMÉRIQUE DU SUD:	2	-	14	31	52	66	76	85	130	147
401 Argentinien / Argentine	-	-	-	-	-	-	1	-	-	-
405 Bolivia / Bolivie	-	-	-	-	2	-	-	2	13	9
406 Brazil / Brésil	-	-	2	1	1	1	2	1	3	6
407 Chile / Chilli	-	-	-	-	-	-	1	2	3	8
410 Ecuador / Équateur	2	-	-	1	1	3	1	3	4	5
424 Colombia / Colombia	-	-	7	17	44	53	54	61	81	115
431 Paraguay	-	-	-	3	-	-	4	-	-	-
432 Peru / Pérou	-	-	5	8	4	9	13	13	25	4
437 Uruguay	-	-	-	-	-	-	-	-	-	-
438 Venezuela	-	-	-	1	-	-	-	3	1	-

1) Ohne arabische Staaten / Sans les États arabes

Appendix 2

Federal Office for Migration FOM, Central Register of Foreigners, Statistics Service, CH-3003 Berne-Wabern
Office fédéral des migrations ODM, Registre central des étrangers, Service de la statistique, CH-3003 Berne-Wabern

- 1 -

Entry authorisations granted to foreign foster children who are taken in with a view to later adoption or for other reasons, by or for other reasons, by nationality, 1980 to 1989

1011.A

Former nationality /
Ancienne nationalité

1980 1981 1982 1983 1984 1985 1986 1987 1988 1989

Former nationality / Ancienne nationalité	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
AFRICA / AFRIQUE: 1)	20	11	13	10	12	13	15	30	32	34
302 Ethiopia / Éthiopie	-	1	3	1	-	6	-	2	1	-
305 Angola	-	-	-	-	-	-	-	-	-	1
307 Botswana	-	-	-	-	-	-	-	-	-	-
308 Burundi	-	-	-	-	-	-	-	2	-	-
309 Benin / Bénin	-	-	-	-	-	-	-	-	-	-
303 Djibouti	-	-	-	-	-	1	-	8	4	3
310 Ivory Coast / Côte d'Ivoire	-	1	-	-	-	-	-	-	-	2
311 Gabon / Gabon	-	-	-	-	-	-	-	-	1	-
312 Gambia / Gambie	-	-	-	-	-	-	-	-	-	-
313 Ghana	-	-	-	-	-	1	-	-	-	-
314 Guinea-Bissau / Guinée-Bissau	-	-	-	-	-	-	-	1	-	-
317 Cameroon / Cameroun	-	-	-	2	-	-	1	-	-	2
319 Cape Verde / Iles du Cap-Vert	-	-	-	-	1	-	-	-	-	-
320 Kenya / Kenya	1	-	-	-	1	-	-	-	1	-
324 Lesotho	-	-	-	-	-	1	1	-	-	-
327 Madagascar / Madagascar	1	2	1	1	2	3	2	6	14	7
329 Malawi	-	-	-	-	-	-	-	-	-	-
330 Mali	1	-	-	-	-	-	-	-	-	-
333 Mauritius / Ile Maurice	2	2	1	3	2	-	4	6	5	4
334 Mozambique	-	-	-	-	-	-	1	-	-	-
335 Niger	-	-	-	-	-	-	-	-	-	-
336 Nigeria	2	-	-	-	-	-	-	-	-	1
337 Burkina Faso	3	-	-	-	-	-	-	-	-	-
341 Rwanda	-	-	-	1	-	-	3	2	-	3
343 Zambia / Zambie	-	-	-	-	-	-	-	-	-	-
344 Sao Tome, Principe	-	-	-	-	-	-	1	-	-	-
345 Senegal / Sénégal	2	3	2	1	3	1	-	1	-	2
346 Seychelles / Seychelles	-	-	-	-	-	-	-	-	-	2
347 Sierra Leone	-	1	2	-	-	-	-	-	-	-
348 Somalia / Somalia	-	-	-	-	-	-	-	1	-	-
349 South Africa / Afrique du Sud	3	-	-	1	-	-	-	1	2	2
350 Sudan / Soudan	-	-	-	-	-	-	-	-	-	-
352 Swaziland / Swaziland	-	-	-	-	-	-	-	-	-	-
354 Togo	1	-	-	-	-	-	-	-	4	4
356 Chad / Tchad	-	-	-	-	-	-	1	-	-	-
358 Uganda / Ouganda	1	-	4	-	-	-	-	-	-	-
323 Zaire / Zaïre	2	1	-	-	2	-	1	-	-	-
360 Central African Republic République centrafricaine	1	-	-	-	-	-	-	-	-	-
340 Zimbabwe / Zimbabwe	-	-	-	-	1	-	-	-	-	1
ARAB STATES (AFRICA) / ÉTATS ARABES (AFRIQUE):	3	8	-	-	-	1	-	1	1	3
359 Egypt / Égypte	-	2	-	-	-	-	-	-	-	-
304 Algeria / Algérie	3	3	-	-	-	1	-	-	-	-
331 Morocco / Maroc	-	1	-	-	-	-	-	1	-	2
357 Tunisia / Tunisie	-	2	-	-	-	-	-	-	1	1

1) Excluding Arab states / Sans les États arabes

Former nationality / Ancienne nationalité	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
NORTH AMERICA / AMÉRIQUE DU NORD:	1	2	3	1	2	1	4	3	2	1
423 Kanada / Canada	-	-	-	-	-	-	-	-	-	-
439 United States of America États-Unis d'Amérique	1	2	3	1	2	1	4	3	2	1
CENTRAL AMERICA / AMÉRIQUE CENTRALE:	18	19	29	19	24	27	29	37	42	22
408 Costa Rica	4	5	1	-	3	4	1	3	5	-
409 Dominican Republic / Rép. dominicaine	-	-	-	-	1	-	-	2	-	2
411 El Salvador	4	4	1	3	4	-	1	1	4	2
414 Guadeloupe	-	-	2	-	-	-	-	-	-	-
415 Guatemala	-	1	-	-	2	-	7	4	5	5
418 Haiti / Haïti	7	5	20	9	11	13	17	15	15	3
419 Belize	-	-	-	-	-	-	-	-	-	-
420 Honduras	-	-	1	1	-	-	2	3	3	4
421 Jamaica / Jamaïque	-	-	-	2	-	-	-	-	-	-
426 Martinique	-	-	-	-	-	-	-	-	-	-
427 Mexico / Mexique	3	4	4	4	3	10	1	7	8	1
429 Nicaragua	-	-	-	-	-	-	-	-	-	-
430 Panama	-	-	-	-	-	-	-	2	2	5
433 Puerto Rico / Porto Rico	-	-	-	-	-	-	-	-	-	-
SOUTH AMERICA / AMÉRIQUE DU SUD:	346	285	144	191	172	224	200	237	230	229
401 Argentinien / Argentine	1	-	4	-	-	-	2	-	-	3
405 Bolivia / Bolivie	11	8	3	14	5	5	9	2	6	5
406 Brazil / Brésil	26	18	21	57	61	60	68	92	83	67
407 Chile / Chilli	14	11	8	13	22	49	33	32	44	42
410 Ecuador / Équateur	3	4	1	3	1	-	1	1	1	1
424 Colombia / Colombia	227	191	83	88	61	73	56	69	58	79
431 Paraguay	3	3	-	2	2	2	1	2	7	8
432 Peru / Pérou	60	49	24	14	20	34	30	39	30	24
437 Uruguay	-	1	-	-	-	-	-	-	-	-
438 Venezuela	1	-	-	-	-	1	-	-	1	-

Former nationality /
Ancienne nationalité

ASIA / ASIE: 1)	384	450	424	295	292	285	256	213	149	178
546 Bangladesh / Bangladesh	2	-	-	-	-	-	1	-	-	-
507 China (Taiwan) / Chine (Taïwan)	5	-	3	1	1	1	1	3	2	1
508 China PR / Rép. pop. de Chine	-	6	-	-	1	2	1	-	1	2
509 Hong Kong	-	-	-	-	-	-	-	-	-	-
510 India / Inde	220	225	221	129	135	157	125	133	108	118
511 Indonesia / Indonésie	32	55	49	39	-	1	1	-	-	1
512 Iraq	-	-	-	-	-	-	-	-	-	-
513 Iran	2	-	-	1	-	-	-	-	1	-
514 Israel / Israël	1	-	5	4	5	6	7	4	6	3
515 Japan / Japon	-	-	-	-	-	-	-	-	-	-
518 Kampuchea	5	1	-	-	-	-	-	-	-	-
563 Kazakhstan	-	-	-	-	-	-	-	-	-	-
530 Korea / Corée	1	-	-	1	-	-	-	-	1	3
522 Laos	-	-	-	-	-	-	-	-	-	-
525 Malaysia / Malaya	2	-	-	-	3	-	-	-	-	1
529 Nepal / Népal	8	6	6	6	3	4	-	-	3	-
533 Pakistan	-	1	-	-	-	-	-	-	-	-
534 Philippinen / Philippines	9	7	4	10	5	6	9	12	5	15
537 Singapore / Singapour	-	2	-	-	-	-	-	-	-	-
506 Sri Lanka	82	138	121	97	123	96	92	37	5	20
542 Thailand / Thaïlande	9	5	8	7	15	12	17	18	14	13
543 Tibet (PR China) Tibet (Rép. pop. d. Chine)	-	1	2	-	-	-	2	4	3	1
545 Vietnam	6	3	5	-	1	-	-	2	-	-
ARAB STATES (ASIA) / ÉTATS ARABES (ASIE):	11	4	8	7	9	10	7	9	14	8
532 United Arab Emirates Emirats Arabes Unis	-	-	-	-	-	1	-	-	-	-
517 Jordan / Jordanie	1	-	2	-	2	-	-	-	-	1
521 Kuwait / Koweit	-	-	-	-	-	-	-	-	-	-
523 Lebanon / Liban	10	4	6	7	7	9	7	9	14	7
OCEANIA / OCÉANIE:	-	3	1	-	-	-	1	-	1	
601 Australia / Australie	-	2	-	-	-	-	-	-	-	-
607 New Zealand / Nouvelle-Zélande	-	-	-	-	-	-	-	-	1	-
671 French Polynesia / Polynésie française	-	1	1	-	-	-	1	-	-	-

1) Excluding Arab states / Sans les États arabes

Appendix 3

Federal Office for Migration FOM, Central Register of Foreigners, Statistics Service, CH-3003 Bern-Wabern
Office fédéral des migrations ODM, Registre central des étrangers, Service de la statistique, CH-3003 Berne-Wabern

-1 -

Entry authorisations granted to foreign foster children taken in with a view to later adoption or for other reasons, by nationality, 1990 to 1999

Former nationality / Ancienne nationalité	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
AFRICA / AFRIQUE:	42	39	56	50	44	49	49	46	57	67
359 Egypt / Égypte.....	1						1			
302 Ethiopia / Éthiopie.....	2	4		8	6	10	9	9	20	24
304 Algeria / Algérie.....	2	1	2	2			2	1	1	
305 Angola.....										
307 Botswana.....										
308 Burundi.....			1		1	3	3			
309 Benin / Bénin.....							1			
303 Djibouti.....	7	5	8	5		2	3	1		
310 Ivory Coast / Côte d'Ivoire.....	1		2	1						
311 Gabon / Gabon.....										
312 Gambia / Gambie.....										
313 Ghana.....			2	1				1	1	
314 Guinea-Bissau / Guinée-Bissau.....										
317 Cameroon / Cameroun.....	1	1	2		3			1	3	2
319 Cape Verde / Iles du Cap-Vert.....							2			
320 Kenya / Kenya.....				1	2		1		2	1
322 Congo / Congo.....										
324 Lesotho.....										
327 Madagascar / Madagascar.....	4	5	6	6	9	10	13	12	10	12
329 Malawi.....										1
330 Mali.....										12
331 Morocco / Maroc.....	3	4	8	7	6	4	4	15	11	12
333 Mauritius / Ile Maurice.....	6	5	4	7	4	3		1		
334 Mozambique.....	1									
335 Niger.....										
336 Nigeria.....							1	1		
337 Burkina Faso.....			1	3					3	2
341 Rwanda.....	2	7	2	3	5	4	2	1		
343 Zambia / Zambie.....										
344 Sao Tomé, Principe.....										
345 Senegal / Sénégal.....	2	1	3				1	1	1	
346 Seychellen / Seychelles.....			1							
347 Sierra Leone.....										
348 Somalia / Somalie.....										
349 South Africa / Afrique du Sud.....	1			2			3	2	1	
350 Sudan / Soudan.....										
351 Namibia / Namibia.....										
352 Swaziland / Swaziland.....										
353 Tanzania/Tanzania.....										
354 Togo.....	7	2	5	3	1	1	1	1	1	
356 Chad / Tchad.....	1		1		1		4	5	1	
357 Tunisia / Tunisie.....				1						
358 Uganda / Ouganda.....				2						
323 Zaire / Zaïre.....	1	1	1	2		1	1			
360 Central African Republic.....										
République centrafricaine										
362 Eritrea / Érythrée.....										
340 Zimbabwe / Zimba-bwe.....							1			

Former nationality / Ancienne nationalité	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
NORTH AMERICA / AMÉRIQUE DU NORD:	4	4	4	6	6	6	4	10	8	9
423 Kanada / Canada				1						
439 United States of America	4	4	4	5	6	6	4	10	8	9
États-Unis d'Amérique										
CENTRAL AMERICA / AMÉRIQUE CENTRALE:	31	57	45	47	48	45	52	29	38	39
408 Costa Rica.....	2	1	2	1		2	1	2		
409 Dominican Republic	2		2	3	2	2		5	4	3
Rép. dominicaine										
411 El Salvador.....	4	13	11	10	6	2	1	3	4	4
414 Guadeloupe.....		1								
415 Guatemala.....	8	21	10	9	8	11	11	4	9	10
418 Haiti / Haïti.....	8	11	11	17	17	19	27	7	11	8
419 Belize	2									
420 Honduras	4	4	4			2				
421 Jamaica / Jamaïque.....				1						
426 Martinique										
427 Mexico / Mexique.....		5	2	5	13	7	11	8	9	11
429 Nicaragua			1	1	2		1			2
430 Panama	1	1	2							
432 Puerto Rico / Porto Rico.....										
441 Grenada / Grenade									1	
SOUTH AMERICA / AMÉRIQUE DU SUD:.....	304	297	208	143	142	147	135	121	101	114
401 Argentina / Argentine.....	3	3	4			1				1
405 Bolivia / Bolivie.....	1	10		3	1	1	2	2	3	4
406 Brazil / Brésil	125	98	69	81	56	51	65	33	42	32
407 Chile / Chili.....	52	42	25	18	14	13	20	18	6	4
410 Ecuador / Équateur				4	5	1	1	3	5	3
424 Colombia / Colombia	99	117	96	34	61	78	46	62	44	68
431 Paraguay	4		3		2					
432 Peru / Pérou	20	27	11	3	3	2		1		1
437 Uruguay							1			
438 Venezuela							2	1		1

Former nationality / Ancienne nationalité	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
ASIEN / ASIE:	177	231	171	194	167	170	123	155	149	133
560 Armenia / Armé- never.....	-	-	-	-	-	-	1	1	1	-
546 Bangladesh / Bangla-desh.....	6	-	2	-	-	2	-	-	-	-
507 China (Taiwan) / Chine (Taiwan).....	3	1	2	-	1	-	-	1	-	1
508 China PR / Rép. pop. de Chine.....	1	5	2	1	1	2	3	4	1	2
509 Hong Kong.....	-	-	-	-	-	-	-	-	-	-
510 India / Inde.....	99	149	92	108	73	84	53	76	84	49
511 Indonesia / Indonésie.....	3	-	1	2	-	-	-	-	-	-
512 Iraq.....	-	-	-	-	-	-	-	-	-	-
513 Iran.....	-	-	1	1	-	-	-	1	-	-
514 Israel / Israël.....	3	11	4	2	-	-	-	-	-	-
515 Japan / Japon.....	-	-	-	-	-	-	-	-	1	-
517 Jordan / Jordanie.....	-	-	-	-	-	-	-	1	-	-
518 Kampuchea.....	3	-	1	2	-	-	2	-	1	1
563 Kazakhstan.....	-	-	-	1	-	-	-	-	-	-
564 Kyrgyzstan/Kirghizistan.....	-	-	-	-	-	-	-	-	1	-
530 Korea / Corée.....	-	1	-	1	-	-	-	-	-	-
521 Kuwait / Koweit.....	-	-	-	-	1	-	-	-	-	-
522 Laos.....	-	1	-	3	-	-	-	-	-	-
523 Lebanon / Liban.....	9	11	10	6	4	7	2	3	3	1
525 Malaysia / Ma- laisie.....	2	1	-	-	-	-	-	-	-	-
529 Nepal / Népal.....	-	4	2	3	5	2	2	5	5	4
533 Pakistan.....	2	-	-	1	1	1	-	-	1	-
534 Philippinen / Philippines.....	9	11	13	9	16	6	7	9	2	9
537 Singapore / Singapour.....	-	-	1	-	-	-	-	-	-	1
506 Sri Lanka	27	16	15	10	4	5	4	1	2	3
542 Thailand / Thaïlande.....	9	8	11	5	10	11	15	19	23	42
543 Tibet (PR China).....	-	1	-	2	2	-	-	-	-	-
Tibet (Rép. pop. d. Chine)	-	-	-	-	-	-	-	-	-	-
532 United Arab Emirates.....	-	-	-	-	-	-	-	-	-	-
Emirats Arabes Unis	-	-	-	-	-	-	-	-	-	-
545 Vietnam.....	1	11	14	37	49	50	33	33	24	20
OCEANIA / OCÉANIE:	-	-	-	-	-	-	-	1	-	-
601 Australia / Australie.....	-	-	-	-	-	-	-	-	-	-
607 New Zealand / Nouvelle-Zélande.....	-	-	-	-	-	-	-	-	-	-
671 French Polynesia / Polynésie française...	-	-	-	-	-	-	-	1	-	-

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16.1 Unpublished sources

Bangladesh

Dhaka

Signature	File number	Title	Period of protection	Protection period until
E2200.187A#1995/167#20*	123.32	Adoptions	1973-1980	31.12.2100
E2200.187A#2001/81#25*	123.32	Adoption	1975-1991	31.12.2111
E2200.187A#2007/116#23*	123.32	Adoption	1998-2000	31.12.2120

Brazil, Brazil

Brasilia

Signature	File number	Title	Period of protection	Protection period until
E2200.114A#2003/126#66*	123.32	Adoption	1992-1996	31.12.2116
E2200.114A#1994/244#36*	123.32	Adoption	1974-1975	31.12.2095
E2200.114A#1994/246#28*	123.32	Adoption	1975-1984	31.12.2104
E2200.114A#1994/247#19*	123.32	Adoption	1975-1984	31.12.2104
E2200.114A#1999/62#17*	123.32	Adoption	1975-1992	31.12.2112
E2200.114A#1994/245#49*	123.32	Adoption	1977-1980	31.12.2100
E2200.114A#2003/126#58*	123.32	Individual case*	1992-1993	31.12.2113
E2200.114A#2003/126#59*	123.32	Individual case*	1992-1993	31.12.2113
E2200.114A#2003/126#60*	123.32	Individual case*	1993-1993	31.12.2113
E2200.114A#2003/126#61*	123.32	Individual case*	1993-1994	31.12.2114
E2200.114A#2003/126#62*	123.32	Individual case*	1993-1994	31.12.2114
E2200.114A#2003/126#63*	123.32	Individual case*	1994-1994	31.12.2114
E2200.114A#2003/126#64*	123.32	Individual case*	1994-1995	31.12.2115
E2200.114A#2003/126#65*	123.32	Individual case*	1994-1995	31.12.2115
E2200.114A#2003/126#67*	123.32	Individual case*	1995-1996	31.12.2116
E2200.114A#2003/126#68*	123.32	Individual case*	1995-1996	31.12.2116

Brazil

Rio de Janeiro

Signature	File number	Title	Period of protection	Protection period until
E2200.67#1984/88#78*	123.32	Adoption	1969-1971	31.12.2091
E2200.67#1988/211#48*	123.32	Adoption	1973-1975	31.12.2095
E2200.67#1992/144#28*	123.32	Adoption	1974-1980	31.12.2100
E2200.67#1999/180#44*	123.32	Adoption	1981-1984	31.12.2104
E2200.67#1999/182#56*	123.32	Adoption	1982-1988	31.12.2108
E2200.67#2000/139#49*	123.32	Adoption	1989-1992	31.12.2112
E2200.67#2001/175#63*	123.32	Adoption	1993-1996	31.12.2116
E2200.67#2007/179#18*	123.32	Adoption	1997-2000	31.12.2120

Brazil, São Paulo

São Paulo

Signature	File number	Title	Period of protection	Protection period until
E2200.196#1995/64#15*	123.32	Adoption	1981-1984	31.12.2104
E2200.196#1995/266#32*	123.32	Adoption	1985-1988	31.12.2108
E2200.196#1999/87#41*	123.32	Adoption	1985-1992	31.12.2112
E2200.196#2020/371#2*	123.32	Adoption	1992-2015	31.12.2135
E2200.196#2002/81#65*	123.32	Adoption	1993-1996	31.12.2116
E2200.196#2013/258#63*	123.32	Adoption agencies	1993-2007	31.12.2127
E2200.196#2020/371#3*	123.32-01	Braskind institution	1993-2008	31.12.2128
E2200.196#2007/91#57*	123.32	Parenté, adoption	1995-2000	31.12.2120
E2200.196#2007/91#58*	123.32	Parenté, adoption	1996-2000	31.12.2120
E2200.196#2010/156#52*	123.32	Adoption	1999-2003	31.12.2123

Brazil

Salvador de Bahia

Signature	File number	Title	Period of protection	Protection period until
E2200.89#1991/290#9*	123.32	Adoption	1966-1975	31.12.2095
E2200.89#1995/95#11*	123.32	Adoption	1979-1980	31.12.2100
E2200.89#1995/97#10*	123.32	Adoption	1983-1985	31.12.2105

Brazil, Curitiba

Curitiba

Signature	File number	Title	Period of protection	Protection period until
E2200.134#1989/192#27*	123.32	Relation, adoption	1975-1975	31.12.2095
E2200.134#1995/357#25*	123.32	Kinship / adoption	1977-1988	31.12.2108
E2200.134#1995/356#26*	123.32	Relationship / Adoption	1982-1984	31.12.2104
E2200.134#1998/119#6*	123.32	Adoption	1989-1992	31.12.2112
E2200.134#1998/120#33*	123.32	Adoption	1992-1994	31.12.2114
E2200.134#1989/192#26*	123.3	Adoption, alimony, general	1973 - 1976	

Chile

Santiago de Chile

Signature	File number	File title	Period of protection	Protection period until
<u>E2200.144#1993/202#44*</u>	123.32	Adoptions	1969-1976	31.12.2096
<u>E2200.144#1997/19#16*</u>	123.32	Adoption	1975-1988	31.12.2108
<u>E2200.144#1993/393#20*</u>	123.32	Adoptions	1978-1980	31.12.2100
<u>E2200.144#1998/318#30*</u>	123.32	Adoption	1984-1992	31.12.2112
<u>E2200.144#2010/151#40*</u>	123.32	Adoption	1992-1996	31.12.2116
<u>E2200.144#2010/165#39*</u>	123.32	Adoption	1997-2000	31.12.2120

Guatemala

Guatemala City

The dossiers not consulted concern Honduras, El Salvador and Nicaragua.

Signature	File number	File title	Period of protection	Protection period until
E2200.199#1989/9#39*	123.32	Adoption	1974-1975	31.12.2095
E2200.199#1994/108#48*	123.32	Adoption	1974-1979	31.12.2099
E2200.199#2000/365#8*	123.32	Adoption	1977-1986	31.12.2106
E2200.199#2000/374#10*	123.32	Adoption	1979-1979	31.12.2099
E2200.199#2000/371#25*	123.32	Adoption	1979-1983	31.12.2103
E2200.199#2000/367#7*	123.32	Adoption	1980-1982	31.12.2102
E2200.199#2000/370#16*	123.32	Adoption	1985-1988	31.12.2108
E2200.199#2000/378#9*	123.32	Adoption	1987-1990	31.12.2110
E2200.199#2000/368#5*	123.32	Adoption	1988-1988	31.12.2108
E2200.199#2000/376#16*	123.32	Adoption	1989-1992	31.12.2112
E2200.199#2003/59#2*	123.32	Adoption	1992-1994	31.12.2114
E2200.199#2003/57#11*	123.32	Adoption	1992-1996	31.12.2116
E2200.199#2003/58#4*	123.32	Adoption	1993-1995	31.12.2115
E2200.199#2005/347#15*	123.32	Adoption	1997-2000	31.12.2120
E2200.199#2009/139#7*	123.32	Adoption	1998-2003	31.12.2123

India

New Delhi

Signature	File number	File title	Period of protection	Protection period until
E2200.64#1992/262#31*	123.321	Adoption, individual cases	1965-1976	31.12.2096
E2200.64#1994/107#34*	123.32	Adoption, general	1968-1979	31.12.2099
E2200.64#2002/16#8*	123.32	Adoption, general	1973-1996	31.12.2116
E2200.64#1994/251#23*	123.32	Adoptions, general	1975-1984	31.12.2104
E2200.64#2002/12#36*	123.32	Adoptions, general	1975-1995	31.12.2115
E2200.64#1994/107#35*	123.321	Adoption, individual cases	1977-1980	31.12.2100
E2200.64#1994/251#24*	123.321	Adoptions, individual cases	1981-1984	31.12.2104
E2200.64#1998/111#22*	123.32	Adoption, general	1981-1991	31.12.2111
E2200.64#1999/164#40*	123.321	Adoptions, individual cases	1986-1992	31.12.2112
E2200.64#2002/16#9*	123.32	Adoption, individual cases	1993-1996	31.12.2116
E2200.64#2002/12#37*	123.32	Adoptions, individual cases	1993-1996	31.12.2116
E2200.64#2007/150#43*	123.32	General	1996-2000	31.12.2120
E2200.64#2006/74#13*	123.321	Adoptions, individual cases	1997-2000	31.12.2120
E2200.64#2006/74#12*	123.32	Adoption, general	1997-2000	31.12.2120
E2200.64#2007/150#44*	123.321	Adoption, individual cases	1997-2000	31.12.2120
E2200.64#1992/192#11*	141.2	N.N. Adoption, individual case	1970-1974	31.12.2094
E2200.64#1992/192#14*	141.2	N.N. Adoption, individual case	1964-1967	31.12.2087
E2200.64#1992/192#2*	141.2	N.N. Adoption, individual case	1972-1974	31.12.2094
E2200.64#1994/252#1*	141.2	N.N. Adoption, individual case	1979-1985	31.12.2105
E2200.64#1994/252#13*	141.2	N.N. Adoption, individual case	1975-1979	31.12.2099
E2200.64#1994/252#17*	141.2	N.N. Adoption, individual case	1985-1988	31.12.2108
E2200.64#1994/252#21*	141.2	N.N. Adoption, individual case	1980-1983	31.12.2103
E2200.64#1994/252#7*	141.2	N.N. Adoption, individual case	1966-1983	31.12.2103
E2200.64#1999/165#7*	141.2	N.N. Adoption, individual case	1987-1989	31.12.2109
E2200.64#2002/14#4*	141.2	N.N. Adoption of a new child	1991-1993	31.12.2113
E2200.64#2008/59#4*	141.2	N.N. Adoption of Indian children	1994-1999	31.12.2119
E2200.64#2008/59#5*	141.2	N.N. Adoption of a new child	1987-2000	31.12.2120

India

Mumbai

Signature	File number	Title	Period of protection	Protection period until
E2200.110#1984/71#28*	123.32	Adoption	1969-1972	31.12.2092
E2200.110#1991/106#31*	123.32	Adoption	1973-1976	31.12.2096
E2200.110#1992/231#16*	123.32	Adoptions	1977-1980	31.12.2100
E2200.110#1994/350#19*	123.32	Adoption - 2 dossiers	1981-1984	31.12.2104
E2200.110#1994/351#26*	123.32	Individual case*	1984-1986	31.12.2106
E2200.110#1999/253#33*	123.32	Adoption	1973-1992	31.12.2112
E2200.110#2003/443#26*	123.32	Adoptions	1993-1996	31.12.2116
E2200.110#2005/54#51*	123.32	Adoption	1997-2001	31.12.2121

Colombia

Bogotá

Signature	File number	File title	Period of protection	Protection period until
E2200.93#1996/18#58*	123.32	Adoption, cas particuliers	1972-1976	31.12.2096
E2200.93#1996/18#57*	123.32	Adoption, Généralités	1973-1976	31.12.2096
E2200.93#1996/19#42*	123.32	Adoption, Généralités	1977-1980	31.12.2100
E2200.93#1996/19#43*	123.321	Adoption, cas particuliers	1978-1980	31.12.2100
E2200.93#1996/20#27*	123.32	Adoption, Généralités	1981-1984	31.12.2104
E2200.93#1996/20#28*	123.32.1	Adoption, cas particuliers	1981-1984	31.12.2104
E2200.93#2000/226#16*	123.32	Adoptions	1981-1989	31.12.2109
E2200.93#1996/21#19*	123.32.1	Adoption, cas particuliers	1984-1986	31.12.2106
E2200.93#1996/21#18*	123.32	Adoption, Généralités	1984-1988	31.12.2108
E2200.93#2004/171#28*	123.32	Adoption	1989-1996	31.12.2116
E2200.93#2006/279#21*	123.32	Adoption	1993-1999	31.12.2119

Colombia

Cali

Signature	File number	Title	Period of protection	Protection period until
E2200.95#1996/29#11*	123.32	Adoption, cas particuliers	1975-1976	31.12.2096

Korea

Seoul

Signature	File number	Title	Period of protection	Protection period until
E2200.24#1987/156#45*	123.32	Adoption	1971-1972	31.12.2092
E2200.24#1996/92#15*	123.32	Adoption	1975-1980	31.12.2100
E2200.24#1996/94#22*	123.32	Adoptions	1981-1988	31.12.2108
E2200.24#1999/5#23*	123.32	Adoption	1989-1992	31.12.2112
E2200.24#2002/209#21*	123.32	Adoption	1993-1997	31.12.2117
E2200.24#2006/280#17*	123.32	Adoption	1999-2000	31.12.2120

Lebanon

Beirut

Signature	File number	File title	Period of protection	Protection period until
E2200.14-03#1996/81#19*	123.32	Adoption	1973-1984	31.12.2104
E2200.14-03#2010/334#19*	123.32	Adoption	1996-2000	31.12.2120

Peru

Lima

Signature	File number	Title	Period of protection	Protection period until
<u>E2200.191#1988/137#57*</u>	123.32	Adoption	1969-1970	31.12.2090
<u>E2200.191#1995/413#21*</u>	123.32	Adoptions	1973-1976	31.12.2096
<u>E2200.191#1995/414#22*</u>	123.32	Adoptions	1977-1980	31.12.2100
<u>E2200.191#2000/38#32*</u>	123.32	Adoption	1980-1984	31.12.2104
<u>E2200.191#2000/39#31*</u>	123.32	Adoption - Généralités	1980-1988	31.12.2108
<u>E2200.191#2000/39#32*</u>	123.32	Cas particuliers	1985-1988	31.12.2108
<u>E2200.191#2000/40#42*</u>	123.32	Adoption Généralités	1989-1992	31.12.2112
<u>E2200.191#2010/252#49*</u>	123.32	Adoption - Généralités Vol. 1	1989-2000	31.12.2120
<u>E2200.191#2010/252#50*</u>	123.32	Adoption - Généralités Vol. 2	1989-2000	31.12.2120
<u>E2200.191#2010/252#51*</u>	123.32	Adoption individual cases A-D	1989-2000	31.12.2120
<u>E2200.191#2010/252#52*</u>	123.32	Adoption of individual cases E-J	1989-2000	31.12.2120
<u>E2200.191#2010/252#53*</u>	123.32	Adoption of individual cases K-R	1989-2000	31.12.2120
<u>E2200.191#2010/252#54*</u>	123.32	Adoption individual cases S-Z	1989-2000	31.12.2120
<u>E2200.191#2014/218#50*</u>	123.32	Adoption G-K	1997-2004	31.12.2124
<u>E2200.191#2016/137#8*</u>	123.32	Individual case *	1998-2008	31.12.2128
<u>E2200.191#2014/218#51*</u>	123.32	Adoption A-B	1999-2004	31.12.2124

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Signature	File number	Title	Period of protection	Protection period until
E2200.15#1988/153#148*	123.32	Individual case*	1972-1973	31.12.2093
E2200.15#1988/153#149*	123.32	Individual case*	1973-1979	31.12.2099
E2200.15#1999/345#14*	123.321	Cas particuliers vol I et II	1989-1992	31.12.2112
E2200.15#2008/127#25*	123.32	Affaires de droit de la famille - Adoption - Généralités	1991-2000	31.12.2120
E2200.15#2004/202#25*	123.321	Special cases	1993-1996	31.12.2116
E2200.15#2008/127#26*	123.321	Adoptions - cas particuliers en attente	1997-1999	31.12.2119
E2200.15#2008/127#27*	123.321	Adoptions - cas liquidés (A - F)	1997-2000	31.12.2120
E2200.15#2008/127#28*	123.321	Adoptions - cas particuliers, liquidés (H - Z)	1997-2000	31.12.2120
E2200.15#2016/161#26*	123.32	Adoptions - Généralités	1997-2007	31.12.2127
E2200.15#1997/212#18*	123.3	Adoption 1 audio cassette	1979-1988	31.12.2108
E2200.15#1999/345#13*	123.32	Adoption	1975-1992	31.12.2112

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Signature	File number	File title	Period of protection	Protection period until
E4300C-01#1998/299#607*	751.0	Foster care and adoption; general information	1967-1981	31.12.2101
E4300C-01#1998/299#608*	751.0	Foster care and adoption; general	1987-1990	31.12.2110
E4300C-01#1998/299#609*	751.02	Adoption agencies	1973-1986	31.12.2106
E4300C-01#1998/299#610*	751.1	Licence and conditions for foster and adoptive children	1963-1986	31.12.2106
E4300C-01#1998/299#611*	751.2	Licence conditions for foster and adoptive parents	1968-1983	31.12.2103
E4300C-01#1998/299#612*	751.3	Residence (adoption)	1965-1980	31.12.2100
E4300C-01#1998/299#1152*	751	Foster care and adoption	1975-1986	31.12.2106
E4300C-01#1998/299#1205*	751	Foster care and adoption	1976-1985	31.12.2105
E4300C-01#1998/299#1222*	751	Foster care and adoption	1976-1982	31.12.2102
E4300C-01#1998/299#1240*	751	Foster care and adoption - Colombia	1974-1985	31.12.2105
E4300C-01#1998/299#1307*	751	Foster care and adoption	1973-1987	31.12.2107
E4300C-01#1998/299#1324*	751	Foster care and adoption	1976-1987	31.12.2107
E4300C-01#1998/299#1349*	751	Foster care and adoption	1974-1986	31.12.2106
E4300C-01#1998/299#1452*	751	Foster care and adoption	1976-1985	31.12.2105
E4300C-01#1998/299#1479*	751	Foster care and adoption	1977-1985	31.12.2105
E4300C-01#1998/299#1489*	751	Foster care and adoption	1973-1981	31.12.2101
E4300C-01#1998/299#1495*	751	Foster care and adoption	1965-1986	31.12.2106
E4300C-01#1998/299#1524*	751	Foster care and adoption	1968-1985	31.12.2105
E4300C-01#1998/299#1778*	751.0	Foster care and adoption; general information	1982-1983	In protection period
E4300C-01#1998/299#1779*	751.0	Foster care and adoption; general	1984-1986	In protection period
E4300C-01#2021/3#556*	750	General - Volume 2	1989-1997	31.12.2027
E4300C-01#2021/3#557*	751.0	General - Volume 3	1987-1988	31.12.2018
E4300C-01#2021/3#558*	751.0	General - Volume 4	1989-1997	31.12.2027
E4300C-01#2021/3#559*	751.1	Directives and laws - Volume 2	1981-1997	31.12.2027
E4300C-01#2021/3#560*	751.2	Important documents and papers - Volume 2	1986-1997	31.12.2027
E4300C-01#2021/3#561*	751.3	Admission and residence - Volume 2	1988-1997	31.12.2027
E4300C-01#2021/3#562*	751.3	Miscellaneous requests	1994-1996	31.12.2026
E4300C-01#2021/3#563*	751.31	Cantonal decisions and practice	1990-1995	31.12.2025
E4300C-01#2021/3#564*	751.32	Statistics	1982-1994	31.12.2024
E4300C-01#2021/3#565*	751.33	Newspaper articles	1991-1996	31.12.2026
E4300C-01#2021/3#566*	751.4	Individual cases	1993-1995	31.12.2115
E4300C-01#2021/3#567*	751.5	Licence conditions for foster and adoptive parents	1989	31.12.2019
E4300C-01#2021/3#568*	751.6	Adoption agencies, addresses	1988-1997	31.12.2027

<u>E4300C-01#2021/3#569*</u>	751.7	Hague Convention of 29 May 1993 on the Protection of Children	1993-1996	31.12.2026
<u>E4300C-01#2021/3#570*</u>	752	Adoption of persons of full age	1992-1995	31.12.2025

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Signature	File number	Title	Period of protection	Protection period until
E4300C-01#2021/3#475*	688.23	Child trafficking	1981-1996	31.12.2026

Federal Office for Foreigners' Affairs

Signature	File number	Title	Period of protection	Protection period until
E4300C-01#1960/27#577*	127	Circular no. 10/83: Adoption of foreign children dated 13.6.1983	1983-1983	31.12.2013
E4300C-01#1960/27#629*	127.0.A	Addendum 11: Amendment to the Ordinance on the Admission of foster children of 12 April 1989	1989-1989	31.12.2019
E4300C-01#1960/27#713*	127	Circular from the BFA dated 22/04/1997: Adoption of children from Haiti	1997-1997	31.12.2027
E4300C-01#1960/27#781*	127	BFA directive of 4 March 1998: Adoption of children from Haiti	1998-1998	31.12.2028

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Signature	File number	Title	Period of protection	Protection period until
E4300C-01#2019/266#749*	284.5	Foster and adopted children	1978-1995	31.12.2025

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Signature	File number	File title	Period of protection	Protection period until
E4300C-01#1998/299#252*	151	Private law: Family and child law - Volume 1	1962-1989	31.12.2019
E4300C-01#2019/266#620*	151	Private law: Family and child law - Volume 2	1990-1992	31.12.2022

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Signature	File number	Dossier title	Period of protection	Protection period until
E4300C-01#2021/3#269*	521.13 / 90.03	Child trafficking	1995-1997	31.12.2117

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Signature	File number	File title	Period of protection	Protection period until
<u>E4300C-01#2021/126#338*</u>	9-106-751	Foster care and adoption	1994	31.12.2024
<u>E4300C-01#2021/126#491*</u>	9-119-751	Foster care and adoption	1990-1993	31.12.2023
<u>E4300C-01#2021/126#595*</u>	9-128-751	Foster care and adoption	1980-1993	31.12.2023
<u>E4300C-01#2021/126#609*</u>	9-129-751	Foster care and adoption	1990-1994	31.12.2024
<u>E4300C-01#2021/126#731*</u>	9-136-751	Foster care and adoption	1994-1995	31.12.2025
<u>E4300C-01#2021/126#775*</u>	9-142-751	Foster care and adoption	1994	31.12.2024
<u>E4300C-01#2021/126#918*</u>	9-207-751	Foster care and adoption	1993-1995	31.12.2025
<u>E4300C-01#2021/126#936*</u>	9-208-751	Foster care and adoption	1987-1996	31.12.2026
<u>E4300C-01#2021/126#972*</u>	9-217-751	Foster care and adoption	1996	31.12.2026
<u>E4300C-01#2021/126#987*</u>	9-220-751	Foster care and adoption	1992-1995	31.12.2025
<u>E4300C-01#2021/126#1023*</u>	9-228-751	Foster care and adoption	1992	31.12.2022
<u>E4300C-01#2021/126#1078*</u>	9-307-751	Foster care and adoption	1987-1995	31.12.2025
<u>E4300C-01#2021/126#1117*</u>	9-310-751	Foster care and adoption	1987-1994	31.12.2024
<u>E4300C-01#2021/126#1237*</u>	9-329-751	Foster care and adoption	1988-1992	31.12.2022
<u>E4300C-01#2021/126#1264*</u>	9-335-751	Foster care and adoption	1985-1991	31.12.2021
<u>E4300C-01#2021/126#1283*</u>	9-340-751	Foster care and adoption	1967-1997	31.12.2027
<u>E4300C-01#2021/126#1339*</u>	9-400-751	Foster care and adoption	1973-1991	31.12.2021
<u>E4300C-01#2021/126#1379*</u>	9-404-751	Foster care and adoption	1993-1994	31.12.2024

Federal Office of Justice

Signature	File number	Title	Period of protection	Protection period until
E4110-03#2001/64#204*	J.016.000	General correspondence [J.117] (1/2)	1973-1981	31.12.2011
E4110-03#2001/64#205*	J.016.000	General correspondence 2/2	1973-1981	31.12.2011
E4110-03#2008/300#1*	J.016.001	Individual case	1974-1974	31.12.2094
E4110-03#2008/300#23*	J.016.001	Individual case (Romania)	1987-1987	31.12.2107
E4110-03#2008/300#24*	J.016.001	Various cases, various countries [J.117]:	1974-1988	31.12.2108
E4110-03#2008/300#32*	J.016.001	Individual case (Romania)	1990-1990	31.12.2110
E4110-03#2008/300#33*	J.016.001	Individual case (Romania)	1990-1990	31.12.2110
E4110-03#2008/300#34*	J.016.001	Individual case (Romania)	1990-1990	31.12.2110
E4110-03#2008/300#44*	J.016.001	Individual case (Romania)	1994-1995	31.12.2115
E4110-03#2008/300#56*	J.016.001	Individual case (Romania)	1997-1997	31.12.2117
E4110-03#2008/300#61*	J.016.002	Individual case (Guatemala)	1976-1976	31.12.2096
E4110-03#2008/300#69*	J.016.002	Various cases, various countries [J.117]:	1974-1987	31.12.2107
E4110-03#2008/300#78*	J.016.003	Individual case (Brazil)	1973-1974	31.12.2094
E4110-03#2008/300#80*	J.016.003	Individual case (Brazil)	1974-1974	31.12.2094
E4110-03#2008/300#81*	J.016.003	Individual case (Brazil)	1974-1974	31.12.2094
E4110-03#2008/300#82*	J.016.003	Individual case (Chile)	1974-1974	31.12.2094
E4110-03#2008/300#83*	J.016.003	Individual case (Colombia)	1975-1975	31.12.2095
E4110-03#2008/300#84*	J.016.003	Individual case (Colombia)	1975-1975	31.12.2095
E4110-03#2008/300#85*	J.016.003	Individual case (Colombia)	1975-1975	31.12.2095
E4110-03#2008/300#86*	J.016.003	Individual case (Colombia)	1975-1975	31.12.2095
E4110-03#2008/300#87*	J.016.003	Individual case (Brazil)	1975-1976	31.12.2096
E4110-03#2008/300#88*	J.016.003	Individual case (Brazil)	1976-1976	31.12.2096
E4110-03#2008/300#89*	J.016.003	Individual case (Chile)	1976-1976	31.12.2096
E4110-03#2008/300#92*	J.016.003	Individual case (Colombia)	1978-1979	31.12.2099
E4110-03#2008/300#93*	J.016.003	Individual case (Peru)	1977-1980	31.12.2100
E4110-03#2008/300#94*	J.016.003	Individual case (Colombia)	1980-1980	31.12.2100
E4110-03#2008/300#95*	J.016.003	Individual case (Brazil)	1980-1980	31.12.2100
E4110-03#2008/300#96*	J.016.003	Individual case (Colombia)	1980-1980	31.12.2100
E4110-03#2008/300#99*	J.016.003	Individual case (Brazil)	1981-1981	31.12.2101
E4110-03#2008/300#100*	J.016.003	Individual case (Colombia)	1981-1982	31.12.2102

File number	File number	Title	Period	Protection period until
E4110-03#2008/300#105*	J.016.003	Individual case (Brazil)	1982-1982	31.12.2102
E4110-03#2008/300#106*	J.016.003	Individual case (Brazil)	1983-1983	31.12.2103
E4110-03#2008/300#107*	J.016.003	Individual case (Brazil)	1983-1983	31.12.2103
E4110-03#2008/300#108*	J.016.003	Individual case (Brazil)	1982-1984	31.12.2104
E4110-03#2008/300#109*	J.016.003	Individual case (Peru)	1984-1984	31.12.2104
E4110-03#2008/300#110*	J.016.003	Individual case (Brazil)	1985-1985	31.12.2105
E4110-03#2008/300#111*	J.016.003	Individual case (Peru)	1985-1986	31.12.2106
E4110-03#2008/300#112*	J.016.003	Individual case (Peru)	1985-1986	31.12.2106
E4110-03#2008/300#113*	J.016.003	Individual case (Peru)	1985-1986	31.12.2106
E4110-03#2008/300#114*	J.016.003	Individual case (Peru)	1985-1986	31.12.2106
E4110-03#2008/300#115*	J.016.003	Individual case (Brazil)	1986-1986	31.12.2106
E4110-03#2008/300#116*	J.016.003	Individual case (Brazil)	1983-1987	31.12.2107
E4110-03#2008/300#117*	J.016.003	Individual case (Brazil)	1987-1987	31.12.2107
E4110-03#2008/300#118*	J.016.003	Individual case (Brazil)	1987-1987	31.12.2107
E4110-03#2008/300#119*	J.016.003	Individual case (Colombia)	1987-1987	31.12.2107
E4110-03#2008/300#120*	J.016.003	Individual case (Brazil)	1988-1988	31.12.2108
E4110-03#2008/300#121*	J.016.003	Individual case (Brazil)	1987-1990	31.12.2110
E4110-03#2008/300#122*	J.016.003	Individual case (Brazil)	1988-1990	31.12.2110
E4110-03#2008/300#123*	J.016.003	Individual case (Peru)	1990-1990	31.12.2110
E4110-03#2008/300#125*	J.016.003	Individual case (Brazil)	1992-1992	31.12.2112
E4110-03#2008/300#126*	J.016.003	Individual case (Brazil)	1992-1992	31.12.2112
E4110-03#2008/300#127*	J.016.003	Individual case (Brazil)	1992-1992	31.12.2112
E4110-03#2008/300#128*	J.016.003	Individual case (Brazil)	1992-1992	31.12.2112
E4110-03#2008/300#131*	J.016.003	Individual case (Brazil)	1993-1995	31.12.2115
E4110-03#2008/300#132*	J.016.003	Individual case (Brazil)	1994-1995	31.12.2115
E4110-03#2008/300#133*	J.016.003	Individual case (Peru)	1995-1995	31.12.2115
E4110-03#2008/300#134*	J.016.003	Individual case (Brazil)	1996-1996	31.12.2116
E4110-03#2008/300#135*	J.016.003	Individual case (Brazil)	1996-1997	31.12.2117
E4110-03#2008/300#136*	J.016.003	Individual case (Brazil)	1997-1997	31.12.2117
E4110-03#2008/300#169*	J.016.004	Various cases, various countries [J.117]:	1974-1988	31.12.2108
E4110-03#2008/300#176*	J.016.004	Individual case (Lebanon)	1992-1994	31.12.2114
E4110-03#2008/300#211*	J.016.005	Individual case (India)	1980-1981	31.12.2101
E4110-03#2008/300#212*	J.016.005	Individual case (India)	1980-1981	31.12.2101

Signature	File number	File title	Period	Protection period until
E4110-03#2008/300#214*	J.016.005	Individual case (India)	1981-1981	31.12.2101
E4110-03#2008/300#216*	J.016.005	Individual case (India)	1982-1982	31.12.2102
E4110-03#2008/300#220*	J.016.005	Individual case (India)	1983-1984	31.12.2104
E4110-03#2008/300#235*	J.016.005	Individual case (India)	1991-1991	31.12.2111
E4110-03#2008/300#243*	J.016.005	Individual case (India)	1994-1994	31.12.2114
E4110-03#2008/300#249*	J.016.005	Individual case (Korea)	1998-1998	31.12.2118
E4110-03#2008/300#255*	J.016.006	Various cases, various countries [J.117]:	1974-1984	31.12.2104
E4110-03#2003/262#208*	J.016.002	Central America / general correspondence	1985-1997	31.12.2117
E4110-03#2003/262#209*	J.016.003	South America (Brazil) Office of the Attorney General of Switzerland, Central Office for Trafficking in Women and Children [dossier missing]	1992-1992	31.12.2022
E4110-03#2003/262#211*	J.016.003	South America (Brazil) general correspondence	1991-1996	31.12.2116
E4110-03#2003/262#214*	J.016.003	South America (Colombia) general correspondence	1994-1998	31.12.2118
E4110-03#2003/262#215*	J.016.003	South America (Peru) general correspondence	1995-1998	31.12.2028
E4110-03#2003/262#216*	J.016.003	South America (Chile) general correspondence	1996-1998	31.12.2028
E4110-03#2003/262#217*	J.016.003	South America (Guatemala) general correspondence	1998-1998	31.12.2028
E4110-03#2003/262#220*	J.016.005	Adoption Asia - General correspondence	1983-1998	31.12.2118
E4110-03#2003/262#230*	J.016.129	Adoption Switzerland / general correspondence	1981-1998	31.12.2118
E4110-03#2003/262#232*	J.016.200	Adoption / Convention adoption of 24.04.1967	1983-1990	31.12.2020
E4110-03#2003/262#199*	J.016.000	General correspondence	1975-1998	31.12.2028

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Signature	File number	File title	Period of protection	Protection period until
E4110-03#2003/262#430*	J.240.III.XIII	Adoption - loi applicable	1990-1990	31.12.2020
E4110-03#2003/262#443*	J.240.III.XXVIII	Enlèvement international d'enfants	1983-1996	31.12.2026
E4110-03#2003/262#444*	J.240.III.XXVIII	Enlèvement international d'enfants	1982-1998	31.12.2028
E4110-03#2003/262#445*	J.240.III.XXVIII	Enlèvement international d'enfants	1997-1998	31.12.2028
E4110-03#2003/262#449*	J.240.III.XXXIII	Protection of children and cooperation in the field of d'adoption internationale	1994-1998	31.12.2028
E4110-03#2003/262#480*	J.240.XI	Hague Intern. Adoptions, preparation of 2nd session	1990-1991	31.12.2021
E4110-03#2003/262#482*	J.240.XI	Special fund, international adoption	1991-1993	31.12.2023
E4110-03#2003/262#484*	J.240.XI	Adoptions internationales	1992-1993	31.12.2023
E4110-03#2003/262#486*	J.240.XI	Adoptions internationales	1994-1994	31.12.2024
E4110-03#2003/262#488*	J.240.XI	Adoptions internationales	1995-1998	31.12.2028
E4110-03#2003/262#509*	J.240.XVIII	Commission spéciale sur l'enlèvement international d'enfants	1996-1997	31.12.2027

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Signature	File number	Title	Period of protection	Protection period until
E4110B#1981/97#395*	V.248	Sargans District Office, Flums: Interpretation of Art. 268 ZGB (inheritance rights of adopted children) adopted children)	1969	31.12.1999
E4110B#1988/166#337*	V.536	Schwyz Government Council: EG to the ZGB; adaptation to the new adoption law; approval	1972-1973	31.12.2003
E4110B#1988/166#349*	V.548	Solothurn cantonal council: Ordinance on the EG ZGB; adaptation to the new adoption law; approval	1972-1973	31.12.2003
E4110B#1988/166#352*	V.551	Adoption law: enquiries (not IPR)	1973-1984	31.12.2104
E4110B#1988/166#358*	V.557	Fribourg State Chancellery: Amendment of the EG to the ZGB concerning adoption; Authorisation	1973	31.12.2003
E4110B#1988/166#359*	V.558	Dipartimento dell'Interno, Ticino: Amendment of the EG to the ZGB regarding adoption; approval. Adoption; approval	1973	31.12.2003
E4110B#1988/166#361*	V.560	Neuchâtel State Council: Amendment of the EG to the ZGB concerning adoption; Authorisation	1973	31.12.2003
E4110B#1988/166#368*	V.567	Basel-Stadt Cantonal Council: Amendment of the EG to the ZGB concerning adoption; Authorisation	1973	31.12.2003
E4110B#1988/166#376*	V.575	Bern Directorate of Justice: Amendment of the EG to the ZGB concerning adoption; Authorisation	1973	31.12.2003
E4110B#1988/166#394*	V.593	Government Council of Glarus: Amendment of the EG to the ZGB concerning adoption; Approval	1973	31.12.2003
E4110B#1988/166#396*	V.595	Ordinance of 28 March 1973 on adoption agencies	1973-1986	31.12.2016
E4110B#1988/166#424*	V.608	Vaud State Council: Amendment of the EC to the Civil Code on adoption; approval	1973	31.12.2003
E4110B#1989/130#129*	V.983	Department of Justice of the Canton of Obwalden, Obwalden: Amendment to the implementing provisions on child and adoption law of 6 December 1977 of the Canton of Obwalden; approval by the Federal Council	1985	31.12.2015
E4110B#1989/130#130*	V.984	State Council of Ticino: Regulations on the placement of minors with regard to adoption; approval by the Federal Council	1985	31.12.2015
E4110B#1989/130#131*	V.985	State Chancellery of Obwalden, ZGB: Amendment of the implementing provisions on child and adoption law following the entry into force of the Social Assistance Act; approval by the Federal Council	1985	31.12.2015

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Signature	File number	Title	Period	Protection period until
E4110B#1990/72#94*	G.021.21	Adoption law; legal information: 18.8.1974 - 18.8.1978	1974-1978	31.12.2098
E4110B#1990/72#95*	G.021.21	Adoption law; legal information: 19.9.1978 - 20.7.1981	1978-1981	31.12.2101
E4110B#1989/129#305*	G-021	Revision of the provisions of the Swiss Civil Code on family law: NR Allemann; Postulate of 21 June 1955 (6,926) concerning adoption rights	1955	31.12.1985
E4110B#1989/129#310*	G-021	Revision of the provisions of the Swiss Civil Code on family law: report by Prof. J.M. Grossen on "l'adoption en droit comparé" for the attention of the study commission on family law of 12 July 1955 family law of 12.7.1958	1958	31.12.1988
E4110B#1989/129#318*	G-021	Revision of the provisions of the Swiss Civil Code on family law: Report of the Study commission for the partial revision of family law (extra-marital, adoption and matrimonial property law), submitted to the FDJP on 13 June 1962	1962	31.12.1992
E4110B#1989/129#329*	G-021	Revision of the provisions of the Swiss Civil Code on family law: Report of the Commission of Experts for the Revision of Family Law on the Revision of Adoption Law of 17 June 1970 (German)	1970	31.12.2000
E4110B#1989/129#330*	G-021	Revision of the provisions of the Swiss Civil Code on family law: Report of the Expert Commission for the Revision of Family Law on the Revision of Adoption Law of 17 June 1970 (German) adoption law of 17.6.1970 (French)	1970	31.12.2000

Federal Office of Justice

Signature	File number	File title	Period of protection	Protection period until
<u>E4114A#2004/75#33*</u>	17	M BRUNNER CHRISTIANE, NR; ADOPTION OF FOREIGN CHILDREN IN SWITZERLAND.OF 7.12.1993 (DFA,EDI,EFD) the M was adopted on 12.95 in the NR/on 3.10.95 in the SR as P	1993-1997	31.12.2027
<u>E4114A#1998/64#34*</u>	17	E 93.1075 PETITPIERRE, SR; HAGUE CONVENTION ON INTERNATIONAL ADOPTION INTERNATIONAL ADOPTION. OF 7.10.1993 (EDA,EFD,EVD) BRB OF 17.11.1993	1993-1997	31.12.2027
<u>E4114A#1998/64#253*</u>	17	M BRUNNER CHRISTIANE, NR; ADOPTION OF FOREIGN CHILDREN IN SWITZERLAND. dated 7.12.1993 (FDFA,FDHA,FDF) the M was adopted on 12.95 in the NR/on 3.10.95 in the SR as P	1993-1997	31.12.2027
<u>E4114A#1998/64#303*</u>	17	M 93.3666 EYmann,NR; HAGUE CONVENTION ON ADOPTION. RATIFICATION. of 17.12.1993 (DFA,FC) the M was adopted on 1.2.95 in the NR/3.10.95 SR ats P overw.	1993-1997	31.12.2027

Federal Office of Justice

Signature	File number	Title	Period of protection	Protection period until
E4114A#2004/75#933*	31	COMMISSION SPECIALE SUR L'ADOPTION D'ENFANTS ORIGINAIRE DE L'ETRANGER 3-14 FEBRUARY 1992	1992-1999	31.12.2029
E4114A#2004/75#1052*	31	ACT ON THE CONVENTION ON THE PROTECTION OF CHILDREN AND CO-OPERATION IN THE FIELD OF CO-OPERATION IN THE FIELD OF INTERNATIONAL ADOPTION (HAGUE CONVENTION, HAGUE CONVENTION)	1996-1999	31.12.2029
E4114A#2004/75#1694*	32	ADOPTION DE NOUVELLES REGLES D'ORIGINE DANS LES RELATIONS DE FREE EXCHANGE BETWEEN SWITZERLAND AND ITS EUROPEAN PARTNERS	1996-1996	31.12.2026

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Signature	File number	Title	Period of protection	Protection period until
<u>E4114A#1987/115#16*</u>	10/84.10.0057	P 84.534 Eggly-Geneva, NR; adoption. Revision of Article 268 ZGB of 3.10.84 (FPAV)	1984-1985	31.12.2015
<u>E4114A#1989/128#231*</u>	10/88.10.0020	F Nabholz, NR; Adoption Ordinance. Question time H of 7.3.1988 (PARA)	1988-1988	31.12.2018
<u>E4114A#1992/246#173*</u>	10/87.10.0213	E 87.732 Nabholz, NR; Adoption cases in Romania. From 18.12.1987 (DFA) (MPAV)	1987-1991	31.12.2021
<u>E4114A#1992/246#213*</u>	10/88.10.0052	I 88.372 Longet, NR; Adoption of foreign children. Ordinances. Of 10 March 1988 (DFA/EDI) (FPAV)	1988-1991	31.12.2021

Federal Office of Justice

Signature	File number	File title	Period of protection	Protection period until
E4114A#2004/75#2984*	51	EUROPEAN CONVENTION ON THE RIGHTS OF THE CHILD	1996-1998	31.12.2028
E4114A#2004/75#2987*	51	ADOPTION MEDIATION RIGHTS CERTIFICATES	1986-1999	31.12.2119
E4114A#2004/75#3003*	51	INTERNATIONAL CONVENTION ON THE RIGHTS OF THE CHILD: INTERNATIONAL CONVENTION / COUNCIL OF EUROPE / OMBUDSMAN - (DOCUMENTS FROM LHEL 12.7.95 - 4.5.99)	1995-1999	31.12.2029
E4114A#2004/75#3006*	51	ADOPTION LAW: LEGAL INFORMATION (FROM 1.1.98)	1998-1999	31.12.2119
E4114A#1992/121#860*	51/86.50.0023	Revision of the cantonal introductory laws to the Civil Code (EG/ZGB). General ZGB/ZPO/Adoption. Adaptation to the new marriage law of the cantons of AG, AR, AI, BS, FR, GL, NE, NW, SH, TI, TG, UR, ZH (VOZU)	1986-1990	31.12.2020
E4114A#1992/246#925*	51/86.51.0015	International adoption placements. Foster care (collective dossier from 10.1.1986-16.11.1989) (VOZU)	1986-1991	31.12.2111
E4114A#1994/205#747*	51	ADOPTION LAW: LEGAL ISSUES FROM 1986 TO 1992	1986-1993	31.12.2113
E4114A#1994/205#750*	51	AMENDMENT OF THE ORDINANCE ON THE TAKING IN OF FOSTER CHILDREN AND THE ORDINANCE ON ADOPTION PLACEMENT. EVALUATION OF THE CONSULTATION PROCEDURE	1986-1993	31.12.2023
E4114A#1994/205#753*	51	INTERNATIONAL CONVENTION ON THE RIGHTS OF THE CHILD. INTERNATIONAL CONVENTION / COUNCIL OF EUROPE / OMBUDSMAN / RATIFICATION	1991-1993	31.12.2023
E4114A#1999/156#1488*	51	ADOPTION AGENCIES / CANTONAL SUPERVISORY AUTHORITIES ON ADOPTION MEDIATION, AUTHORISATIONS	1992-1998	31.12.2028
E4114A#2012/179#158*	51	Adoption agencies / Cantonal supervisory authorities for Adoption mediation licences - documents from 01.01.1998	1998-1999	31.12.2119

General Secretariat FDJP

Signature	File number	Title	Period of protection	Protection period until
<u>E4001D#1973/125#71*</u>	003.07	Revision of family law, general	1960-1970	31.12.2000
<u>E4001D#1976/136#28*</u>	003.07	Adoption law / drafts / expert commission / documentation	1969-1972	31.12.2002
<u>E4001D#1976/136#29*</u>	003.07	Adoption law / Treatments in the councils	1971-1972	31.12.2002
<u>E4001E#1985/152#29*</u>	0003.07	Child custody law	1973-1976	31.12.2006
<u>E4001E#1985/152#30*</u>	0003.07	Treatment in the councils	1974-1976	31.12.2006
<u>E4001E#1985/152#31*</u>	0003.07	Child relationship	1972-1982	31.12.2012
<u>E4001E#1985/152#35*</u>	0003.07	ZGB, parliamentary interventions	1972-1982	31.12.2012
<u>E4001E#1985/152#38*</u>	0003.07	Adoption law	1972-1978	31.12.2008

General Secretariat FDJP

Signature	File number	Title	Period	Protection period until
E4010B#2004/512#153*	4-01.3-04.2	Family law, rights of the child	1996-1999	31.12.2029
E4010B#2004/512#154*	4-01.3-04.4	Adoption: Ratification of the Hague Convention of 29 May 1993 May 1993	1997-1998	31.12.2028
E4010B#2004/512#155*	4-01.3-04.5	Guardianship law: Revision	1995-1999	31.12.2029
E4010B#2018/45#426*	4-01.3-04.2	Family law, rights of the child	1999-2001	31.12.2031
E4010B#2018/45#429*	4-01.3-04.4	Adoption	1999-2003	31.12.2033

General Secretariat FDJP

Signature	File number	Title	Period	Protection period until
E4010A#1993/259#219*	402.45.11.84	Family law. Matrimonial law. Matrimonial property law	1983-1984	31.12.2014
E4010A#1993/259#221*	402.45.31.84	Guardianship law	1983-1984	31.12.2014
E4010A#1993/259#224*	402.45.99.84	ZGB. Advances. Basic principles. Petitions. Question time etc.	1983-1984	31.12.2014
E4010A#1994/344#499*	402.45.05.85	Civil Code. CIVIL CODE	1984-1989	31.12.2019
E4010A#1994/344#500*	402.45.11.85	Family law. Matrimonial law. Matrimonial property law	1984-1989	31.12.2019
E4010A#1994/344#503*	402.45.31.85	Guardianship law	1984-1989	31.12.2019
E4010A#1994/344#505*	402.45.40.86	Admission of foster children / adoption	1984-1989	31.12.2109
E4010A#1994/344#506*	402.45.41.88	Adoption and foster children ordinance, mass letters February 1988	1984-1989	31.12.2019
E4010A#1994/344#507*	402.45.73.88	P-Petitions+ Guarantee Commission: Adoption interest group, adopted as P by the NR on 23.6.88. Re 87.258	1984-1989	31.12.2019
E4010A#1994/344#511*	402.45.79.87	EA-Nabholz of 18.12.87: Adoption cases from Romania. 87.732 DFA, Reply BR of 17.2.88	1984-1989	31.12.2019
E4010A#1994/344#522*	402.45.91.85	M-Schärli of 6.12.83: Obligation for guardianship offices to take over. 83.919, written off by the NR on 20.12.85, as pending for more than 2 years	1984-1989	31.12.2019
E4010A#1994/344#526*	402.45.95.84	P-Eggly of 3.10.84: Adoption. Revision Art ZGB-534. 84.534, on 14.12.84 adopted by the NR	1984-1989	31.12.2019
E4010A#1994/344#527*	402.45.99.85	ZGB. Advances. In principle. Petition. Question time etc.	1984-1989	31.12.2019
E4010A#2000/265#568*	402.45.05.89	CIVIL LAW. CC	1989-1996	31.12.2026
E4010A#2000/265#569*	402.45.11.89	FAMILY LAW. MARRIAGE RIGHTS. MARRIAGE LAW	1989-1996	31.12.2026
E4010A#2000/265#573*	402.45.31.89	GUARDIANSHIP LAW	1989-1996	31.12.2026
E4010A#2000/265#575*	402.45.40.89	TAKING IN FOSTER CHILDREN / ADOPTION	1989-1996	31.12.2026
E4010A#2000/265#586*	402.45.55.89	M-EYmann. HAGUE CONVENTION, ADOPTION CONVENTION. RATIFICATION 93.3666 / 3.10.95 V. SR AS POSTULATE OF BOTH REVISED	1989-1996	31.12.2026
E4010A#2000/265#587*	402.45.56.89	M-BRUNNER. ADOPTION OF FOREIGN CHILDREN 93.3571 ON 3.10.95 REFERRED BY THE SC AS AN ITEM FOR BOTH COUNCILS	1989-1996	31.12.2026
E4010A#2000/265#588*	402.45.57.89	EA-PETITPIERRE. HAGUE CONVENTION INTERN. ADOPTION 93.1075 REPLY BR OF 17.11.93	1989-1996	31.12.2026
E4010A#2000/265#599*	402.45.68.89	EA-STOCKER: FROM ADMISSION OF FOSTER CHILD 90.1126 ANSWER BR FROM 26/11/90	1989-1996	31.12.2026
E4010A#2000/265#606*	402.45.90.89	P-DÜNKI: APPEAL PERIOD FOR GUARDIANSHIP AND CHILD PROTECTION LAW 90.961, ADOPTED ON 16.12.92 BY NR	1989-1996	31.12.2026
E4010A#2000/265#608*	402.45.99.89	ZGB. MOTIONS, PETITIONS, QUESTION TIME.	1989-1996	31.12.2026

FDFA Head Office

Signature	File number	Title	Period of protection	Protection period until
E2004B#1990/219#8746*	a.744.11	Adoptions	1975	31.12.2095
E2024A#1993/354#2701*	a.744.11	Adoptions	1980-1984	31.12.2104
E2024A#1996/398#1880*	a.744.11	Adoptions	1986-1987	31.12.2107
E2024B#2001/146#2156*	a.744.11	Adoptions	1988-1989	31.12.2019
E2024B#2002/7#2285*	a.744.11	Adoptions	1992-1993	31.12.2113

DFA Head Office

Signature	File number	File title	Period of protection	Protection period until
E2023A#1999/138#188*	o.121.311.4	CE.: Convention européenne en matière d'adoption des enfants	1979-1990	31.12.2020
E2003A#1984/84#216*	o.121.311.4	Convention européenne en matière d'adoption of the enfants	1970-1972	31.12.2002
E2023A-01#2005/37#272*	o.121.311.4	Convention européenne en matière d'adoption of enfants	1993-1996	31.12.2026

FDFA Head Office

Signature	File number	Title	Period of protection	Protection period until
<u>E2003A#1984/84#590*</u>	o.191.027.12	Convention conc. la compétence des autorités, la loi applicable et la reconnaissance des décisions en matière d'adoption du 15.11.1965	1971-1972	31.12.2002
<u>E2003A#1988/15#477*</u>	o.191.027.13	Convention en matière d'adoption	1972-1973	31.12.2003
<u>E2023A-01#2005/37#1097*</u>	o.191-27(31)	Convention sur la protection des enfants et la coopération en matière d'adoption internationale, 29.5.1993	1993-1996	31.12.2026
<u>E2023A#1999/138#919*</u>	o.191-27(XIII)	Convention concernant la compétence des autorités, la loi applicable et la reconnaissance des décisions en matière d'adoption du 15.11.1965	1979-1990	31.12.2020

FDFA Head Office

Signature	File number	Title	Period of protection	Protection period until
E2003A#1990/3#669*	o.231.11.13	Question d'adoption	1976-1978	31.12.2098
E2003A#1988/15#742*	o.231.11.Uch.11	Affaire [...] (adoption)	1973-1975	31.12.2095
E2003A#1988/15#744*	o.231.11.Uch.13	Questions d'Adoption, Terre des Hommes	1973-1975	31.12.2095
E2003A#1988/15#745*	o.231.11.Uch.14	Affaire [...] (Adoption)	1973-1975	31.12.2095
E2023A#1991/39#1101*	o.231-11(1)	Questions d'adoption	1979-1980	31.12.2100
E2023A#1998/212#1161*	o.231-17	Adoption International, Kreuzlingen	1982	31.12.2102

DFA Head Office

Signature	File number	Title	Period of protection	Protection period until
<u>E2010B#2007/183#5*</u>	O.241.27-33	Convention sur la protection des enfants et la coopération en matière d'adoption internationale, La Haye, 29 May 1993	1996-1999	31.12.2029
<u>E2001E#1980/83#1204*</u>	B.34.93.1	[...], New York. Adoption issue	1970	31.12.2090
<u>E2001E#1980/83#2419*</u>	B.34.93.1	[...], Accra. Adoption matter	1970	31.12.2090

DFA Head Office

Signature	File number	Title	Period of protection	Protection period until
E2006A#2018/67#371*	241.27-10	Convention concernant la compétence des autorités et la loi applicable en matière de protection des mineurs, Volume 1	1998-2008	31.12.2038
E2006A#2009/188#2622*	241.27-28	Convention sur les aspects civils de l'enlèvement international d'enfants, La Haye, 25 October 1980, Volume 3	2000-2002	31.12.2032
E2006A#2018/67#383*	241.27-28	Convention sur les aspects civils de l'enlèvement international d'enfants, La Haye / 25 October 1980, Volume 6	1999-2008	31.12.2038
E2006A#2011/253#2413*	241.27-33	Convention on the Protection of Children and Co-operation in International Adoption d'adoption internationale , La Haye / 29.05.1993	2000-2005	31.12.2035
E2006A#2018/67#386*	241.27-33	Convention on the protection of children and co-operation in international adoption d'adoption internationale, La Haye, Vol. 3	1999-2008	31.12.2038
E2006A#2018/67#387*	241.27-36	Convention concernant la compétence, la loi applicable, la reconnaissance, l'exécution et la coopération en matière de KSÜ (Child Protection Convention), Volume 1	1996-2008	31.12.2038
E2010B#2007/183#3*	O.241.27-28	Convention sur les aspects civils de l'enlèvement international d'enfants, La Haye, 25.10.1980, Volume 1	1996-1998	31.12.2028
E2010B#2007/183#4*	O.241.27-28	Convention sur les aspects civils de l'enlèvement international d'enfants, La Haye, 25.10.1980, Volume 2	1998-1999	31.12.2029
E2010B#2007/183#5*	O.241.27-33	Convention sur la protection des enfants et la coopération en matière d'adoption internationale, La Haye, 29.05.1993	1996-1999	31.12.2029

FDFA Head Office

Signature	File number	Title	Period of protection	Protection period until
<u>E2006A#2008/207#646*</u>	333.0-0	General - Family Rights, Parents' and Children's Rights, Volume 1	1996-1998	31.12.2028
<u>E2006A#2008/207#647*</u>	333.0-0	General - Family rights, parental and children's rights, Volume 2	1998-1999	31.12.2029
<u>E2006A#2008/207#648*</u>	333.0-0	General - Family rights, parental and children's rights, Volume 3	1999-1999	31.12.2029
<u>E2006A#2009/188#3359*</u>	333.0-0	General, family, parental and children's rights, Volume 4	2000-2000	31.12.2030
<u>E2006A#2009/188#3360*</u>	333.0-0	General, family, parental and children's rights, Volume 5	2000-2001	31.12.2031

DFA Head Office

Signature	File number	Title	Period of protection	Protection period until
E2006A#2009/188#4964*	815.86-0	Généralités, ONU Droits de l'enfant, Volume 2	1999-2002	31.12.2032
E2006A#2009/188#4965*	815.86-1	Convention relative aux droits de l'enfant, 20 November 1989, Volume 3	2000-2002	31.12.2032
E2006A#2009/188#4966*	815.86-2	Vente d'enfants, prostitution d'enfants et pornographie impliquant des enfants, Volume 2	2000-2001	31.12.2031
E2006A#2009/188#4967*	815.86-2	Vente d'enfants, prostitution d'enfants et pornographie impliquant des enfants, Volume 3	2000-2002	31.12.2032
E2006A#2009/188#4971*	815.86-4	ONU Comité des droits de l'enfant, (CRC), Volume 2	2000-2001	31.12.2031
E2006A#2009/188#4973*	815.86-5	Rapport initial de la Suisse, Volume 1	1997-2000	31.12.2030
E2006A#2009/188#4974*	815.86-5	Rapport initial de la Suisse, Volume 2	2000-2002	31.12.2032
E2006A#2018/68#5107*	815.86-5	Rapport initial de la Suisse, Volume 5	2000-2008	31.12.2038
E2006A#2009/188#4977*	815.86-6	Extraordinary Session of the General Assembly of the United Nations sur le Suivi du Sommet mondiale pour les enfants, New York, 30 May - 2 June 2001, Volume 1	2000-2001	31.12.2031
E2010B#2007/183#196*	O.815.86-0	Généralités - Droits de l'enfant	1996-1999	31.12.2029
E2010B#2007/183#197*	O.815.86-1	Convention relative aux droits de l'enfant, 20 November 1989, Volume 1	1996-1997	31.12.2027
E2010B#2007/183#198*	O.815.86-1	Convention relative aux droits de l'enfant, 20 Nov. 1989, vol. 2	1997-1999	31.12.2029
E2010B#2007/183#199*	O.815.86-2	Vente d'enfants prostitution d'enfants et pornographie impliquant des enfants	1996-1999	31.12.2029

Federal Office for Civil Status

Signature	File number	Title	Period	Protection period until
E4160D#2002/57#131*	D.12.01	Adoption, general, old and new law, information, adoption secrecy	1973-1988	31.12.2108
E4160D#2002/57#132*	D.12.01	Adoption, general, old and new law, adoption secrecy	1989-1997	31.12.2117
E4160D#2002/57#133*	D.12.11	Central register of adoptions	1974-1997	31.12.2117
E4160D#1998/170#1*	D.12.1.1	AD 4801-9600 / Files 1-115: Adoption notifications from cantonal authorities to the authorities to the feder. Office for Civil Status	1974-1975	31.12.2095
E4160D#1998/170#2*	D.12.1.1	AD 12 001-14 400 / Fichen 1-54: Adoption notifications from cantonal authorities to the authorities to the feder. Office for Civil Status	1973-1977	31.12.2097
E4160D#1998/170#3*	D.12.1.1	AD 26 601-39 000 / Files 1-55: Adoption notifications from cantonal authorities to the authorities to the feder. Office for Civil Status	1982-1984	31.12.2104

Federal Office for Civil Status

Signature	File number	Title	Period	Protection period until
<u>E4160D#2002/57#152*</u>	E.001	Civil status ordinance, partial revision of family law / New adoption law / preliminary work 1969 - 1971	1969-1971	31.12.2001
<u>E4160D#2002/57#153*</u>	E.001	Civil status ordinance partial revision, adoption law from 1 April 1973 / Manual for civil status / Circular letter / Order of the cantons	1972-1973	31.12.2003

Federal Office for Civil Status

Signature	File number	Title	Period	Protection period until
E4161#1994/184#24*	A	Adoption orders abroad 1973 - 1994	1973-1994	31.12.2114

Federal Data Protection and Information Commissioner

Signature	File number	File title	Period of protection	Protection period until
<u>E4007A#2000/256#99*</u>	93.33.0039.02	HAUGE CONVENTION ON TRANSBOUNDARY ADOPTION 2ND PHASE FROM OCTOBER 1996 - 12.119.24	1984-1999	31.12.2029
<u>E4007A#1995/147#11*</u>	88.33.0014	Revision of the Ordinance on Adoption Placement (SR 211.221036), Ordinance on the Admission of Foster Children (SR 211.222.338)	1988-1994	31.12.2024
<u>E4007A#1996/256#81*</u>	93.33.0039	Hague Convention on Intercountry Adoption	1993-1995	31.12.2025
<u>E4007A#1999/88#141*</u>	95.33.0054	Residence enquiry after adoptions	1995-1998	31.12.2028
<u>E4007B#2003/38#26*</u>	11-2000-00165	Guardianship / adoption	2000-2000	31.12.2030