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Institute for Childhood, Youth, and Family

Indications of Illegal Adoptions of Children from Ten Countries of Origin in Switzerland, 1970s to 1990s, Inventory of Documents in the Swiss Federal Archives

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Translated Unofficially from German. *Unofficial translation of the Swiss Federal Council report Hinweise auf illegale Adoptionen von Kindern aus zehn Herkunftsländern in der Schweiz, 1970er- bis 1990er-Jahre Bestandesaufnahme zu Unterlagen im Schweizerischen Bundesarchiv Bericht im Auftrag des Bundesamts für Justiz, [available here](#). See also, media release “[International adoption law: Federal Council sees need for action](#).” The full report contains information on ten different countries from which intercountry adoptions were facilitated for Swiss adoptive parents from the 1970s to the 1990s. This translation was facilitated through artificial intelligence and is subject to mistakes and inconsistencies. Do not rely on this translation as legal authority or for official purposes. This English translation is courtesy of [Adoptees United Inc.](#), a US-based national nonprofit organization dedicated to equality for all adult adopted people.*

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1. Introduction

1.1 Background and Mandate

On December 11, 2020, the Federal Council adopted the report "Illegal Adoptions of Children from Sri Lanka: Historical Analysis, Origin Search, Perspectives."¹ The report concludes that there is a need for additional historical research, especially regarding other countries of origin. Therefore, the Federal Council decided to issue another mandate. This mandate focuses on taking an inventory of documents in the Swiss Federal Archives. The goal is to gain an initial insight into the history of illegal adoptions in selected countries of origin, in addition to Sri Lanka. The inventory is intended to provide an overview of the sources in the Swiss Federal Archives that can be used to explore the history of foreign adoptions for the period from the 1970s to the 1990s. This can facilitate future research projects within the academic community.

The Federal Office of Justice, as the contracting authority, has selected the following ten countries of origin from which children were placed in Switzerland for later adoption for this inventory: Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Korea, Lebanon, Peru, and Romania. These countries were either important countries of origin based on the number of adopted children – such as Brazil, India, and Colombia – or there are indications of illegal adoptions and procedural issues that are already known.²

1.2 Topic and Research Questions

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

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According to the research mandate from the Federal Office of Justice, two central research questions are addressed:

1. What evidence of illegal adoption practices is available in the Swiss Federal Archives regarding countries other than Sri Lanka, especially for Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Korea, Lebanon, Peru, and Romania?
2. What information did the involved federal authorities in Bern and the Swiss representatives in the ten countries of origin have, and what actions did they take? What were the sources of their knowledge?

This report aims to illustrate, through examples, the information available to the relevant authorities and the activities resulting from it.⁴ The timeframe covers three decades, from the beginnings of foreign adoptions in the 1970s to the end of the 1990s, when Switzerland witnessed a turning point in the practice of foreign adoptions marked by better protection against child trafficking, as indicated by the international convention on the protection of children and cooperation in the field of international adoption.⁵

As part of the present inventory, a comprehensive historical analysis of the mentioned questions is not possible. Instead, an overview is provided of the available archival materials in the Swiss Federal Archives. The main focus is on the Swiss representatives in Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Korea, Lebanon, Peru, and Romania. Using the documents, we illustrate the information available to the representatives regarding illegal adoptions and the procedural challenges they faced. The former Federal Office for Foreigners – until 1978 the Federal Aliens Police, now the State Secretariat for Migration SEM – was a central actor in the field of international adoptions among the federal authorities

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in Bern. Through examples, we demonstrate how the Federal Office for Foreigners responded when prospective adoptive couples bypassed the intended procedures. The Federal Office for Foreigners also initiated awareness campaigns on adoption procedures to improve the knowledge of the responsible cantonal authorities and prospective adoptive couples. The Federal Office of Justice was involved in the legislative process, which is of peripheral importance for the questions under investigation here. The same applies to the supervision of the Federal Office of Justice over adoption agencies based in Switzerland after 2003, falling outside the defined investigative period. For the Federal Office for Civil Status, the Secretariat General of the FDJP, and the central EDA in Bern, this report will limit itself to describing relevant holdings in the Swiss Federal Archives.

Examining the history of foreign adoptions requires considering events in both Switzerland and the respective countries of origin. Illegal practices affected adoption procedures that violated Swiss law. Additionally, in the ten countries of origin, the parents and their children could become victims of child trafficking when living in economic and social exceptional situations. Activities such as systematic identity falsification, concealing the origins of adoptive children, and very high costs paid by prospective adoptive parents to profit-oriented local intermediaries all point to illegal adoptions associated with child trafficking. The report also explores how the Swiss representatives in the ten host countries and federal authorities handled direct indications of child trafficking received through media coverage or from local authorities. In such cases, they sometimes used the term child trafficking themselves. The Federal Office of Justice uses the term "illegal adoptions" as an umbrella term in the research mandate. Illegal adoptions were not in compliance with the law and included child trafficking, as well as, for example, criminal document forgeries not associated with financial profit, as in child trafficking. There were also irregular and problematic practices that were not necessarily illegal, or the legal procedures themselves were not structured at the time to sufficiently protect the best interests of the child. We aim to capture this spectrum from child trafficking to problematic practices and procedures. For each

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of the ten countries of origin, we therefore distinguish between specific knowledge of child trafficking and scandal on the one hand, and procedural irregularities and issues that the Swiss representatives in the respective host country faced on the other.⁶

1.3 State of Research and Availability of Sources

The history of adoptions of children from abroad in Switzerland is still little explored for the period since the 1970s. There are few case studies on the practices of placement agencies and adoption procedures in individual cantons and municipalities. The actions of federal authorities have so far only been examined in the example of Sri Lanka adoptions by Bitter et al. in the report "Adoptions of Children from Sri Lanka in Switzerland 1973 – 1997: On the Practices of Private Placement Agencies and Authorities."⁷ This inventory follows this historical report on Sri Lanka adoptions. The study by Abraham et al., which provides an overview of the state of research on Swiss foster care and adoption within the framework of National Research Program 76, offers important points of reference.⁸ A new anthology is dedicated to adoptions in the 20th century.⁹

Except for the aforementioned report by Bitter et al. from 2020, only one monograph on Tibetan foster children and a study on the placement agency by Alice Honegger in the canton of St. Gallen exist for German-speaking Switzerland.¹⁰ Fábio Macedo has examined the placement practices of Terre des hommes Lausanne from 1960 to 1969 and illuminated international adoptions between 1830 and 1980 from a Western Swiss perspective in his dissertation.¹¹ Various studies have addressed the legal foundations of international and national adoptions and their shortcomings from a legal perspective.¹² Prompted by the report by Bitter et al. on adoptions of children from Sri Lanka, the canton of St. Gallen commissioned Francesca Falk, University of Bern, for further research into the history of adoptions of children from Sri Lanka in the canton of St. Gallen. Falk and her team systematically examined all adoptions from Sri Lanka in the canton of St. Gallen.¹³ The cantons of Lucerne, Thurgau, and Zurich also intend to react

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with canton-specific reviews or adjustments of procedures.¹⁴ Within the framework of National Research Program 76 "Welfare and Coercion – History, Present, Future," further historical insights into adoptions in Switzerland are expected.¹⁵ Since this report was completed by the end of September 2022, it reflects only the state of research until 2022.

For Switzerland, it was characteristic of international adoptions, due to the federalist principle, that responsibilities lay with various actors at the federal, cantonal, and municipal levels. Therefore, the historical investigation of events is complex, as the relevant files are stored in dispersed locations. This inventory is limited to documents present in the Swiss Federal Archives. These include holdings from Swiss representatives in the ten countries of origin and federal authorities.¹⁶ However, it was not part of the mandate to review documents still held by federal authorities today.¹⁷ Source materials from cantons and municipalities or from individual Swiss organizations authorized to facilitate adoptions of children from abroad were also not considered.

1.4 Methodological Approach

We reviewed the documents in the Swiss Federal Archives in a pragmatic manner, aligning with the questions formulated by the client. The mandate aims to provide an overview of holdings relevant to future research projects. To capture information on child trafficking, scandals, irregular, and problematic practices in foreign adoptions, it was necessary to analyze certain holdings more deeply. We chose this approach for the so-called "Sachdossiers" of Swiss representatives in the ten countries of origin. These Sachdossiers contain documents produced by embassies and consulates on adoptions and collected materials such as newspaper reports or laws of host countries. Some of these Sachdossiers contain personal data, such as when a Swiss couple contacted the representative to inquire about adoption conditions in a country of origin.

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What we did not examine were individual case files, which are also present in the holdings related to the ten countries of origin. These files, filed for each adoption case, contain documents submitted to the respective Swiss representative for visa issuance. We refer to the holdings of individual case files of Swiss representatives in the bibliography under unpublished sources with the corresponding signatures. It seems that the Swiss representatives did not systematically and comprehensively compile these individual case files. For many countries of origin, there are fewer individual case files than entries of prospective adoptive children into Switzerland.¹⁸ To make reliable quantitative and qualitative statements about individual cases, the records of the responsible municipalities and cantons would need to be consulted. We only used case-specific information in the report if it was found in the Sachdossiers of the respective Swiss representative. We indicate in the report when, in our view, individual case files or other sources should be consulted for further clarification of open questions.

To demonstrate who knew what when, we had to reconstruct chronologies and correspondence histories. The sometimes high level of detail in our presentation is due to the nature of the topic: Only by quoting¹⁹ from correspondences and file notes that refer to each other can the development of adoption practices be demonstrated. This approach allowed us to make substantial statements about the knowledge of illegal adoptions in the ten countries of origin based on exemplary examples.²⁰ There were occasional challenges with foreign languages. In addition, context knowledge for each of the ten countries of origin was necessary, and we at least rudimentarily researched it – such as the structure of the respective nation-state, legal adoption regulations, and Swiss representatives on-site. We do not claim to have performed an in-depth historical analysis. The mandate was too limited for that.²¹ For example, we were able to gain only a few insights into the socio-historical context or the cross-border interaction of the involved actors.

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The volume of sources for the ten countries of origin varies significantly. In particular, the Sachdossiers for Brazil, India, Colombia, and Romania are extensive. Some countries, such as Peru, have a large number of individual case files. Only for Bangladesh and Lebanon do the Sachdossiers contain around two hundred documents each. For all other countries of origin, we have reviewed large amounts of documents. In the case of the Federal Office for Foreigners, we analyzed the large collection of over a thousand documents with the same reconstructive depth as with the ten countries of origin.²² Regarding other federal authorities, we present what each respective collection contains.

In the initial phase, we collaborated closely with the staff of the Swiss Federal Archives. They conducted an extensive initial research for us, yielding numerous hits. The staff of the Swiss Federal Archives systematically worked with relevant file numbers and supplemented with appropriate keywords, such as "Adoption." Their search in the archive plan covered the period from 1970 to 1999, focusing on federal authorities in Bern involved in adoption procedures, as well as the ten selected countries of origin. As mentioned earlier, we could only review a part of the hits and, from this subset, evaluate only a smaller portion. The Swiss Federal Archives contain many other interesting documents related to the history of international adoptions in Switzerland, including additional countries of origin and the period from the 2000s.²³ To secure the results of the initial research by the staff of the Federal Archives, we identify the identified documents in the bibliography under unpublished sources, even if we did not review them. In the bibliography, unlike the reviewed holdings, they are not highlighted.

Names and other references to specific individuals are anonymized in the report. This applies, in particular, to adopted children, biological parents, adoptive parents, and individuals interested in adoption. The same applies to employees and superiors at federal authorities and other authorities, as well as the entire staff of Swiss representatives abroad. Representatives of placement agencies are also anonymized, as well as individuals in the country of origin and in Switzerland who

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facilitated the adoption of children.²⁴ Federal councillors are public figures and are named in the report, as well as elected politicians in connection with parliamentary initiatives. For actors whom we anonymized in the report but who acted in various contexts and should therefore be recognizable in these different contexts, we used pseudonyms, which we mark with an asterisk at the first mention in new chapters. We also used pseudonyms when the distinguishability of individuals is important in a specific context.

1.5 Structure of the Report

For understanding and contextualizing international adoptions in Switzerland, in Chapter 2, we present the numbers of granted entry permits for children from the ten selected countries of origin, as well as the relevant legal foundations and the key federal authorities involved in adoptions. We follow the report by Bitter et al. from 2020 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 Foreigners. Finally, in Chapter 14, we present holdings of the Federal Office of Justice, the Secretariat-General of the FDJP, the EDA Central, the Federal Office of Civil Status and the Federal Data Protection and Information Commissioner. We bring together the results of our inventory in Chapter 15 and refer to the research needs, from our perspective.

The bibliography is of particular importance. In addition to the two sections on printed sources and representatives, we provide an overview of the holdings of the Swiss Federal Archives for unpublished sources.²⁵ The listed signatures and dossier titles are linked to the online search tool of the Federal Archives, allowing the location of the corresponding source collection to be traced. This overview is based on the aforementioned systematic research by the staff of the Federal Archives according to file numbers, supplemented by the search with the keyword "Adoption," and is divided by federal authorities – the so-called record creators – and whether we have reviewed the respective collection or not.²⁶ Our compilation of documents in the Swiss Federal Archives, together with the

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descriptions in the chapters, provides an entry point for researchers interested in the history of international adoptions.

2. International Adoptions in Switzerland from the 1970s to the 1990s

The adoptions of children from abroad in Switzerland increased since the 1970s, which was associated with the declining trend in domestic adoptions. Thanks to the legal equalization of illegitimate and legitimate children in the revised Swiss Civil Code (ZGB) of 1978, a gradual societal recognition of single-parent families began. Although unmarried single mothers still found themselves in economically precarious situations, they were no longer forced to give up their children for adoption. Previously, this had often been their only solution to avoid social stigma. Since the mid-1970s, there were increasingly other forms of support for unmarried mothers in Switzerland, allowing them to reconcile work and family life and providing alternatives to adoption. The number of potential adoptive children domestically decreased, leading adoptive Swiss couples to seek children abroad.

2.1 Figures for the Ten Countries of Origin and Legal Foundations for Adoptions in Switzerland

The incomplete data collection by the federal government on foreign adoptions has been criticized by various actors throughout the investigation period until the late 1990s. The statistics on adoptions carried out in Switzerland are compiled by the Federal Statistical Office. However, for a long time, these data were only presented summarily, categorized by continents. Researchers have to separately request data for individual countries of origin from the Federal Statistical Office. There is no data available for adoptions before 1979.

Number of Issued Entry Permits

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For this inventory, we do not rely on data on adoptions granted in Switzerland but rather on the numbers of entry permits. The Federal Office for Foreigners, or cantonal immigration authorities, issued these entry permits to foreign foster children taken in Switzerland for the purpose of later adoption or other reasons, such as placement without subsequent adoption. An entry permit was issued if the conditions for a foster child stay or adoption were met. It should be noted that during the prescribed two-year foster child stay, the foster relationship could be terminated. This means that not every entry of a foreign child for the purpose of later adoption actually resulted in an adoption. The numbers of issued entry permits are therefore not necessarily identical to the numbers of granted adoptions, but they provide an impression of the country-specific scale.

Most entry permits for later adoption were issued in the 1970s for foster children from Asia. South America and Europe followed at a considerable distance. In the 1980s, the total number of issued entry permits almost doubled compared to the 1970s. Asia remained at the top, but South America, which recorded a significant increase, was now closely behind. Europe still ranked third, followed by Central America and Africa. In the 1990s, there was a slight decrease in the total numbers compared to the 1980s, with only 5,718 issued entry permits as opposed to 6,157. South America was now the leader, with only slightly fewer entry permits issued for children from Asia and Europe, especially Eastern Europe. The granting of entry permits for children from Africa became more significant only in the 2000s, a development that is outside the scope of the examined period.

The Federal Office of Justice selected the ten countries of origin: Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Korea, Lebanon, Peru, and Romania. Between 1970 and 1999, the highest number of 2,799 issued entry permits for later adoption were for foster children from India, 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. Also, below 200 were the issued entry permits for later adoption for foster children from Bangladesh and Lebanon.

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Legal Foundations for Foreign Adoptions in Switzerland

The legal foundations of Switzerland, which were crucial for foreign adoptions, are extensively presented in the report on Sri Lanka adoptions. We refer to this study and summarize here only a few key points that are important for understanding the procedures in foreign adoptions. The new adoption law in the ZGB from April 1, 1973, granted adopted children the same rights as biological offspring. Adoption could only be pronounced after the qualification of the prospective adoptive parents had been verified. Adoption was preceded by a two-year foster child relationship, during which a legal representative or guardian represented the child's rights. Birth parents could agree to the adoption of their newborns no earlier than six weeks after birth. Afterward, they had an additional six weeks to revoke their consent. How this regulation was handled in foreign adoptions remains uncertain at the current state of research. In the case of Sri Lankan children, it has been shown that they were often handed over to a Swiss couple before reaching six weeks of age.

The Regulation on the Admission of Foster Children (PAVO) came into effect in 1978. The admission of a child now required a permit, and foster parents were supervised. For the entry of a foreign foster child for the purpose of later adoption, an entry or residence permit and a declaration of consent from the birth parents were required. Foster parents were responsible for the child's maintenance. The approval of the foster relationship was also linked to the condition that the identity of the entering child was established. Abuses in international adoptions led to the revision of PAVO in 1989. Foster parents now had stricter requirements to fulfill. They were required to submit a report on the child's previous life and provide information on the country of origin and the placement agency. In addition, the responsible foreign authority had to approve the child's departure. However, a provision was included in the revision of PAVO that weakened the protection of future adoptive children. If foster parents were considered suitable for taking in a

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foster child for later adoption, provisional approval could be granted even if the child had not yet been determined.

Adoption placement was regulated by the corresponding federal ordinance, which came into effect on April 16, 1973. This ordinance also stipulated that the biological parents had to consent to the adoption. Anyone who facilitated the adoption of children from abroad to Switzerland with a permit had to be familiar with the social conditions and laws in the child's country of origin and commit to complying with international law. Only a moderate fee could be accepted. If a placement person did not adhere to the guidelines, the cantonal supervisory authority could revoke the permit. Violations had to be reported to the Federal Department of Justice and Police by officials who became aware of them, and the department, in turn, forwarded the report to the relevant cantonal supervisory authority. The revision that took effect from early 1989 made an additional permit for each country of origin mandatory for facilitators.

2.2 Competent Authorities at the Federal Level

The adoption of foreign children in Switzerland involved a complex procedure. Moreover, a considerable amount of time passed from a couple's initial decision to adopt a child until the adoption in Switzerland was pronounced after the two-year foster relationship. Various Swiss authorities with different responsibilities were involved in the process during this phase. The execution of adoption matters was the responsibility of the cantons. They issued regulations on responsibilities and procedures, resulting in a federalism-driven practice. While adoption decisions were typically made by courts in French-speaking cantons, administrative authorities in German-speaking Switzerland often handled adoption matters. The focus of this inventory does not include an examination of the cantons.

Swiss representatives in the Countries of Origin of Adoptive Children

Swiss representatives in the ten countries of origin – usually an embassy, occasionally a consulate – represented Switzerland's interests in the host country

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and fostered economic, cultural, and political relationships between the two countries. For many prospective adopting couples, the Swiss representative was the first point of contact to gather information about adoptive children, legal foundations, and competent authorities in the country of origin. Once it was established that a couple could bring a specific child to Switzerland, the Swiss representative had to ensure that the biological parents and the competent authority in the host country had consented to the adoption. It also verified that the child had a valid passport. Subsequently, it obtained consent from the Federal Office for Foreigners for issuing the entry permit. If all these conditions were met, the embassy endorsed the visa in the child's passport.

With the revision of PAVO from 1989 onwards, the tasks of Swiss representatives were more precisely defined. With a provisional permit from the guardianship authority, the cantonal immigration police or, with their consent, the Swiss representative in the child's country of origin could only issue the visa or definitive assurance of the residence permit when all necessary documents were available. These documents included a medical report and the child's life history, the consent of the biological parents, and a statement from the competent authority in the country of origin that the child could be handed over to Swiss foster parents.

Federal Office for Foreigners

The Federal Office of Aliens, renamed the Federal Office for Foreigners in 1979, within the Federal Department of Justice and Police (EJPD) was responsible for the preparation and implementation of regulations on the entry and exit, residence, and settlement of foreign nationals. The main legal basis was the Federal Act of March 26, 1931, on the Residence and Settlement of Foreigners (ANAG). The Federal Council had oversight and defined the implementing provisions for ANAG in regulations and circulars.

It was the responsibility of the future adoptive parents' canton of residence to issue the entry and residence permit for the child. However, the Federal Office for

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Foreigners had to provide a so-called federal consent for a specific duration. Every entry permit issued for a child had to be reported to the Central Alien Register (ZAR) within the Federal Office for Foreigners, which started keeping statistics since 1983.

Federal Office of Justice and Other Federal Authorities

The Department of Justice within the Federal Department of Justice and Police was renamed the Federal Office of Justice in 1979. As the federal authority for legal matters, it was tasked with preparing legal ordinances and advising the federal administration on legislative matters. In the context of adoptions, it was significant that the Federal Office of Justice was responsible for legislation and its implementation in various legal areas, including private law, international private law, and criminal law. Therefore, it took the lead in the revision of various adoption ordinances in the 1980s. However, the Federal Office of Justice was only marginally involved in specific adoption procedures, as the implementation was the responsibility of the cantons. Only the Section for International Private Law played a certain role, continuously updating knowledge about legal foundations in the host country in collaboration with Swiss representatives and providing support in finding suitable procedural steps, especially when child trafficking became an issue. The relatively minor role of the Federal Office of Justice in foreign adoptions changed only in 2003 with the ratification of the Hague Convention. It was newly designated as the federal supervisory authority over placement agencies.

The higher authority of the Federal Office of Justice, the Federal Department of Justice and Police, was already entitled to appeal against decisions of cantonal supervisory authorities before 2003. Whether it exercised this right in a specific case is not evident from the archive material we reviewed for the General Secretariat of the EJPD. Furthermore, we examined selected records from offices at the central headquarters of the Federal Department of Foreign Affairs (EDA) in Bern. The EDA, which conducted Swiss foreign policy on behalf of the Federal

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Council, had central headquarters in Bern and an external network, including embassies and consulates. The name was changed from the Federal Political Department to the Federal Department of Foreign Affairs in 1979. The central headquarters was divided into various offices and departments, and in our report, we do not differentiate further, speaking broadly about the EDA central inventory. Finally, we refer to selected files of the Federal Office of Civil Status, which, within the Federal Office of Justice, exercised oversight in civil status matters and thus oversaw the entries of foreign adopted children in the civil status registers of cantons and municipalities.

3. Adoptions of Children from Bangladesh

Children from Bangladesh were primarily placed for adoption in Switzerland during the 1970s. However, the number of granted entry permits was relatively small, totaling 170 entry permits between 1970 and 1999. The years 1975 to 1978 recorded the highest numbers, ranging from two to three dozen per year. In 1990, six entry permits are reported, and from 1981 to 1999, the numbers remained at a low single-digit level.⁴⁹

In Bangladesh, religious affiliation determined the scope of certain laws, including adoption.⁵⁰ For example, Islamic law did not recognize adoption.⁵¹ International adoptions seemed to focus particularly on "non-Muslim girls."⁵² The legal basis in Bangladesh mentioned in the case files is the Bangladesh Abandoned Children (Special Provision) Order of 1972. Following the war between Pakistan and the then East Pakistan, now Bangladesh, this special provision was established to

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accommodate "war babies."⁵³ It allowed for the international adoption of "abandoned children"⁵⁴ and permitted the "fairly easy adoption of Bangladeshi children [...] in the country and abroad."⁵⁵ The Bangladesh Abandoned Children Order of 1972 led to abuses, prompting its suspension in 1982. The drafting of a new law was delayed beyond the end of the investigation period covered by this report.

After the end of the war in 1972, a Swiss representative was established in Dhaka. This representative, like the Swiss embassy in New Delhi, collaborated with lawyer N. Man* for many years. When couples interested in adoption inquired, the Swiss representative in Dhaka recommended this lawyer, stating that he was "very well acquainted with the relevant adoption legislation and handles such cases reliably."⁵⁶ Another advantage was that correspondence with this lawyer could be conducted in the German language, as the accurate translation of Bangladeshi names and characters posed a challenge.⁵⁷

Terre des hommes Lausanne facilitated the adoption of children from Bangladesh to Switzerland.⁵⁸ One of the consultants was deemed "valuable" based on her experiences, and the Swiss representative occasionally consulted her.⁵⁹ A newspaper article from 1982 mentioned another person, Kathrin Voss* from the canton of Zurich, conducting inquiries for adoptions in the German-speaking part of Switzerland.⁶⁰ In 1987, Alice Honegger's adoption agency, Adoptio, led by the director, inquired about the regulations in Bangladesh from the Swiss representative. Knowledge of local conditions was one of the prerequisites for obtaining approval for adoption mediation in Switzerland.⁶¹ The representative replied to Adoptio that, due to the current lack of a legal basis, "creating a reasonably representative list of orphanages and hospitals [...] would make little sense under the circumstances."⁶² The uncertainty about legal practices in Bangladesh posed a challenge for Swiss authorities and adoption agencies throughout the investigation period.

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3.1 Indications of child trafficking and scandals

Issues in the adoption system existed in Bangladesh since the early 1970s. Under the Bangladesh Abandoned Children (Special Provision) Order of 1972, there were "serious abuses,"⁶³ as reported by the Swiss representative in a letter to the adoption agency Adoptio in 1987. Already in the 1970s, it was mentioned that "local authorities [...] very rarely grant adoption approval for internal political and religious reasons."⁶⁴ Terre des hommes Lausanne, active in Bangladesh since at least the mid-1970s, was accordingly dependent on the goodwill of the Bangladeshi government. In one example, a child's departure was "almost denied at the last moment." Terre des hommes Lausanne asked the adoptive parents not to take any action since the government of Bangladesh "reacts extremely sensitively to attacks and might not release any children at all."⁶⁵

Legal Foundations Out of Force Since 1982

In the international press, there were repeated reports "of 'actual child trafficking in Bangladesh,'" as formulated by the Swiss representative in Bangladesh.⁶⁶ The authorities were aware of the issues at least since the early 1980s, as they collected newspaper reports and forwarded them to the federal authorities in Bern. The accusations in the media were serious. Children were allegedly forced into prostitution and begging, sometimes mutilated for these purposes. Additionally, children who were not orphans were sent abroad, or they had to convert to another religion for adoption.⁶⁷

Under media pressure, the special provision was suspended in 1982. A "fresh order [...] with a foolproof system on the adoption of children"⁶⁸ was to be developed. This was the Bangladeshi government's response to signs of child trafficking.⁶⁹ Subsequently, the legal situation for the Swiss representative became unclear, prompting multiple inquiries with the relevant ministry. The representative pointed out that, despite the suspension of the special provision, adoptions had taken place: "However, during the last few months several instances of child adoption have been brought to the Embassy's knowledge.

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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 inquiries from the Swiss representative apparently often went unanswered from the Bangladeshi side, as there are no corresponding documents in the case files. The Swiss representative also inquired with the legal counsel about the current status of legal provisions in Bangladesh.⁷¹

Biological Parents Deceived

In the context of scandals related to child trafficking, a journalist from the Tages-Anzeiger reported in 1982 that "the good name of the children's aid organization Terre des hommes is being misused for illegal adoptions." He described the illegal practices of a Bangladeshi intermediary: "In the name of 'Terres des hommes Netherlands,' he [the intermediary, note by the authors] had taken over 33 children from needy parents to 'nourish, care for, and educate' them. However, the illiterate parents had put their fingerprints on a document releasing the children for adoption." A doctor from Terre des hommes Lausanne referred in the article to the organization's years-long struggle not only "against hunger and death [...] but also against criminal rings that ruthlessly exploit child suffering—partly under the guise of charitable organizations—and degrade children to merchandise." The newspaper article reported that Terre des hommes "filed complaints with Interpol and the Dutch Ministry of Justice [...] against the local 'intermediary' [...] who has now been arrested by the authorities in Bangladesh." Terre des hommes Lausanne could do little more: "We cannot control whether the name Terre des hommes is misused," it was too late for name protection. However, the option of no longer facilitating adoptions of children from Bangladesh did not seem to be considered by Terre des hommes Lausanne, even though the organization, according to its own statement in the Tages-Anzeiger

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article, "stands against any kind of child trafficking." In 1982, a representative of Terre des hommes Lausanne in Dhaka was caring for "about 1,000 children threatened by starvation," and in Calcutta, there were about 10,000 children: "Larger children would be trained in educational institutions: for small children, adoption was often the better solution."

According to the newspaper article, foreign adoptions in Bangladesh were "temporarily [...] prohibited" at that time.⁷² The impact of this on the practices of Swiss mediation agencies can only be partially gleaned from the documents in the case files.

3.2 Further Indications of Irregular and Problematic Practices

The case files contain inquiries from couples seeking information and support from the Swiss representative for the adoption of a child from Bangladesh. There was a particular interest in infants.⁷³ The unclear legal situation was reflected in the ambivalent approach of the Swiss representative to such inquiries, oscillating between support and rejection.

Adoptive Couples Accelerate the Procedure

Before prospective adopters approached the Swiss representative, some had already tried to find an adoptive child through other means. The files document a case from the mid-1970s illustrating how one couple proceeded. Initially, the couple approached Terre des hommes Lausanne. They were "postponed for later" since the agency only put couples on the waiting list who had been married for at least five years. As the couple was unwilling to accept the two to three years of waiting, they continued their search and reached out to Mother Teresa in Calcutta through the General Councillor of the Swiss Missionary Society Ingenbohl. Mother Teresa referred the couple to the Missionaries for Charity order she founded in Dhaka. The local nun suggested that the couple travel to Dhaka. Although the prospective adopters were willing, they feared that their time on-site might not be sufficient to "initiate something decisive" and thus asked the Swiss representative

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for the address of a "preferably influential person of Swiss nationality whom you consider suitable to represent our request." They also wanted the Swiss representative to handle the "formalities necessary for adoption" on their behalf.⁷⁴ This example shows that adoptive couples sometimes turned to other mediation organizations if they found the procedures taking too long, or they attempted to find a child on their own responsibility locally.

The adoptive couples were sometimes demanding towards the Swiss representative. The Swiss chargé d'affaires almost apologetically replied to one couple: "Unfortunately, your [...] submitted request is not as easy to solve as those unfamiliar with local conditions might imagine. [...] these bare facts present themselves quite differently than institutions like 'Terre des Hommes,' Holt, etc., imagined in early 1972. Without going into details, I would just like to note that instead of the proclaimed 200,000 Pak-Soldier's children, about a tenth were finally born. Five international organizations scoured Bangladesh with considerable effort for about a year to find a total of about 60 children. If I am correctly informed, most of these children, no longer in infancy, came from mission orphanages. The soldier's children themselves seemed to have disappeared from the face of the earth. This means that these illegitimate children were taken in by families, and the population in general avoids the supposedly foreign 'buyers.'"⁷⁵

Apparently, at the beginning of the 1970s, the mediation agencies expected Bangladesh to become another source country for adoptive children. Prospective adoptive couples also had the idea that parentless children in countries like Bangladesh were available for adoption. Their interest in children from Bangladesh persisted. A newspaper article in 1991 reported that after a "storm surge catastrophe," the Bangladeshi government "is considering the reintroduction of a law [that allows] foreigners to adopt parentless and disabled children."⁷⁶ Just one day after the publication of this brief newspaper note, an inquiry from an interested couple arrived at the Swiss representative, inquiring whether a child could be adopted.⁷⁷

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Swiss Representative Hesitates Until the Late 1980s

In 1974, the Swiss chargé d'affaires wrote to an adoptive couple that authorities in Bangladesh were making foreign adoptions difficult.⁷⁸ Nevertheless, the number of approved entries into Switzerland was highest in the mid-1970s. Adoptions of children from Bangladesh to Switzerland took place, even though Swiss mediation agencies had sometimes withdrawn, as mentioned by the Swiss chargé d'affaires. He offered adoptive parents to obtain "further information" from the International Adoption Center in Dhaka, as it could not be excluded that "despite everything, opportunities for adoptions are available."⁷⁹ A few months later, the Swiss chargé d'affaires, at the request of the same couple, conducted inquiries because they had heard nothing more from the representative of the local mediation agency Inter Country Child Adoption Project, Samir Rahimi*. The result of the investigations hinted at problematic mediation practices: The sought-after person had moved and was apparently avoiding "contact with the embassy."⁸⁰ In another case, the Swiss chargé d'affaires used his network to support a couple in adopting a child, as shown in his 1979 letter to the Deputy Prime Minister: "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 representative sent conflicting signals to mediation agencies and prospective adoptive couples: "The lack of legal provisions prevents, at least theoretically, the adoption of children from other relatively small religious communities."⁸² It was only in the late 1980s that the Swiss representative explicitly advised against adoptions of children from Bangladesh and offered no further assistance, "except for signature legalization and translation of documents and their forwarding to the relevant Swiss authorities." The Swiss

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chargé d'affaires also pointed out that the adoption process dragged on for several months, if not years, and "the corresponding dossier gets stuck in the 'home ministry' if regular inquiries and 'baksheesh' payments are omitted." He referred to payments in the context of adoptions. The consequence of this was made clear by the Swiss chargé d'affaires to the couple. He did not believe "that there are 'adoption agencies' in Switzerland that can mediate children from Bangladesh, especially since the local government does not support the activities of such institutions in any way."⁸³ The unclear legal provisions in Bangladesh allowed not only for illegal practices but also for an ambivalent attitude from the Swiss representative. It took almost twenty years for them to explicitly discourage adoptions of children from Bangladesh.

4. Adoptions of Children from Brazil

Brazil, with 1,222 granted entry permits for children intended for later adoption in Switzerland between 1970 and 1999, is the third-largest of the ten source countries. The first two entry permits for Brazilian foster children were issued in 1972. During the 1970s, the number of entry permits remained in single digits. Since the early 1980s, their number increased, reaching the highest annual figure of 125 in 1990. In the 1990s, the number of entry permits decreased again to double digits.

The documentation related to Brazil is extensive. Since Brazil was the last of the ten source countries we investigated, we only cursorily reviewed the records for practical reasons. This review included the files of the Swiss Embassy in the capital Brasilia, those of the two Swiss consulates in São Paulo and Rio de Janeiro, as well as the files from the currently eight consulates in Curitiba and Salvador de Bahia. Besides correspondence with authorities in Bern, the case files contain newspaper articles, Swiss and Brazilian legal texts, and correspondence between various Swiss representatives in Brazil. Individual case files, also present in the records, were not consulted for the inventory. The Federal Office for Foreigners

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and the Federal Office of Justice hold additional case files on Brazil, the content of which is addressed in chapters 13.4 and 14.1.

In Brazil, the family courts granted adoptions.⁸⁴ Couples not residing in Brazil were formally allowed to adopt only one Brazilian child until 1990, if no Brazilian adoptive parents could be found. However, the biological mother apparently simultaneously had the "right to give her child to foreigners"⁸⁵. Whether foreigners should be allowed to adopt Brazilian children was a controversial topic in Brazil,⁸⁶ according to the UNICEF office, not least due to 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 adoptive parents seeking advice to hire a Brazilian lawyer to handle the process.⁸⁸ In 1990, a legal change facilitated the adoption of Brazilian children by foreigners, who were now entitled to full adoption.⁸⁹ Furthermore, the period adoptive parents had to spend with the child before leaving Brazil now corresponded to the age of the adopted child, instead of being decided on a case-by-case basis as before.⁹⁰

Since the early 1980s, the number of adoptions of Brazilian children in Switzerland increased rapidly. Inquiries from interested Swiss individuals continued to reach all Swiss representatives in Brazil throughout the entire investigation period.⁹¹ Adoptive parents requested assistance in the search for children, explicitly wishing for a girl or a boy, sometimes specifying that the child should "preferably resemble our skin color, that is, light-skinned."⁹² Swiss authorities responded to the increasing number of adoption procedures by instructing Swiss representatives in Brazil to send information on the legal foundations and Brazilian practices to Bern.⁹³

Various Swiss mediation agencies operated in Brazil. Edmond Kaiser, the head of Terre des hommes Lausanne, visited Brazil in the mid-1970s with the aim of establishing contacts for the adoption of Brazilian children.⁹⁴ In 1974, a National

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Councillor of the Social Democratic Party asked the Consul General in Rio de Janeiro to support Edmond Kaiser in this endeavor "thanks to your vast network of personal relationships."⁹⁵ The FDFA and the Federal Office for Foreigners signaled to the Consul General that the authorities in Bern had no objections to the plans of Terre des hommes Lausanne in Brazil.⁹⁶ Kaiser made further trips to Brazil, and, on the instruction of the FDFA, he was supported by Swiss representatives.⁹⁷ Locally, Terre des hommes Lausanne collaborated with Anna Brunner*.⁹⁸ In 1981, Edmond Kaiser spoke as a speaker at a national conference on adoptions in Rio de Janeiro.⁹⁹ Two years later, Brazilian newspapers reported that a youth judge in Rio de Janeiro was considering whether the adoption of 93 children with disabilities between the ages of two and ten by Swiss adoptive parents would be possible. Since Brazilian adoptive parents preferred healthy children under two years of age, the newspaper report stated that the offer from Terre des hommes Lausanne was a stroke of luck for these children in need of medical treatment.¹⁰⁰ In 1987, Terre des hommes Lausanne signed an agreement with the Youth Welfare Office in Curitiba. Three years earlier, Curitiba had been associated with child trafficking.¹⁰¹ The Vice President of the Court in Curitiba praised, after the conclusion of the agreement, "the willingness of European or Swiss couples to adopt children with disabilities."¹⁰² Swiss representatives in Brazil recommended to couples interested in adoption to contact Terre des hommes Lausanne,¹⁰³ also referring to the agreement concluded with the Youth Welfare Office in Curitiba.¹⁰⁴ The Youth Welfare Office was "well-organized, and the adoption process complies with strict international standards."¹⁰⁵ The cooperation between future adoptive parents and Terre des hommes Lausanne also worked well.¹⁰⁶

Pro Kind Adopt Inform and later Bras Kind were also active in Brazil.¹⁰⁷ The supervisory youth office of the canton of Zurich considered the activities of Pro Kind Adopt Inform at the time of its founding in 1984 as not subject to approval.¹⁰⁸ The association's annual report states that since its founding in March 1984, "21 children had found a loving home in Switzerland." A year later, there were 25

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children from Chile and five from Brazil.¹⁰⁹ Apparently, the mediation agency Pro Kind Adopt Inform still did not have an additional permit for Brazil in 1987. This was confirmed by the Federal Office of Justice in response to an inquiry from the Swiss representative in São Paulo. The youth judge in São Paulo had asked the representative to clarify this.¹¹⁰ Pro Kind Adopt Inform apparently worked locally with Youth Judge Pedro Rocha*.¹¹¹ The Swiss Consul General in São Paulo was impressed by Pro Kind Adopt Inform's work after a conversation with Rocha: "The placement of over 70 Brazilian children in recent years is an impressive testimony to your commendable work [...]". He advised Pro Kind Adopt Inform to provide "a factual and comprehensive information to the Brazilian representatives in Switzerland [...] to prevent any misunderstandings [...] as a rather skeptical attitude of the local authorities [towards] all adoptions by foreign couples has spread in recent times."¹¹²

Pro Kind Adopt Inform split in 1991. Bras Kind was newly founded for adoptions of children from Brazil.¹¹³ The Swiss Consul General in São Paulo henceforth recommended Bras Kind alongside Terre des hommes Lausanne to Swiss individuals interested in adoption.¹¹⁴ Bras Kind continued its collaboration with Judge Rocha.¹¹⁵ Between 1985 and 1991, he had approved "over a hundred adoptions of Brazilian children by Swiss" and had visited Switzerland "to ensure that the adopted children feel comfortable in their new environment." The collaboration between the Swiss Consulate General in São Paulo, the local representatives of Bras Kind, and the judge was described as "excellent" by all parties 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, note of the authors] is satisfied that adoptive parents, who usually want to leave as soon as possible after the end of the procedure in Brazil, are received outside the normal opening hours of the consulate general."¹¹⁶ In addition to Rocha, Bras Kind collaborated with local representatives Maja Voos*, Marita Silva Greuter Pujol*, and Sister Nicole Ida Zehnder*.¹¹⁷ There was also collaboration

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with Ingrid Gasser*, but Bras Kind later distanced itself from her and wanted to be "in no way associated with her."¹¹⁸

The mediation agency Adoptio by Alice Honegger first contacted the Swiss Embassy in Brasilia in 1983.¹¹⁹ Three years later, Adoptio again requested the delivery of legal texts and addresses of orphanages and hospitals.¹²⁰ The acting Swiss chargé d'affaires¹²¹ in Brasilia then asked a colleague at the FDFA because he considered "the provision of addresses of orphanages and adoption agencies [...] as a rather delicate matter." He wanted to avoid "that the embassy is presented sooner or later as a mediator of possibly unserious addresses. My consular district is so enormously large that it will be impossible for me to clarify based on the address whether it is a serious address or not." He feared that Adoptio might "commercialize information."¹²² The FDFA replied to the Swiss Embassy in Brasilia that the approval of the canton of St. Gallen for Adoptio was limited to the mediation of children from India and Sri Lanka. The responsible supervisory authority, the Department of Justice and Police of the canton of St. Gallen, believed "that nothing prevents you from providing the 'Adoptio' foundation with the documentation it has requested," although only official Brazilian authorities should be disclosed.¹²³ Whether Adoptio in St. Gallen applied for an additional permit for Brazil would have to be separately investigated. The episode is nevertheless interesting. The acting Swiss chargé d'affaires in Brasilia was reserved towards Adoptio because he did not exclude a commercial character and because he himself could not assess the seriousness of the Brazilian institutions. This implicitly named a sensitive point of approval in Switzerland because, according to Swiss regulations on adoption mediation, contacts on-site in the country of origin had to be reliable, which could not be assessed in this case. It is also interesting that the responsible St. Gallen supervisory authority had no concerns, even though child trafficking in Sri Lanka and the dubious role of Alice Honegger in the case of adoptions from Sri Lanka were known to them at that time.¹²⁴

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4.1 Indication of Child Trafficking and Scandals

The examined case files contain numerous newspaper articles about child trafficking. These articles were collected by Swiss representatives, sent to Bern, and exchanged between the representatives in Brazil. The first newspaper articles about child trafficking date back to the late 1970s.¹²⁵ Regular media reports on child trafficking continued in the 1980s and 1990s. An article from 1987 reported the conviction of a Brazilian lawyer who allegedly illegally arranged adoptions, including to Switzerland, for several years. He reportedly received \$8,000 US dollars for each child.¹²⁶ Subsequently, regional adoption bans were imposed.

In addition, the case files document illegal documentation practices, and a Swiss mediator was suspected of child trafficking.

Adoptive Parents Registered as Biological Parents

The case files of Swiss representatives in Brazil document cases of document forgery from various decades, some of which were associated with allegations of child trafficking. In 1970, the Vice Consul of the Consulate General in Rio de Janeiro requested a statement from the Federal Office for Civil Status. He described a case where a local youth judge had ordered Swiss adoption applicants living in Brazil to be registered as parents on the birth certificate of the Brazilian child. "Furthermore, he [the youth judge, note of the authors] ordered that the word 'adopted' should not be noted in the birth certificate to be issued, nor any expression related to it."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 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 obtain a newborn child from an unmarried mother and have it registered as one's own." By "directly registering the children with the relevant civil registry office, the 'parents' spared themselves the cumbersome and costly process of adoption." The consulate only knew about these cases because these families "maintained

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contact with the consulate," posing a "humanitarian and delicate problem" for the consulate: "If it is [...] cases of compatriots who frequent the colony, maintain connections with us, in other words, 'good Swiss,' they are denied the right to register such a child in Switzerland by this very circumstance. In a sense, they are disadvantaged because they do what is generally expected of them, to maintain contact with their homeland." The Vice Consul pointed out to the Federal Office for Civil Status the size of the district: "This consular district is approximately 6 times the size of Switzerland. [...] It is understandable that we do not personally know all families, and therefore, births of non-marital children can be reported without our knowledge."¹²⁸ In its response, the Federal Office for Civil Status referred the responsibility back to the consulate: "We would therefore be grateful if you could clarify in cases of doubt whether it is an adopted child so that this fact is clearly drawn attention to when transmitting the documents. For example, if the notification of a birth occurs only after years, this point seems worth checking."¹²⁹

Fake entries in birth certificates are documented for the state of Paraná from the 1970s.¹³⁰ Similarly, in 1977, Stefan Koch* from the Federal Office for Foreigners warned the Consulate General in Rio de Janeiro not to entrust any child to prospective adoptive parents prematurely, as entry would be denied if the conditions for adoption were not met.¹³¹

In 1980, the Consulate General in São Paulo again sought a statement from the Federal Office for Civil Status as it had been confronted with two cases where Swiss couples had falsely claimed non-biological children as their own,¹³² and received the following response: "When it comes to the registration of civil status events that occurred abroad, the principle of registry truth can naturally only be realized to a lesser extent; this is particularly true if the civil status document to be registered comes from a legal area where the precise verification of the statements of a declarant by the civil status officer is not common or even not allowed." The verification of documents is not the task of the Swiss representative, and the "decision about whether the documents should be entered in Swiss

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registers is solely the responsibility of the competent cantonal supervisory authorities in civil status matters." However, it is not up to them "to take the place of the judge." The Federal Office for Civil Status only hinted at the possibility of child trafficking by mentioning that the children may have been taken from their biological parents against their will. "Certainly, it would not be inappropriate if the parties involved in cases like the one you described were informed about the rather unpleasant consequences that a false registration can have for the married couple themselves, but especially for the child not born to the wife – possibly only after years. Such information would be purely informative and should not be held in a threatening tone."¹³³ The Consulate General in São Paulo passed this information on to the representatives in Brasília, Rio de Janeiro, Curitiba, and Salvador – "assuming that you have already dealt with birth notifications where there were doubts about the descent of the child."¹³⁴ The example illustrates that the Federal Office for Civil Status saw it as the responsibility of the Brazilian judge to verify the legality of adoption, and the Swiss representatives had no leverage.

A memorandum from the Consulate General in São Paulo in 1985 shows that the practice of false birth registrations continued in the 1980s: "For couples residing in Brazil, there is, of course, the possibility of illegally adopting a child. This means that the child is simply declared as one's own through a medical birth certificate. [...] An [...] advantage of carrying out a legal adoption is that the biological mother can never reclaim her child once the youth welfare office has released the child. [...] This simple form of adoption can cause difficulties later on, primarily when the mother wants her child back. Secondly, when papers are drawn up by the Juiz de Menores (Youth Judge), difficulties may also arise, automatically preventing recognition of the adoption in Switzerland."¹³⁵ This illegal practice was reported in a Brazilian television program, and a memorandum from the Swiss representative in Salvador is included in the documents: children would be "legalized" through a simple adoption under Brazilian law or "through false registration in the birth registry."¹³⁶ The report criticized the youth court in Curitiba, which allegedly "conducted 10% of all adoptions in Brazil last year."¹³⁷ Apparently, biological

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mothers were deceived under the pretext of entrusting their child to a married couple. They signed a waiver without being fully informed of the consequences.¹³⁸ In response to this practice, all adoptions were now being reviewed. Brazilian authorities even seemed to consider "banning any adoption by foreigners."¹³⁹

The increase in international adoptions is accompanied by reports of child trafficking. Since the early 1980s, reports of child trafficking increased with the rise in adoptions of children from Brazil. UNICEF's country office also mentioned illegal methods in its 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 documented in the files. Detailed reports on child trafficking in Curitiba appeared repeatedly in Brazilian newspapers in the 1980s.¹⁴¹ The Swiss representative in Curitiba sent newspaper articles on child trafficking to the Federal Office for Foreigners and the Federal Office of Justice.¹⁴² At the same time, prospective adoptive parents complained that the process took so long – "we have nothing to do with child trafficking."¹⁴³ Also documented in this case file is the entry of a Brazilian child into Switzerland without a visa from the immigration authorities: "However, the Swiss Consulate in Curitiba has been authorized by an employee of the [Canton] Alien Police [...] to issue a visa. This procedure certainly does not correspond to the applicable regulations [...]."¹⁴⁴

In 1988, international media repeatedly reported on the trade of newborns between Brazil and Paraguay. In addition to baby trafficking, there were also allegations of trading 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 to obtain further information.¹⁴⁶ The embassy in Brasilia contacted the Brazilian Ministry of Foreign Affairs and the

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American embassy and then reported to Bern: "Everyone is aware that trade in small children from developing countries for illegal adoption is being conducted. This is also known in Europe." However, there was a "lack of evidence at the moment." The American authorities reportedly credibly denied the accusations. It was "a smear campaign by various media from the Eastern Bloc countries against the USA."¹⁴⁷ This example illustrates an aspect that is rarely encountered in the case material: indications of child trafficking were not investigated on the grounds that the accusation of child trafficking is propaganda, and the USA is 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 the context of feared espionage activities by communist countries.

Temporary regional adoption halts

In the early 1990s, there were apparently temporary suspensions of adoptions due to media reports of child trafficking, for example, in the state of Bahia in 1990.¹⁴⁸ The Swiss Embassy in Brasilia informed prospective adoptive couples that, without the authorization of a newly created commission, no international adoptions would be granted.¹⁴⁹

In 1996, the Swiss chargé d'affaires ad interim in Brasilia reported to the FDJP that adoption procedures were again being carried out in Bahia.¹⁵⁰ During an official trip, he visited Salvador and attended the "conclusion of the 1st adoption under the new law" by a Swiss couple. During this trip, the Swiss chargé d'affaires ad interim also met with the responsible youth judge. He reported to Bern about the judge's "uncertainty" regarding the control of internationally adopted children. It was planned for adoptive parents in the state of Bahia to live together with the adopted child in Brazil for at least six months in the future. During this time, the "abilities and actual intentions of the future parents would be examined." Since this trial period demanded "very great personal and financial sacrifices" from adoptive parents, the Swiss chargé d'affaires ad interim intended to "explain the

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international adoption process from a Swiss perspective" to the youth judge and requested the FDJP to provide an appropriate presentation.¹⁵¹ The well-being of Brazilian adoptive children abroad was repeatedly addressed in the Brazilian media. Reports of adopted children being mistreated or becoming victims of organ trafficking put pressure on Brazilian authorities. The newly introduced probationary period for foreign adoptive parents is seen in this context. A youth judge traveled to Switzerland, Italy, Belgium, and Germany to verify the situation of Brazilian adoptive children on-site.¹⁵² In March 1992, when adoptions from Bahia were problematic, 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 Investigation Commission (CPI) on the murder of children and adolescents to the Human Rights Section in the Directorate of Public International Law of the FDFA. The third part of the report was, according to her accompanying letter, "dedicated to child trafficking and international adoption. Switzerland does not appear on the list of the most important 'child importers.'" ¹⁵⁴ This final report was also sent in copy to the Federal Prosecutor's Office, the International Criminal Law Section in the Federal Office of Justice, the Latin America Section DEH in the FDFA, and the Political Division II in 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 adoptions in this state had been halted and requested additional information from the relevant authorities in Switzerland about what had been reported in the press.¹⁵⁷ The Federal Office of Justice asked the embassy for clarifications on the "more detailed details from an official Brazilian source."¹⁵⁸

An adoptive couple from Switzerland was affected by this suspension in the state of Pernambuco. The responsible social authority at their place of residence asked

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the Swiss Embassy in Brasilia about the situation on-site. An employee replied: "[I]n the state of Pernambuco/Recife, there have been [...] scandals, unfortunately for the family

[...], just in these days. [...] They say that lawyers dealing with adoption procedures are corrupt. Of course, now everyone is on edge, and if the procedures used to take two months, now you can imagine. [...] Also, [...] the 'Juiz' of Recife currently has 250 pending adoption requests, in other words, all these children still need to be found."¹⁵⁹

After a few months, the responsible Swiss representative gave the all-clear: "However, the local authorities now seem to have realized that our consulates and certainly also others are conducting 100% legal adoptions. Therefore, the ban on granting new adoptions by foreign couples was lifted." The Swiss representative in Recife further reported that an adoption procedure for a Swiss couple had already been successfully completed again after having been "in contact several times [...] with the youth judge": "Such discussions with a youth judge involve an appeal by the adoptive parents through me to expedite the process, by no means interference on my part in its course."¹⁶⁰

According to documents in the case file, adoptions in the state of Ceará were also suspended in the same year 1993 due to child trafficking.¹⁶¹ A couple interested in adoption, affected by this, asked the Swiss Embassy to intervene with Brazilian authorities to complete their process nonetheless. The Swiss Embassy in Brasilia instructed the local consular agency to contact the couple and "then inquire with the competent authorities about the status of the adoption [...] and [until] when the completion of the formalities in Fortaleza could be expected."¹⁶² This intervention was successful, so the Swiss Embassy in Brasilia reported the successful completion to Bern after a few weeks.¹⁶³

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Like other representatives, the one in Recife in the state of Pernambuco also sent newspaper articles on child trafficking to the Swiss Embassy in Brasilia.¹⁶⁴ The Swiss representative in Brasilia mentioned the negative consequences of these media reports for adoptive parents to prospective adoptive couples: "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 reported extent despite investigations. However, the reports have caused great uncertainty among the competent courts and in various places have led to a tightening of the bureaucratic process, which is hardly acceptable for foreign adoptive parents."¹⁶⁵ The Swiss Embassy recommended adoptive parents to "not adopt a child in a coastal town in northeastern Brazil that is frequented by foreign tourists, as irregularities have occurred there most frequently, and the courts are particularly cautious with foreign adoptive parents."¹⁶⁶ The embassy provided the contact information for the embassy's trusted attorney, who "has already taken on such mandates from the interior of Brazil."¹⁶⁷

Swiss Mediator Iris Mettler Kamm*

In 1986, the Federal Office of Justice requested information from the Swiss Embassy in Brasilia regarding Iris Mettler Kamm*, a local mediator intending to collaborate with the Adoption Aid Association in Brazil.¹⁶⁸ The embassy responded: "Il ne passe pas de mois sans que ce sujet revienne à la une des journaux, impliquant régulièrement des étrangers. L'activité d'intermédiaire est en général sévèrement critiquée tant par les autorités de police compétente que dans la presse."¹⁶⁹ The mentioned mediator had also been mentioned in press reports between 1980 and 1985.¹⁷⁰ Mettler Kamm charged between \$3,000 and \$5,000 per case, claiming it was "qu'il s'agissait tout au plus d'une contribution aux frais qu'elle supporte."¹⁷¹ A newspaper article from 1980 reported the arrest of Iris Mettler Kamm and her brother by the Brazilian police. According to the article, the siblings sought contacts with unmarried mothers to place their children with foreign adoptive parents.¹⁷² Iris Mettler Kamm was also mentioned in a 1981 newspaper article about child trafficking.¹⁷³ Following the Federal Office of

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Justice's inquiry, the ambassador in Brasilia opted not to further investigate: "Sauf sur le demande expresse de votre part, je n'ai pas l'intention de m'enquérir auprès des autorités brésiliennes quant aux activités de Mme Kamm. En le faisant, je risque d'attirer à nouveau l'attention sur elle ce qui, à mon avis, n'est pas souhaitable."¹⁷⁴ He concluded that Iris Mettler Kamm did not meet the legal requirements for Swiss mediation agencies.¹⁷⁵ How the Federal Office of Justice dealt with this information from the Swiss Embassy and whether the Adoption Aid Association collaborated with this mediator in Brazil is not documented in the corresponding case file. Consultation of records from the relevant cantonal central authority could provide clarification.

4.2 Further indications of irregular and problematic practices

In addition to knowledge of child trafficking, other issues reached the Swiss representatives in Brazil, indicating procedural irregularities and questionable adoption placements.

Repatriation of a Brazilian foster child

In 1979, the Swiss Consul General in Salvador reported to the EDA about a Brazilian foster child featured in a Brazilian television program, who was to be returned to Brazil at the request of its biological mother from Switzerland.¹⁷⁶ The Consul General mentioned in the letter that a retired Swiss Consul General appeared in the TV program. He had "intervened in this matter during his five-year tenure here for humanitarian reasons as a private individual. Whether this decision was compatible with his official function is still questionable."¹⁷⁷ Transcripts of the TV program and the interview with the former Consul General are included in the case file.

Desire for stricter admission conditions

Since the late 1980s, Pastor Paul Noser* from the Igreja Evangélica Suíça in São Paulo facilitated the adoption of Brazilian children by Swiss adoptive parents.¹⁷⁸ The Swiss Consul General in São Paulo recommended adoptive parents to

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collaborate with him, as "he knows better about the origins of the children in many cases than, for example, a state orphanage."¹⁷⁹ In 1990, he conveyed the concerns of the pastor to the Federal Office for Foreigners and the Federal Office of Justice, stating "that the willingness to accept in our country contributes to the wide practice of releasing particularly black and partially socially damaged children by Brazilian juvenile courts." Adoption agencies should be better supervised.¹⁸⁰ The response from the Federal Office of Justice to the Consul General in São Paulo was brief: the matter would be forwarded to the Federal Office for Foreigners, and Pastor Noser was asked to "describe the known cases with names." Additionally, the Federal Office of Justice referred to the Hague Conference on Private International Law, held in 1990: "There, all these problems will probably be discussed in detail, and hopefully, solutions will be found that significantly improve the current situation."¹⁸¹

Departure with a child without authorization and legal action against court decision

A year later, Pastor Noser advocated for a couple to whom the cantonal youth welfare office denied the issuance of a foster placement permit due to the lack of a required social report. The Swiss Consulate General in São Paulo intervened with the Federal Office for Foreigners, requesting leniency: "This case is a borderline case where old and new law overlap, and I think we should decide in favor of the child and its willing parents and not ride paragraphs here. We have never had such difficulty over the years, and I am convinced that with a little flexibility, this formality will be resolved."¹⁸² Pastor Noser, who had facilitated the child's placement with the adoptive parents, also appealed to the Federal Office for Foreigners: "It is a shame that bureaucracy and law stand above humanity!! [...]. When children in Brazil become free, the decision often has to be made very quickly because hundreds of couples from all over the world are waiting." Pastor Noser insisted that "there is no hasty action or circumvention of the provisions by the couple."¹⁸³ Despite these interventions, the responsible cantonal youth welfare office did not grant approval and considered filing a criminal complaint

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against the prospective adoptive parents, especially since the adoptive mother supervised foster care in her community and was aware of the applicable regulations.¹⁸⁴ According to Pastor Noser, "[the official's name] quietly prepared the atom bomb and let it explode."¹⁸⁵ Whether the cantonal youth welfare office 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 entered Switzerland with the Brazilian child in the meantime. Due to the lack of a foster placement permit, the authorities placed the child with another family. After the prospective adoptive mother visited the child with this foster family and went on an outing with them, she did not return the child.¹⁸⁶

There are indications in another case that in 1990, a Swiss woman left Brazil with a Brazilian child without judicial permission, "to avoid a second trip."¹⁸⁷

A similar case is documented from the mid-1980s. A Swiss couple did not want 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 return the child, "which was already with them."¹⁸⁸ Subsequently, Brazilian media reported on the case, accusing the adoptive father of attempting to bribe the judge. The adoptive father involved the lawyers of his employer. When they failed with their lawsuit in the relevant court, the adoptive parents eventually handed the child over to Brazilian authorities and left the country.¹⁸⁹

Advertisement for adoptions of children from Brazil in Corriere del Ticino

In early October 1990, ads appeared in the newspaper Il Corriere del Ticino that promoted the adoption of Brazilian children: "Brasile: Milioni di bambini abbandonati. Fatene felice uno. Adottatelo in tutta serietà e legalità" with the contact details of lawyer Elena Lucrezia Barlotti* in Rio de Janeiro.¹⁹⁰ The relevant guardianship authority in Ticino asked the Swiss Consulate General in Rio de Janeiro to obtain information about the lawyer mentioned in the ads. The Swiss Consul General in Rio wrote to Bellinzona: "[...] j'I learned from a fellow countryman

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that the lawyer Elena Lucrezia Barlotti is one of his acquaintances, enjoys a good reputation, and works entirely legally. He has provided me with documentation about her, in which I particularly noted the recommendation from the Embassy of France in Brazil. [originally in French]"191

The cantonal authority was not satisfied with this information and turned to the Federal Office of Justice: "In our opinion, this type of announcement represents a serious violation of current regulations on placement services as well as adoption confidentiality. These announcements would also create misleading expectations for families who could become involved in good faith. [originally in Spanish]"192 The Federal Office of Justice denied in its response that the adoption secrecy or the adoption placement regulation was violated by these ads.193 Nevertheless, the office suggested that the Swiss Embassy should contact the Brazilian authorities since Brazil had signed the UN Convention on the Rights of the Child on November 20, 1989. The Convention stipulates that "International adoption should only be considered if the child cannot, in their country of origin, be placed in a foster or adoptive family or be adequately raised. Announcements such as those published by Mrs. Barlotti do not seem to us to sufficiently adhere to the principles established by the United Nations Convention. [originally in French]"194 The Swiss Embassy consulted with its trusted attorney and conveyed his assessment to the Federal Office of Justice: "In the context of legal ethics, it is indeed not advisable for a lawyer to publish advertisements that give the impression of an adoption industry.[originally in French]"195 However, since the lawyer did not violate 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 process complied with international standards. These statements indicate that the lack of framing by the Convention on the Rights of the Child in 1991 influenced adoption practices in Switzerland. As far as is evident in the case file, the responsible guardianship authority in Ticino apparently did not take any further action against the

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publication of these ads with the federal authorities. If it also communicated with the responsible Ticino supervisory authority in this matter, documents would likely be in the cantonal archive.

5. Adoptions of Children from Chile

Swiss authorities issued the first entry permit for a child from Chile in 1976. In 1977, there were two, in 1978 three, in 1979 eight, and in the following years around a dozen entry permits. In other countries, adoptions of children from Chile in the 1970s were, if at all known, not very frequent, as reported by Chilean media. The newspaper El Mercurio estimated a total of around 500 to 800 Chilean children internationally placed for adoption between 1974 and 1978, predicting that Chile would not become a significant source country for international adoptions.

However, this uncritical assessment was made during the Pinochet dictatorship, which lasted from 1973 to 1990. A BBC documentary from the fall of 2019 assumes that during the dictatorship, thousands of Chilean children were taken from their mothers and placed for adoption abroad. Even the children of opposition figures abducted and executed by Pinochet were reportedly placed in orphanages and then internationally adopted. In around 2,000 adoptions of Chilean children between 1970 and 1990 in Sweden, hundreds of cases are being investigated for the alleged removal of children from their parents under deception or coercion.

The departures to Switzerland reached their first peak in 1985 with 49 entry permits for Chilean foster children, for later adoption or other reasons, and in the following years, there were always between 32 and 44 issued entry permits. In 1990, 52 entry permits for children from Chile were issued, the highest number in the entire period under investigation. In 1991, the number dropped to 42, in 1992 to 25, and in the following three years, it was below 20. In 1998, there were only six, and in 1999, four entry permits for children from Chile.

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Various Swiss placement agencies inquired with the Swiss embassy in Santiago during the investigation period about Chilean laws and expressed their interest in placement activities, such as the Association en faveur de l'adoption internationale from Geneva, or Alice Honegger with Adoptio. Based on the documents seen in the case files at the Federal Archives, it appears that no placement activities took place in these cases. Terre des hommes had been approached but, according to its own statements, did not want to be an accomplice to a dictatorship. By 1986, the Association for Adoption Assistance had obtained approval for the placement of Chilean children in Switzerland, and by 1992, Pro Kind Adopt Inform from the canton of Zurich. Pro Kind Adopt Inform, operating as the Te Amo foundation, also ran Swiss children's villages in Chile, for which it sought funds from the Swiss embassy in the 1990s, albeit unsuccessfully.

In the 1990s, Pro Kind Adopt Inform attempted to persuade Swiss authorities to pursue a bilateral path with Chile when the two countries had not yet ratified the Hague Convention. The Association for Adoption Assistance collaborated in the 1980s with Therese Moser* in Santiago, as well as with the Chilean Casa Nacional del Niño, which the Swiss embassy regularly mentioned as the responsible Chilean placement agency when providing information to Swiss citizens about adoption possibilities in Chile. After Pinochet's dictatorship, the Swiss embassy in the 1990s regularly communicated with the Chilean central authority Servicio Nacional de Menores (SENAME), which was under the Ministry of Justice and had been established in 1979. Throughout the investigation period, the Swiss representative worked with the same local attorney, Werner Reichert*.

5.1 Indications of Child Trafficking and Scandals

During Pinochet's dictatorship, there was sparse and uncritical media coverage of international adoptions. This changed from the early 1990s when various articles appeared about illegal activities and forged documents, which are documented in the files of the Swiss representative. In 1990, which also saw the highest number

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of entry permits for children from Chile to Switzerland, there was only limited critical reporting during Pinochet's dictatorship.

Little Critical Reporting During Pinochet's Dictatorship

When Stefan Koch* of the Federal Aliens Police approved one of the first cantonal entry permits for a child from Chile in 1978, he urged the Swiss embassy in Santiago to clarify the stance of Chilean authorities on international adoptions. The response from the Swiss chargé d'affaires ad interim mentioned problematic child export for the first time but not specifically related to Chile. The terminology of child export was used based on a conversation with the Chilean Minister of Foreign Affairs and the assessment of Werner Reichert, the trusted attorney of the Swiss embassy: "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," meaning that the procedures in Chile were in accordance with the law.

Unlike other South and Central American countries investigated for this survey, there were hardly any critical media reports on adoption practices in Chile under Pinochet until the late 1980s. In 1981, the newspaper *El Mercurio* cautioned against international adoptions. This is one of the few newspaper clippings from that time found in the case files of the Swiss embassy.

However, the Swiss representative was aware of abuse cases, as indirectly inferred from their information to couples interested in adoption during that time. As in the mid-1970s, in the 1980s, they referred to their trusted attorney, which could create a conflict of interest. In 1983, embassy staff pointed out that a new adoption law was being drafted. Such a law was "necessary because, in recent times, cases of abuse have become more common. It is possible that you may have to wait a bit longer as a result." The priority in this argumentation was that prospective adoptive parents had to wait.

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Indications of Child Trafficking and Scandals in the Early 1990s

Only after the end of Pinochet's dictatorship did critical reporting begin, as far as can be gleaned from the case files. In the fall of 1990, the Chilean press reported on over 860 children annually placed abroad. In response, the Chilean government apparently announced better regulations in the spring of 1992. In early 1990, the Swiss Federal Department of Foreign Affairs (EDA) approached the Swiss embassy in Santiago, enclosing an article from Tribune de Genève. The newspaper had received an advertisement with the following content: "Adoption: Chilean babies and children - simple and fast legal decision - Fundación Solidaridad Christiana Santiago." Tribune had refused to publish this advertisement but apparently could not find out anything about the mentioned foundation. In 1990, the year with the most entry permits for children from Chile to Switzerland, the Swiss embassy started being more reserved in its communication with couples interested in adoption. It now described itself as not authorized to provide the names of authorized lawyers in Chile or recommend placement agencies. Shortly before, it had apparently become aware of the problem of knowing too little about placement agencies. An embassy employee, on behalf of the ambassador, had inquired with the EDA, Consular Protection Section, whether he could recommend the placement agency Pro Kind Adopt Inform because he could not "assess their seriousness." In its response, the EDA instructed the embassy always to refer interested couples to the cantonal civil status services, suggesting caution with recommendations. This was probably because the embassy employee had described the overall situation in the following way in his request:

The demand for adopted children is particularly high in industrialized countries. Chilean babies and toddlers are particularly popular for adoption by Europeans and North Americans of white skin color, occasionally causing criticism in the press.

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In a Swiss Sunday newspaper, probably in 1992, a series of articles on international adoptions appeared. One of these articles reported that the "Chilean baby mafia" annually placed over 3,000 children from destitute mothers with wealthy foreign adoptive parents who paid up to the equivalent of 22,400 Swiss francs per child. In 1986, 296 Chilean children were reportedly placed in the USA, 153 in Italy, 126 in France, 41 in Germany, and 22 in Switzerland. Lawyers organized the child trafficking, involving also juvenile judges who decided on adoption. According to the newspaper report, the most common method was to enter false birth information in the civil status registers by listing the future adoptive mothers as biological mothers. Pro Kind Adopt Inform expressed dismay to the Swiss embassy in Santiago about this reporting, which was a scandal for the children and correctly operating placement agencies. Pro Kind Adopt Inform felt compelled to present its work better to the Swiss embassy. According to its own statements, the placement agency supported children's homes in Chile and had recently placed children for adoption. The letter included a Swiss map, showing that by far, most of the Chilean children placed by Pro Kind Adopt Inform came to the canton of Zurich. Also attached were an annual report and the approval from the Youth Office of the Canton of Zurich. Thea Ackermann* from Pro Kind Adopt Inform even phoned the embassy to establish contact with an Austrian woman who operated several children's villages in Chile under the name Aldeas de Niños SOS.

Despite Knowledge of Child Trafficking, Desire for an Adopted Child

In the responses of the Swiss embassy to inquiries from prospective adoptive parents in the 1990s, there was mention of child trafficking: "At the moment, it is very difficult to adopt small, healthy children from Chile. The causes are, on the one hand, the legal provisions in the country (every abandoned child must first be proposed for adoption to a Chilean couple), and, on the other hand, covert child trafficking. However, we are always very 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 Earth has the right to a dignified

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existence and parental love!" The embassy staff were aware of child trafficking but aligned with the then-uncritically questioned argument that a child would have a better life in Switzerland through adoption than in its country of origin.

The desire of prospective adoptive parents to adopt small and healthy children is documented multiple times in the case files. However, since the mid-1990s, the Swiss embassy warned that the explicit desire for a baby could hardly be fulfilled, as children were better protected under Chilean law. Sometimes, interested couples emphasized their desire for adoption with great urgency. However, since the 1990s, the Swiss embassy tempered optimism: "The simple and uncomplicated option you are aiming for cannot be realized in Chile. Here, children are protected regarding adoption in a way comparable to Switzerland." An interested couple expressed the wish to adopt only a healthy child and did not shy away – at least in thought – from potentially sending a child brought to Switzerland back to Chile: "Since we expressly wanted a healthy child, we would like to ask you whether, legally speaking, the possibility of returning this child to Chile exists as long as it has an identity card and a Chilean passport. Where could we find out about this?"

Unlawful Conduct of Prospective Adoptive Couple

Here, an exemplary case is discussed, which did not lead to a scandal but, based on the documents in the case files, illustrates that prospective adoptive parents sometimes acted illegally in the children's country of origin, especially when they wanted to adopt a child at any cost. In the mid-1980s, a Swiss couple heard about abandoned children in Chile and, through friends, specifically about a young Chilean woman who was soon to give birth. The reasons why this woman gave her child up for adoption are not apparent from the documents. The Swiss couple wanted to expedite the process at their place of residence to be able to receive the child as quickly as possible after birth, rather than after spending a few months in an orphanage. The couple realized that this approach would take a long time and decided to take a different path.

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The responsible investigating magistrate in the couple's canton of residence reconstructed the following events: A few days before giving birth, the woman traveled to Chile, not without first having herself photographed at the Swiss airport in a pregnancy dress. Immediately after giving birth, she took the child from the biological mother and had the clinic issue a false birth certificate. The birth entry in the civil status register was also forged. With these documents, a friend appeared at the Swiss embassy two weeks later, successfully registering the baby in the passport of the supposed Swiss mother, who was not present. Only this act by the embassy enabled the return to Switzerland. Weeks later, due to discrepancies in the documents, the canton refused to register the child in the civil status register. The authorities referred the case to the investigating magistrate, who initiated a criminal proceeding. This is exceptional 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 where, beyond the prospective adoptive parents' objections, there was an investigation with criminal relevance.

The investigating magistrate in question contacted the Swiss embassy in Santiago through the General Secretariat of the EDA. Because the Swiss couple claimed that embassy staff knew it was a staged birth. The investigating magistrate wanted to know whether the passport entry was legal or whether the embassy staff had been deceived. The Swiss ambassador took the position 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 revoked because the couple had obtained the document by deceit. The subsequent course of this case is not evident from the case file. Further documents may be with the canton.

The General Secretariat of the EDA then informed the investigating magistrate that the Swiss embassy had no way of questioning the authenticity of the birth

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certificate. The passport entry was made based on Swiss regulations. The fact that the alleged mother did not have to appear in person was in accordance with Chilean law. According to investigations by the embassy's trusted attorney, the Swiss woman's actions were criminally punishable under Chilean law in several respects. With this, the case was closed for the Swiss embassy in Santiago. However, the staff was already aware before this incident that there could be a problem with forged birth certificates, especially when "externally, nothing was noticeable about the birth certificate": "Although the embassy is not aware of cases where Swiss people circumvent the local adoption process in the manner described [forgery, author's note], such a procedure is quite possible in Chile." Despite this assumption, the embassy staff did not become suspicious in the described case ten months later. The General Secretariat of the EDA accepted the justification.

In a similar case discussed by the jurist and adoption expert Cyril Hegnauer in the Swiss Journal of Guardianship Law, a Swiss couple had adopted a child in Brazil in 1979, mediated by friends. The child came with a forged birth certificate that identified the adoptive parents as biological parents. The couple had the child recorded as their own in the consulate's passport and arranged for the entry in the family register of their home municipality. Unlike the example from Chile, where the embassy did not take action, the consulate filed a criminal complaint in this case. The parents were sentenced to prison for forgery of civil status and obtaining a false record by deception.

5.2 Additional indications of irregular and problematic practices

After an initial orientation phase in the 1970s, during which the Swiss Embassy, in response to increasing demand, addressed its own knowledge gaps and lack of language and legal expertise through information gathering, several problems in Chile repeatedly came into focus. These included forged documents and unauthorized mediation activities.

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Embassy personnel orient themselves locally on adoption

In the earliest records of the Swiss representative in Santiago from the 1970s, it is evident that the primary focus initially was on general orientation regarding adoption. The representative faced questions from Swiss authorities about whether full adoption according to Chilean law from 1965 also applied in Switzerland. In another example, they inquired about how adoption should be carried out in the case of adoptive parents of Chilean nationality living in Switzerland. The Swiss representative consulted their local legal counsel, who extensively documented the adoption regulations applicable in Chile whenever Swiss authorities in Bern requested such documentation.

In the initial phase, the Swiss Embassy, upon request, also informed the cantonal authorities that a court decision was necessary for adoption in Chile. They also mentioned the Casa Nacional del Niño as the responsible mediation agency and recommended contacting the Federal Office for Foreigner Affairs regarding questions about Chilean law. The youth courts were responsible for adoption, and there were many social centers that could assist with adoption mediation.

In a 1978 entry permit from the Federal Aliens Police, Stefan Koch* noted in the sense of 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 is granted here. We ask for information on the conditions under which the Chilean authorities might be willing to let children leave for later adoption by local families." The authorities in Bern subsequently documented the Swiss Embassy in Santiago with the reports from Stefan Koch, which he had presented in Geneva and Savognin. They did the same in the case of other South and Central American countries and others.

Increasing demand and support for acquaintances

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Indeed, there were numerous inquiries from prospective adoptive couples from Switzerland at the Embassy in Santiago. In the late 1970s, the Embassy still expressed optimism: "With the necessary patience and a fairly large effort, the adoption of Chilean children should be quite feasible." The Swiss Embassy regularly recommended the Casa Nacional del Niño on-site. This was the only mediation agency known to them, along with Chilean lawyer Pia Berta Gonzales*, who allegedly worked to the satisfaction of three Swiss couples and charged \$800 when the child had already been selected: "If she [Pia Berta Gonzales, note by the authors] had to look for a child according to the wishes of the future parents, expenses and fees totaling US dollars 2,000 should be expected. [...] Although I have only heard good things about Mrs. Gonzales, I can, of course, give no guarantee for her services. The disclosure of this address is therefore non-binding." It is revealing how the Swiss representative came to this assessment despite Gonzales seeking children based on specific criteria and charging considerable additional fees. The positive judgment of the Swiss Embassy was based on a telephone conversation with the aforementioned lawyer, whose secretary had visited the Embassy to advertise her services. The Casa Nacional del Niño was recommended by the Swiss representative regularly in the 1980s as well.

Embassy employees were also contacted by acquaintances or provided them with information. For example, in 1979, an employee of a Swiss consulate in another country asked a "cher ami" at the Swiss Embassy in Santiago if he could arrange contact with Casa del Niño for his wife and sister-in-law to adopt two children from Chile. Embassy staff sometimes recommended unapproved intermediaries: "Another contact person [for adoptions from Chile, note by the authors] in Switzerland is the wife of a colleague." There were also occasional such inquiries in the 1980s and 1990s. In 1984, the Swiss Embassy of another country sent a message to the Embassy in Santiago: "Our compatriot [...], director general [of a Swiss company in the respective country], will arrive in Santiago with his wife [next] week to proceed with an adoption. Spouses [...] are very favorably known to

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me. At their request, I allowed to provide your address, in case they need assistance. Sincerely [...]." In 1981, a Swiss ambassador who now represented Switzerland in another country asked his successor in Santiago as a "dear colleague and friend" if he could provide him with the names of families who had adopted children from Chile, as he could not 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 she heard that in Switzerland, there were some adopted children from Chile." Now he wanted to facilitate contacts with adoptive parents. In January 1990, an employee of a Swiss consulate, on behalf of his brother, inquired at the Embassy in Santiago about adoption possibilities in Chile. In 1991, an expert in science and research at the Department of the Interior personally approached the Swiss Ambassador in Santiago, requesting assistance for a couple, acquaintances of his wife. He asked if the couple could write in the further proceedings that the Swiss Ambassador was informed. The Ambassador then wrote directly to the interested couple, stating that they would have to wait a long time due to the many pending requests from Switzerland. He advised the inquirer to help with the process, suggesting that the couple seek support from an experienced mediation agency.

Forged documents

The Sachdossiers of the Swiss representative in Santiago contain numerous copies of entry permits, sometimes supplemented with additional documents related to each adoption case. These case-specific documents were not analyzed for this report. There is no separate inventory of individual case files for Chile.

The Sachdossiers document correspondences with cantonal authorities on problematic procedures. In 1986, the Swiss Embassy in Santiago had to justify to the Federal Office for Foreigners Affairs in a case where the last name of the future adoptive parents was directly given to a newborn in the birth certificate. This had been noticed by the competent supervisory authority, the Directorate of the Interior in the canton of residence of the adoptive parents, as a procedural

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error. The Swiss Embassy took the position that any name could be given to a newborn abandoned by its parents, and this name would then also appear in subsequent documents such as entry permits, passports, and visas: "It cannot be said that all Chilean papers consistently state false information from the beginning, as this naming is a legally recognized, legal solution according to Chilean law." This position of the Swiss Embassy was taken at a time when, due to the aforementioned case with criminal relevance, they were aware of the problem of forged name entries.

Uncertain situation regarding approvals for adoption mediation to Switzerland

In the 1980s, the Association for Adoption Assistance mediated Chilean children to Switzerland. They worked locally with Therese Moser*. The Swiss Embassy regularly recommended Therese Moser to those interested in adoption from Switzerland, even though her status for this activity was unclear: "The official mediation agency in Chile is the 'Casa Nacional del Niño' in Santiago. However, this agency is overwhelmed with adoption requests, which is why long waiting times can be expected there. The family [...] has therefore tried to come faster to a child through another channel and came into contact with Mrs. Therese Moser through a third party in Switzerland, a Swiss citizen registered with this Embassy [...]. Mrs. Moser is very well known to this Embassy and does not operate a mediation agency for adoptions. However, she has offered her help without any fee claims in several cases. Also in the present case." The Swiss Embassy regularly listed Therese Moser as the only contact person on-site in Chile in its files and provided this information to interested couples. In another letter, the representative openly stated that they could not verify whether Therese Moser was actually working without charge or not. They relied on the statement of the mediator herself: "I cannot report anything detrimental about Mrs. Therese Moser. She is a Swiss citizen close to this Embassy, known as reputable. She does not operate an actual mediation agency but offers her help - as she herself says - free of charge."

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6. Adoptions of Children from Guatemala

Adoptions of Children from Guatemala

In 1977, Swiss authorities granted 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. In the years 1980, 1982, 1983, and 1985, no entry permits were issued. By the mid-1980s, only eight children from Guatemala were thus affected. In 1986, seven entry permits were granted, four in 1987, and five each in 1988 and 1989. In 1990, the number rose to eight, and in 1991, it sharply increased to 21. Between 1992 and 1999, the numbers fluctuated between eight and eleven entry permits per year, except in 1997, when only four children entered Switzerland. As far as the number is concerned, entry permits for children from Guatemala did not weigh heavily compared to other countries of origin for Switzerland. However, it is interesting that the entry permits spiked in 1991. Shortly after this period, the Guatemalan press, not for the first time, discussed child trafficking. Even if not to Switzerland, many children from Guatemala were reportedly adopted abroad, according to media reports. The newspaper Prensa Libre, for the year 1995 alone, mentioned 718 children, and for the first half of 1996, Prensa Libre provided statistics on 595 adoption procedures, many of which were suspected of child trafficking. The United States led the statistics with 304 children, followed by Canada with 67 and France with 66 children. Switzerland, according to the cited statistics by Prensa Libre, ranked at the bottom with six children.

For the adoption process in Guatemala, a lawyer was necessary. This apparently favored illegal practices because some legal representatives were "only out for quick and lucrative profits," as the Swiss Embassy in Ciudad de Guatemala

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informed prospective adoptive couples from Switzerland, and therefore, they rarely made recommendations for lawyers.

In addition to the files of the Swiss Embassy in Ciudad de Guatemala, the Swiss Federal Archives also hold records related to other Central American countries, including Honduras, Ecuador, and Nicaragua, which were not reviewed for this report. There is also a collection of newspaper reports related to Honduras, located in the Guatemala inventory.

6.1 Indications of Child Trafficking and Scandals

The files of the Swiss representative in Guatemala exemplify how media reports on suspected or proven child trafficking were crucial. The Swiss Embassy in Ciudad de Guatemala collected relevant newspaper articles throughout the entire period under investigation. They responded differently to various scandals.

Guatemalan lawyer mediates children to Switzerland and faces criticism in 1992

In 1992, the Federal Office for Foreigners Affairs addressed the Swiss Embassy in Ciudad de Guatemala with the subject "Adoption d'enfants – éventuel trafic au Guatémala," directly raising the issue of child trafficking. The Service vaudois de protection de la jeunesse had drawn the attention of the Federal Office for Foreigners Affairs to Antonio Lopez*, who was facilitating adoptions in Guatemala. Due to two extensive reports on child trafficking, attached to the letter and forwarded by the Federal Office for Foreigners Affairs to the Swiss Embassy in Guatemala, the Service vaudois de protection de la jeunesse was concerned about Antonio Lopez's practices. The Time article mentioned a handful of lawyers dominating the annual \$5 million business in Guatemala. Their agents sought out poor parents and single mothers in rural areas willing to give up their children for \$50.

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At that time, adoptive parents in Vaud highly appreciated Antonio Lopez, as noted by the Service vaudois de protection de la jeunesse in its communication with the Federal Office for Foreigners Affairs. Most children from Guatemala had come to Vaud through his mediation. According to the letter to the Federal Office for Foreigners Affairs, Lopez explained his mediation activities during a visit to the head and a social worker of the Service vaudois de protection de la jeunesse: he would temporarily place the child with a mother elsewhere, handle the legal procedures, and receive adoptive parents for about two weeks in his accommodation, after which they could travel to Switzerland with the child, "paying US Dollars 8,000." When the Service vaudois responded that this amounted to 40 months' salary of a civil servant, Lopez explained that he wanted to establish a foundation in Guatemala to support biological parents. The head of the Service vaudois de protection de la jeunesse could not verify this statement and therefore asked the Federal Office for Foreigners Affairs to contact the Swiss Embassy in Guatemala and, if necessary, take action, which the office did by seeking the embassy's assessment.

It proved difficult to obtain information about the lawyer Antonio Lopez, as mentioned in the response of an employee to the Federal Office for Foreigners Affairs six weeks later, written on behalf of the Swiss Ambassador. The embassy's legal counsel had not been able to find out anything. However, Lopez had coincidentally appeared at the embassy regarding an adoption case. This provided an opportunity to question him about the foundation. Lopez claimed to have applied for it nearly two years ago with the Guatemalan government. He expected approval within a month. The documents for the mentioned adoption were, in the author's view, in order. "However, with money, bureaucratic obstacles can be quickly and efficiently removed in Guatemala in general. Unfortunately, I cannot assess to what extent the business of the mentioned lawyer is in compliance with the law, nor can I determine the origin of the children." According to Lopez, it was "usually families from the lower classes who willingly gave up children they could no longer support for adoption." The director of the

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Guatemalan Passport Office reportedly signed around 600 passport applications per month for future adoptive children, according to Lopez's statement to the Swiss representative. He claimed to facilitate around 40 adoptions per month to France and Switzerland. The author refrained from making a final assessment in his response to the Federal Office for Foreigners Affairs. He only referred once again to the specific adoption case at hand: "In summary, I can say that lawyer Lopez is very well documented in the mentioned case." Although Antonio Lopez openly admitted to earning \$8,000 per adoption to the Service vaudois de protection de la jeunesse, no further investigations are documented. More information about Lopez's mediation activities is not found in this dossier of the Swiss representative. Additional documents may be located in the archives of the canton of Vaud.

Media Reports on Child Trafficking in 1993/94 Lead to Information Exchange Between Embassies

The Swiss representative on-site collected numerous 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 with reports in August 1993 indicating over 300 children annually disappearing, being abducted, and sold,²⁶² Guatemalan newspapers in early 1994 reported that the relevant authority, Bienestar Social, was investigating various cases of child trafficking. They highlighted a lack of control over adoptions abroad and the disappearance of newborns. The media repeatedly mentioned that prospective adoptive parents paid between \$10,000 and \$20,000 for a child. In early February 1994, the wife of a high-ranking military official was arrested on charges of being involved in child trafficking.²⁶³ Amid this ongoing media attention, Guatemalan parliament members apparently sought coordinated action with foreign embassies. In March 1994, La Hora reported a government project to standardize the adoption process.²⁶⁴

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Representatives of various countries in Ciudad de Guatemala became active. The Swiss Embassy's files include documents on two exchange meetings of embassy members held in June and November 1995, respectively, at the invitation of the Canadian Embassy. The first meeting included representatives from Switzerland, Mexico, Italy, France, Great Britain, and the USA. A particularly sensitive topic discussed was the fact that Guatemalan lawyers pressured mothers to give up their children for adoption. The attendees decided to continuously update a jointly created list of suspicious lawyers and report any irregularities to the relevant Guatemalan Ministerio Publico. They planned to meet every two months. Whether these meetings continued regularly cannot be determined from the files. Members of the Swiss Embassy only participated in an informal gathering once again in November 1995. The Canadian Embassy, in its invitation, stated that the purpose of the exchange was to find ways to stop abuse by embassies and promote information transfer among them. The Canadian Embassy referred to rumors in the Guatemalan press about the sale of children and child abduction by foreign prospective adopters. The goal should be to only place genuinely abandoned or orphaned children for adoption. Giving mothers should be carefully questioned about their motives, and in the case of missing children, DNA tests should reunite them with their biological mothers.²⁶⁵ Whether these suggestions were implemented as measures cannot be determined from the documents in the dossier. However, the Swiss Federal Archives contain recommendations from the Canadian Embassy for prospective adopters and a multi-page leaflet from the US Embassy, which recommended not choosing a lawyer who accepted forged documents just to expedite the proceedings. The Swiss Embassy seems to have copied these documents, at least in part, for Swiss prospective adopters.²⁶⁶

However, media reports on child trafficking in Guatemala did not cease. For example, the newspaper Siglo Veintiuno reported in 1996 on investigations by the prosecutor's office into irregularities in adoption procedures. In one case, a child had two different birth certificates. The same newspaper lamented that adoption numbers were rising, but Guatemala still lacked effective adoption legislation. It

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continued to report on mafia-like conditions. In 1997, according to Siglo Veintiuno, 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 representative includes email correspondence on child trafficking, a newspaper report published in the Bund, and a detailed United Nations report on children's rights. It portrayed child trafficking in international adoptions as a serious problem in Guatemala.²⁷⁰

6.2 Further Evidence of Irregular and Problematic Practices

The Swiss Embassy responded to various irregular and problematic practices and procedures it faced on-site.

Advising against Mediation Activities on-site

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 from Kreuzlingen had approached the Swiss Embassy in Guatemala, requesting support for a representative who was soon to arrive from St. Gallen: "Adoption International is a young but very active organization that deals, among other things, with helping parentless children in the third world. One of our specific concerns is to integrate orphaned children, who cannot be integrated into a dignified community in their country of birth, [...] through adoption into the love and security of a family. We want to contribute to avoiding that these innocent children fall into misery, crime, and prostitution through direct help."²⁷²

The Swiss Ambassador advised against this plan in his response. The "timing is extremely unfavorable" because "a few weeks ago, the local press raised an alarm about child trafficking with Canada. The lawyer who had initiated the entirely legal adoptions, along with the adoptive parents who wanted to pick up their charges and the mothers of the children, was arrested and held under indescribable conditions." No lawyer could be found who would risk damaging their reputation with adoption placements in the coming years: "The local mentality is quite

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specifically nationalist; when a child placed abroad is assumed to have been sold into slavery immediately; the fact that local law recognizes adoption is conveniently ignored." If the representative of Adoption International were to be arrested, the embassy could only provide a lawyer. Moreover, adoption in Guatemala is very complex. The process has so far taken over two years each time and "costs a huge amount of money until all the papers are obtained."²⁷³ A copy was sent to the Consular Protection Section at the FDFA. Ten days later, the designated intermediary visited an embassy staff member in Ciudad de Guatemala. They agreed that she would not accept the mandate from Adoption International.²⁷⁴

Knowledge Acquisition in the Late 1970s

With the first adoptions of children from Guatemala to Switzerland in the late 1970s, there were correspondences between the Swiss Embassy and various federal authorities in Bern. The Federal Office for Civil Status pointed out that the "forgery of birth certificates to circumvent adoption formalities," as reported by the Swiss Embassy, was unacceptable: "Of course, such manipulations cannot be recognized in Switzerland. We ask you to clearly indicate in each case where such birth certificates are transmitted that such a case is present. In doing so, we are grateful if you provide as precise information as possible about the specific case."²⁷⁵

The Federal Office for Civil Status responded to a letter to the Federal Office of Justice, written by an employee on behalf of the Swiss Ambassador, with a copy also sent to the Embassy in San Salvador: "It is an open secret that both in my host country and in other countries in Central America, civil status certificates are issued 'as desired.' Childless, adoption-happy couples [...] select a newborn from an orphanage or with the help of friends, who is then officially registered with the competent civil status office as a legitimate child. This allows the couple to bypass lengthy and expensive adoption formalities and foreign police regulations. What should a Swiss representative do if such a birth certificate, which, although issued

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by the competent authorities, is false, is presented for transmission to Switzerland?"²⁷⁶

In this initial phase, the FDFA inquired with the representatives in Latin America about the legislation of the host country, as foreign adoptions were increasingly shifting to South America. This was accompanied by the challenge for cantonal authorities, as of 1980, to understand foreign documents.²⁷⁷ The Embassy in Guatemala then instructed its trusted lawyer to conduct the investigations. He compiled a memorandum with detailed information on Guatemalan adoption regulations.²⁷⁸ The Embassy also created a list of the entities that mediated children for adoption in Guatemala. It is interesting to note that it referred to orphanages in quotation marks, possibly aware that the children in these institutions were often not orphans.²⁷⁹ As in this initial orientation phase, there were also later correspondences with the relevant federal authorities when changes to adoption laws were imminent in Guatemala, such as in 1989.²⁸⁰

Correspondence with Prospective Adoptive Couples, Cantonal Authorities, and Mediation Agencies

In the early stages of adoptions, the Swiss Embassy in Guatemala, like other representatives in South and Central America, received Stefan Koch*'s department in 1979.²⁸¹ The Swiss Embassy subsequently recommended to prospective adoptive parents to inquire with the aliens police of the canton of residence and the Federal Office for Foreigners. It also suggested finding a lawyer in Guatemala who spoke German.²⁸² Such specific recommendations were problematic in light of the known issue that lawyers in Guatemala were regularly involved in cases of child trafficking. The Swiss representative informed urgently seeking Swiss couples about the Guatemalan government's efforts to prevent abuses. This was the reason why the procedures were delayed.²⁸³

In individual cases, the Swiss Embassy had to respond to inquiries from cantons that had detected irregularities in adoption documents, such as in a case from

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1990 when a municipal guardianship office inquired. It concerned the fact that a mother had stated in writing that she wanted to give her child into care, but not explicitly for adoption.²⁸⁴

The Swiss representative in Guatemala also communicated with mediation agencies seeking to expand their operations to Guatemala. As shown earlier, during an acute suspicion phase of child trafficking, the embassy had advised against such activities on-site. However, in 1987, when the media in Guatemala announced the introduction of new adoption regulations and Alice Honegger contacted with her foundation Adoptio at that time, the Swiss representative did not see any obstacles to possible mediation activities by Adoptio in Guatemala.²⁸⁵

For the same period, there is a note from an embassy staff member in the files, showing that the Swiss representative was aware of the issue of child trafficking. Two lawyers had coincidentally visited the embassy during this time to inquire about adoption legislation in Switzerland. On this occasion, the author of the note inquired about the procedures on the Guatemalan side: "I also addressed the two lawyers regarding the abuses, especially with small children, and I was assured that they [the lawyers, note of the authors] act entirely above board and that the Guatemalan state is now particularly strict in this matter." The author of the note concluded from this: "As long as we have a court decision and a passport in the name of the adoptive parents, there is nothing to prevent the assumption that it is a legal adoption. Moreover, in most cases, a Swiss entry permit is already available in such cases."²⁸⁶

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7. Adoptions of Children from India

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

In the examined holdings of the Swiss Federal Archives, there is a lot of material about the legal provisions in force in India and ongoing legislative processes, which the Swiss representatives collected locally. It is evident that until the end of the 1980s, India did not have a uniform adoption law. Immediate adoption of children by foreigners was not allowed. Based on the Guardian and Wards Act of 1890, foreigners could, however, apply for guardianship over Indian children in the Supreme Court.²⁸⁸ The child was later adopted under Swiss law. Until adoption in Switzerland, the child retained Indian citizenship.

In the 1960s and early 1980s, new adoption laws were developed but did not materialize due to the resistance of religious and political groups. Instead, in 1984, the Supreme Court established detailed guidelines to prevent illegal adoptions and child trafficking. Only publicly registered agencies were now allowed to place children abroad. They had to prove that the children were orphaned or abandoned by their parents. Foreign agencies also had to be recognized by their respective governments. The new guidelines also required future adoptive parents to undergo a "Home Study Report," a social report, and mandated foreign agencies to report to Indian authorities semi-annually in the first two years after the child's departure. In addition, expenses for placing an Indian child abroad were

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capped at a maximum amount.²⁸⁹ As of July 1989, India further tightened the regulations. Adoptions abroad were now only possible as justifiable exceptions.²⁹⁰

Swiss representatives 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 entry permit from Swiss authorities and the exit permit from Indian authorities were available. The representatives also served as contacts for Swiss authorities. In 1978, for example, the foster care supervision of the city of Schaffhausen requested information from the Swiss representatives in India about the "best course of action"²⁹² to adopt a child from India. As in other cases, the Swiss Embassy in New Delhi had previously advised the Schaffhausen foster care supervision to "engage a lawyer who can handle such cases" and recommended the "trusted lawyer of the Embassy, Man* and Co. from New Delhi."²⁹³ It had also referred to the consulate in Bombay, as it had already dealt with many adoption cases. The consul there confirmed to the Schaffhausen foster care supervision that the persons and institutions recommended by the embassy were "recognized and experienced agencies for placing adoptive children from India" and also recommended consulting an Indian lawyer "familiar with these cases and can help with placing a child from a private home." In addition to the embassy's trusted lawyer in New Delhi, the consul mentioned lawyer A. F. Bak* from Bombay. He referred to two Swiss families, both in contact with Bak, who had "good experiences with the adoption of Indian children."²⁹⁴ Such local lawyers played a somewhat problematic role in the placement of adoptive children. When the embassy recommended its trusted lawyer, this could lead to conflicts of interest. It also seems risky to base suggestions for lawyers solely on the judgment of other Swiss adoptive parents, as the consulate in Bombay did.

Swiss representatives were often directly contacted by couples wanting to adopt an Indian child. In 1981, for example, a Swiss couple wrote to the Consulate General in Bombay, stating that they wanted to adopt a child from an institution in

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Bombay and were planning a trip to India for this purpose. They inquired whether the consulate knew the institution and requested further information: "It would be a great help if we could learn as much as possible. We both speak almost no English, and we could have quite a problem. If we have problems in Bombay, can 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 us. Please write to us what you know about adoption in India and what kind of help you can give us in India."²⁹⁵ The letter documents both the ignorance and uncertainties of the couple regarding the adoption of an Indian child and refers to the fact that many couples gathered information about adoptions in their private environment. In its reply, the Consulate General in Bombay also referred, in this case, to lawyer Bak, "he is knowledgeable about this matter and processes the applications efficiently."²⁹⁶

7.1 Indications of Child Trafficking and Scandals

The case files testify that Swiss representatives on-site had to repeatedly deal with the issue of child trafficking and were confronted with various scandalous events related to the adoption of Indian children by Swiss individuals. In 1981, the Federal Office of Justice, Section for International Private Law, regarding a specific adoption case, wrote to the Federal Office for Foreigners: "Furthermore, it should not be overlooked that the presented Indian practice carries certain dangers of commercialization. The Swiss authorities responsible for entry permits and our diplomatic and consular representatives in India should be aware of these dangers and prevent child trafficking from being conducted here."²⁹⁷ The fact that Swiss representatives in India did indeed perceive these "dangers" and were aware of commercial, sometimes illegal adoption practices is evident, among other things, from the numerous articles from Indian newspapers that they collected. The Swiss representatives on-site occasionally kept themselves informed about legislative processes through the media. Sometimes, the Federal Office for Foreigners also sent articles from Swiss newspapers to them. Many of

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these articles discuss not only the legal foundations but also illegal adoption practices.²⁹⁸

Reaction to Damaging Media Coverage

On July 1, 1978, Anandabazar Patrika, a large 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 Indian government wanted to send detectives to Switzerland to investigate the incidents.²⁹⁹ Indian nun and missionary Mother Teresa were 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 Missionaries of Charity, a Roman Catholic religious congregation founded by her in Calcutta, ran children's homes from which children were also placed abroad for adoption.³⁰⁰ The Swiss chargé d'affaires ad interim feared a scandal that could harm Switzerland's image. He suggested diplomatic steps to the Federal Department of Political Affairs (FDFA): "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

However, the FDFA saw no cause for concern in a single article and telegraphed the embassy, stating that "formal protests should be avoided as long as the background of the matter is not clearer."³⁰³ Two months later, the FDFA did see a need for action. At the suggestion of the Indian Embassy in Bern, the FDFA asked the Federal Office for Foreigners for "discreet clarifications" regarding various specifically named Indian adopted children who had been mediated by Terre des hommes. "According to confidential information from the Indian Embassy, this issue could possibly be exploited in the Indian Parliament if the government does not have certain concrete evidence regarding the fate of individual, apparently specifically known children in time."³⁰⁴ The Federal Office for Foreigners, in turn,

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asked the immigration authorities of four cantons in October 1978 to clarify whether these children were still in the same foster families and how they were developing.³⁰⁵

The FDFA subsequently reported to the Indian Embassy in Bern that none of the concerned children had changed families and that they were all doing well. The FDFA seized the opportunity to draw the Indian Embassy's attention to an issue regarding the departure of Indian children for adoption purposes: the correct procedure for the departure of children must also be observed from the Indian side, "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, specifically Terre des hommes, were bringing babies abroad for experimental purposes still circulated in the media in 1982. The Swiss Embassy reported to the FDFA that the Indian tabloid Blitz accused Terre des hommes of bringing infants to Switzerland to use them as laboratory guinea pigs. The Supreme Court was now working with the Indian Council of Child Welfare to develop 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 rumor endured, triggering investigations and activities on the part of Swiss authorities. It is noteworthy not only for their attempt to verify the truth but also for the fact that the authorities immediately responded to media reports that threatened to damage Switzerland's reputation.

Scandal in Sri Lanka Triggers Investigations

The scandal surrounding child trafficking in Sri Lanka also had repercussions in nearby India in 1982. It led to various statements and reports from Swiss representatives in India regarding adoption practices there. The Swiss Embassy in

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New Delhi, for instance, compiled a report on the situation in India, which was sent to the Consular Protection Division of the FDFA.³⁰⁸

Lukas Binder*, the Swiss ambassador in New Delhi, reported to Switzerland that Indian newspapers had been reporting on the events in Sri Lanka for days. In India, there was a significant mistrust of foreign adoptions, and the incidents in Sri Lanka had further intensified this critical public opinion. Ambassador Binder attested to the local institutions and individuals involved in adoptions a good reputation, according to the embassy's knowledge. They would strictly adhere to the applicable laws. However, "les malversations, les abus, les pots-de-vin" were not ruled out. One could not be completely immune to a "scandal such as erupted in Sri Lanka."³⁰⁹

Therefore, Binder called for an awareness campaign, emphasizing the duty of the cantonal authorities, where he saw an urgent need for awareness: "L'acharnement à s'emparer d'enfants asiatiques par des moyens douteux et même ignobles peut probablement être atténué par les autorités 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 Department of Justice and Police of St. Gallen approached the Swiss Consulate General in Bombay in July 1982, requesting a report on Alice Honegger, who facilitated adoptions not only from Sri Lanka but also from India to Switzerland. After the authorities had preemptively withdrawn Honegger's approval for mediation activities in Sri Lanka, they inquired in Bombay "whether the adoption mediation activities carried out by Mrs. A. Honegger so far are lawful and responsible?"³¹¹

The Swiss Vice Consul in Bombay took this inquiry as an opportunity to summarize experiences with adoptions of Indian children in a document. He sent

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this report to the Department of Justice and Police in St. Gallen, with copies to the FDFA, the Federal Office for Foreigners, and the Federal Office of Justice. His report, which informed all relevant federal authorities, is a key document regarding what the on-site representatives knew about adoption practices. The Vice Consul emphasized that the consulate adhered to Indian laws when issuing visas for Indian children destined for Switzerland. However, he could not assess what happened outside the consulate:

Whether children in India are tracked down by 'middlemen' in an unfair manner and then mediated through some institution is beyond the knowledge of this consulate. Whether, in isolated cases, 'extra contributions' outside the aforementioned costs, for example, to lawyers or other individuals, have been paid, cannot be assessed from our perspective. Only the affected foster parents can know and confirm this, if they choose to do so, in the relevant cases!³¹²

The Vice Consul also had little information about the activities of Swiss mediation agencies on-site. On several occasions, he and the rest of the staff had recommended Doris Kälin*, a mediator active in the canton of Zurich. Kälin had advertised her adoption mediation services in a newspaper article, prompting the Swiss representative to inquire with the FDFA whether she "can be recommended with a clear conscience." A response was still pending. According to a "survey with local competent authorities," there were no indications "that doubts exist about the lawful mediation activity on the part of Switzerland."³¹³ The Vice Consul distanced himself by stating that he could not know about any potential illegal adoption practices and by placing references to such practices in quotation marks. He also identified the problem mainly with adoptive parents.

The consulate had not heard any complaints about Indian mediation agencies so far. From the Vice Consul's perspective, these agencies were striving "to fulfill the wish for a foster child and follow the legally required steps. [...] The known

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mediators in Bombay seem to be well aware of the legal requirements; they are partly doctors, lawyers, or commercially trained individuals proficient in the English language." At the end of his report, he reiterated that the mediation process in India was proceeding correctly, and "the legal basis for releasing the children has been granted." Although he admitted that corruption was commonplace in India, he saw no reason to question adoptions as a whole. "Wenn in vereinzelt Fällen, was schwerlich bewiesen werden kann, kleinere oder grössere 'Trinkgelder' unter dem Tisch bezahlt worden sind oder werden, was in Indien nicht ausgeschlossen wäre, sollte dies aber kein Grund sein, im Ganzen gesehen, dem edlen Wunsch ehrlich gemeinter Adoption Steine in den Weg zu legen." He did not explicitly take a position on the "Case Alice Honegger" in the report. However, he mentioned the institution with which Honegger collaborated. He had personally spoken to its deputy director, who made "an excellent impression." He only noted that the deputy director wanted to be informed "if there was anything against Mrs. Honegger so that she could take appropriate steps."³¹⁴ The Vice Consul promised to do so.

The Department of Justice and Police of St. Gallen interpreted this information in favor of Honegger. In addition to a letter from Interpol, the report from Bombay was used as a relief for Honegger.³¹⁵ In October 1982, the Department of Justice and Police of St. Gallen granted her approval again to mediate children from Sri Lanka and India. In the decision of the Department of Justice and Police of St. Gallen on the lifting of the precautionary measure for the intercountry mediation of children from Sri Lanka and India, it was stated, among other things: "Das schweizerische Generalkonsulat in Bombay bestätigt mit Schreiben vom 9. August 1982, dass die von Frau A. Honegger bei der Vermittlung aus Indien erfolgte Zusammenarbeit mit dem 'Maharashtra State Women's Council' [sic] zu keinen Bedenken Anlass gebe. Die Bewilligung zur Adoptionsvermittlung aus Indien kann damit der Gesuchstellerin erteilt werden. Vorausgesetzt wird, dass dieser Weg weiterhin eingeschlagen bleibt."³¹⁶ The Vice Consul had not found out anything about Alice Honegger on-site, but he attested to the deputy director's

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seriousness. Based on this, the Department of Justice and Police of St. Gallen decided to grant Honegger permission to resume her mediation activities. This decision was made despite the fact that the report from Bombay did not actually provide evidence that could dispel the concerns.

Scandal involving a Catholic nun

In 1982, Swiss representatives in India faced another scandalous case. Catholic nun Hildegard*, a Swiss citizen, facilitated the adoption of Indian children to Switzerland. In 1981, during the transfer of guardianship for an Indian baby to a Swiss couple, she testified in court that the baby had been abandoned at the entrance of her Holy Cross home, and the infant's parents were unknown. Later, it was revealed that the child had been taken from the mother through deception and was already with a couple in Switzerland. The foster father expressed surprise at the report from India, believing everything had occurred legally. However, a Federal Office for Foreigners Affairs employee pointed out that the primary concern should be the wishes of the biological mother, who had been unjustly separated from the child. The employee emphasized that the interests of the biological mother take precedence, and the desire of foster parents to keep the child cannot be considered. The foster father agreed to return the child but expressed a wish for the Swiss Embassy's trust attorney in New Delhi, Man*, to bring a different child of similar age on his next trip to Switzerland. Following these events, the Federal Office for Police requested a detailed report on the situation in India, specifically inquiring about practices and whether local authorities, responsible for authorizing the expatriation of children for adoption, adhered to legal regulations.

Swiss Ambassador Lukas Binder* provided a comprehensive report in late December 1982. He summarized the legal foundations for the adoption of Indian children by foreigners and reported that foreign adoptions faced resistance in India. He referred to the detailed report from the consulate in Bombay in August 1982. He then noted that illegal practices occurred in the pre-adoption phase

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before official authorities became involved: "Nous n'avons aucune raison de douter de l'intégrité des tribunaux qui délivrent l'autorisation de confier l'enfant aux parents adoptifs. Les abus se produisent au stade antérieur du processus, c'est-à-dire entre l'abandon de l'enfant et la 'pétition' présentée au juge [...]." In this letter, the ambassador drew attention to further problematic aspects of adoption practices, such as the vague definition of "abandonment of the child." He cautioned against couples seeking children without the involvement of officially recognized agencies, which he considered excessively dangerous. He highlighted a case of adoption facilitated by Sister Hildegard, where she had been deceived by a lawyer, and stressed that such incidents should not recur. Until clear guidelines from the Supreme Court of India were available, he recommended processing adoptions only through one of the five recognized agencies in the New Delhi district. Despite their bureaucratic pace, he explained that many couples had turned to Sister Hildegard due to the slow processes of these agencies, leading to an increase in Indian baby placements in Switzerland.

The ambassador strongly advised parents against seeking children on their own, emphasizing that their intense desire for children could lead them to almost anything, fostering illegality. He warned of a potential scandal damaging Switzerland's reputation and called for an information campaign to raise awareness among prospective adoptive parents in Switzerland. Interestingly, although the ambassador listed many highly problematic aspects, he ultimately recommended only parent sensitization as a measure.

In spring 1983, Sister Hildegard was invited to Bern, where the Federal Office for Foreigners Affairs communicated its concerns about her adoption practices. During this meeting, a case was mentioned in which a child, adopted through Sister Hildegard, was sent back to India by the foster parents after a year, claiming the child could not integrate into the family and social environment.

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Despite these incidents, adoptions facilitated by Sister Hildegard continued in 1983 and even increased. Consequently, she and her lawyer were summoned for a meeting at the Swiss Embassy in New Delhi in the fall. On this occasion, the representatives of the Swiss representative reiterated that everything was proceeding correctly on their part. "En fait, la procédure pour nous est fort simple et sans ambiguïté: sur présentation de l'autorisation de la police fédérale et des 'court papers', nous accordons le visa dans les 24 heures à condition, bien sûr, que l'enfant soit titulaire d'un passeport indien valable." It was again emphasized that abuses and child trafficking occurred at an earlier stage, "c'est-à-dire entre l'abandon de l'enfant et la prise en charge par Holy Cross. [...] Nous devons cependant toujours être conscients du fait que les abus, les ventes d'enfants, le 'Baby racket' se produisent justement à ce niveau."

In addition to child trafficking, attention was drawn to two other dangers: fathers wanting to dispose of their children without the mother's consent and parents depositing their child in front of orphanages and later regretting it. The meeting notes with Sister Hildegard mentioned her missionary zeal, her dramatic presentation of offering poor children a better world, and her difficulty understanding doubts about this "bonne cause." The embassy suggested that Sister Hildegard provide additional information in each case, such as the birthplace, specific circumstances, and date of the child's abandonment, the written consent of the parents to hand over their child to the institution, or the approximate age of the child. Finally, it was reiterated that the embassy had no "droit de regard" (right of inspection) in adoptions, and the goal was to encourage the lawyer and the sisters of the orphanage "à redoubler de prudence dans leurs action." Thus, not only were adoptive parents being sensitized, but local actors were also being encouraged to adhere to legal practices.

Criticism of Intermediaries Ursula Smith* and Doris Kälin*

In 1983, Divali Adoption Service, run by Ursula Smith* in India, came under criticism. The secretary of an Indian opposition party reported gross irregularities

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in the practices of this placement agency to the Swiss embassy. The Swiss ambassador conveyed his concern to the Federal Office for Foreigners Affairs, especially since Smith had collaborated 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." The reasons for his discomfort were not explicitly stated but might have been related to experiences with Sister Hildegard.

However, the Federal Office for Foreigners Affairs expressed surprise at the allegations. Authorities in Geneva, collaborating with Smith, were consistently satisfied with her, leading them to see 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." According to the documents in the case file, no further action was taken. Divali Adoption Service faced criticism again in 1985. This time, Ursula Smith directly contacted the Federal Office for Foreigners Affairs, refuted the accusations, and accused jealous actors in India of a defamation campaign. The Federal Office for Foreigners Affairs once again advocated for her in a letter to the Swiss embassy.

In 1983, the lawyer A. F. Bak*, who collaborated with Swiss intermediary Doris Kälin* and co-founded the Bak* and Kälin* Social Activities Association in 1982, came under scrutiny in the Indian public. The trigger was the lack of clarity about the origins of the children he facilitated for adoption. The consulate in Bombay informed the Federal Office for Foreigners about this and sent a photocopy of a court decision on the matter to Switzerland. The Consul General himself considered Bak's practices as "not conducive to the matter," stating that the origin of the child in question could hardly be clarified and could lead to abuse with scandalous consequences. He expressed hope that these practices belonged to the past and expected Mr. A. F. Bak to adhere to legal rules in the future. The Consul General considered it appropriate to closely examine the Bak* and Kälin*

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Social Activities Association with an entry in the commercial register of the Canton of Zurich, specifically focusing on its charitable aspect, if not doubting, at least checking its activities.

In both cases, it is interesting that federal authorities considered the cantonal authorities as guarantors for attesting to good practices – as in the case of Smith – or delegated further investigations to the cantons – as in the case of Kälin. In Bak's case, there were tendencies to downplay the issues. The Consul General expressed the hope that Bak's practices belonged to the past. The Swiss representatives in India were aware of partially illegal adoptions, attributing problems primarily to adoptive parents or intermediaries. Responsibilities were seen with these actors and with cantonal authorities.

7.2 Further indications of irregular and problematic practices

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

Investigations into the reliability of intermediaries

Swiss representatives were repeatedly approached by both private individuals and Swiss authorities to inquire about the credibility and trustworthiness of specific intermediaries. The Federal Office for Foreigners, for instance, asked the Swiss embassy for lists of adoption agencies recognized in India. At times, Swiss representatives requested the Federal Office for Foreigners to check whether a Swiss intermediary was actually recognized by the competent cantonal authorities on-site.

As mentioned earlier, in 1982, the Consulate General in Bombay asked the Federal Department of Foreign Affairs whether Doris Kälin* was known to the department and could be "recommended with a clear conscience." The FDFA, in turn, asked the Federal Office of Police to check if Kälin was known to the office. If

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so, they welcomed information about the "reputation and reliability of this lady" to be communicated to the Swiss representatives in India. The FDFA sent a newspaper article with an interview with Doris Kälin. A response from the Federal Office of Police is not included in the files of the Swiss representatives in India. A note from the Vice Consul half a year later recorded, "A response letter is still outstanding until today." It appears that no authority knew Kälin or could recommend her to the Swiss representative in India. Authorities shifted responsibility back and forth. Additionally, this example highlights a lack of knowledge about supervisory procedures. The Youth Office of the Canton of Zurich was responsible for overseeing Doris Kälin, and this would have been the right address for information.

Licensed mediation was essential, but its control and verification were sometimes challenging. representatives on-site were often not well-informed or relied on sources of information that were not unbiased. An example of this is investigations into the organization Adoption International. In 1983, the organization applied to the government council of the Canton of Bern for approval to facilitate adoptions from India and named five local experts it intended to collaborate with. The Federal Office of Justice inquired with the Swiss Embassy in New Delhi whether these individuals were "serious people or if complaints about their international mediation activities have been heard." The embassy, in turn, inquired with Adoption International's employees, as they would know the mentioned individuals. They overlooked the fact that these individuals were in a loyalty relationship with their colleagues and superiors and could not provide an independent reference. This kind of overlooking entanglements also occurred regarding intermediaries and lawyers recommended to prospective adoptive parents. The Swiss representative repeatedly referred to lawyer Bak and characterized him as efficient and reliable, recommended by intermediary Doris Kälin. However, as shown, the Swiss representative had no reliable references about Doris Kälin either. The two had even co-founded a charitable organization, registered in the Canton of Zurich.

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Another example of the problems with such verifications is the case of Sister Margret Bucher*. In 1978, she applied for permission to facilitate the adoption of Indian children to Switzerland. The application was rejected because essential requirements, such as knowledge of international and Indian law, were missing. The supervisory authority, the Civil Status Service of the Canton of Appenzell Ausserrhoden, immediately prohibited her from facilitating child placements. Margret Bucher continued to operate the At Home children's home in Madras. Whether she continued to facilitate adoptions is not clear from the records. However, complaints from adoptive parents in September 1979 suggested that the children's home was poorly managed. The Federal Office for Foreigners asked the Swiss Consulate General in Bombay if it was possible for a trusted person in Madras to inspect the children's home. The Consul's response highlighted the difficulties of such investigations: "I

would have to contact Sister Aida Gubser* for that, but I hesitate to do so because, as you know, Mrs. P. L.* , who collaborates with Sister Margret Bucher, is a wealthy businesswoman with influence in Madras, and Sister Aida Gubser, as a Swiss citizen without any diplomatic protection, could possibly get into trouble through an intervention on our behalf. If, however, an opportunity arises for me or one of my staff to visit Madras, we would gladly try to gather more information on the spot."

The consulted records make it clear that these investigations often involved circular reasoning based on references that could not be verified. Sometimes, representatives on-site justified their reluctance to initiate investigations, arguing that local actors would be put in danger. There seemed to be influential individuals on-site who could hinder or stop any potential investigations. The findings confirm the insights from the Sri Lanka report that authorities did little to investigate problematic conditions.

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Further irregularities and implementation problems

Irregularities in the procedure or problems with implementation were a recurring theme in the records. Swiss representatives, for example, repeatedly criticized that Indian courts granted exit permits before approval from the Federal Aliens Police or the Federal Office for Foreigners was obtained. In some cases, this approval was granted retroactively. However, Stefan Koch* from the Federal Aliens Police also occasionally admonished Swiss representatives to instruct adoption applicants who directly approached the embassy to "first ensure that the Swiss reception conditions are met and only then undertake long procedures on-site leading to a guardianship act."

Overall, the adoption process, with competencies distributed among different authorities and actors often well-versed only in their own areas, was prone to errors. Involved individuals could no longer trace the process in all its steps. In this way, responsibility for problematic or irregular practices was sometimes shifted. Authorities repeatedly expressed that they were not informed about the subsequent steps. Knowledge about decision-making processes was further complicated by sometimes unclear or opaque legal foundations and language barriers in India.

This was particularly true in the early 1970s when adoptions from India began. In that orientation phase, there were many uncertainties about responsibilities and the legal situation on-site. This also made it difficult for prospective adoptive parents to correctly follow the procedure or even keep track of it. An example is a letter from the Federal Aliens Police in 1970 to a family that wanted to adopt an Indian child. The Federal Aliens Police mentioned the guidelines developed by the FDJP for foster parents and then stated: "Unfortunately, we are not well informed about the steps to be taken in India to obtain the exit permit for the child. In any case, there is no agreement between Switzerland and India on this matter. According to inquiries made by the Swiss Embassy in New Delhi some time ago, the following formalities are said to be required: [...]. We are not currently aware of

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any new law. If such a law has come into force, the above regulations may have been wholly or partially amended." This letter was forwarded as a copy to the Swiss Embassy in New Delhi "with the request for information whether you are aware of any new law on the adoption of Indian children by foreign parents."

The files of the Swiss representatives contain various letters from Swiss couples complaining about the procedure and expressing uncertainties about the correctness of the procedures: "We are very interested in getting a child, but we want to take the legal path, and our financial means are limited." Another problem was children entering Switzerland without a valid visa and parents presenting authorities with a *fait accompli*.

Swiss authorities frequently addressed independent parents who went to India themselves to bring back a child. Stefan Koch from the Federal Aliens Police pointed out in a lecture in 1978 that couples increasingly resorted to self-help, meaning they directly selected their adoptive children abroad. "Indeed, the cases are examined when the application is submitted by the responsible guardianship or youth protection authorities, but the circumstances are often evaluated with different standards. The investigation reports are based on a thorough, but usually one-time, interview." This was also a recurring theme in the records of the Swiss representatives in India.

For India, the recognition of adoptions in Switzerland was not a priority because India did not pronounce adoptions. Instead, it appointed adoptive parents as guardians and issued a court decision for an exit permit. However, in 1990, the Federal Office of Justice, Section for International Private Law, reported to the Swiss Embassy in New Delhi that there were recurring problems regarding the recognition of Indian adoptions in Switzerland.

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8. Adoptions of Children from Colombia

The Swiss authorities issued the first seven entry permits for children from Colombia in 1972. In the following years the number rose continuously, reaching 115 permits in 1979. In 1980, entry permits almost doubled compared to the previous year and reached a high of 227. In 1981 there were 191. From 1982 to 1989 the number of entry permits issued annually 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 were issued.

In the following year, 1993, the numbers dropped abruptly to 34, only to level 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 throughout the entire study period, the Instituto Colombiano de Bienestar Familiar (ICBF). In the 1970s, Frieda Müller* placed Colombian children in Switzerland for Terre des hommes Lausanne until the Colombian government banned her from doing so in 1979.³⁵²

In 1981, Terre des hommes Lausanne was represented locally in Medellín. The children's charity Adoption International and the Bureau Genevois d'Adoption (BGA) also placed Colombian children in Switzerland in the early 1980s. The association for adoption assistance also appears to have been active in Colombia in 1983.³⁵³ Alice Honegger's placement office was also interested in Colombia in 1983: "Quite a lot of children from Colombia come to Switzerland and the interest is great."³⁵⁴ In 1986, four Swiss Placement agencies certainly have a permit for the placement of children from Colombia, namely the BGA, Caritas Ticino in Lugano, the Swiss Foundation MPB in Bern and Terre des hommes Lausanne. According to the documents examined, there were 355 Swiss placement centers and homes run by Swiss people Mainly present on site in Bogotá, Cali and Medellín.³⁵⁶

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The inventory for the years 1993 to 1999 only contains documents on individual adoption cases that were not examined for this inventory. The other embassy files from the other decades also contain individual case dossiers that we did not evaluate. In addition, there are other separate holdings for Colombia with documents on individual cases, which we also did not look through for this inventory.³⁵⁷

8.1 Indications of child trafficking and scandals

In 1981, the Colombian media reported on a large-scale criminal child trafficking network. The Swiss authorities also dealt with this scandal. They had knowledge from the media about how the Colombian lawyers, officials and judges involved operated. Before and after this blatant case of child trafficking, forged documents were repeatedly part of law enforcement irregularities in Colombia.

Adoptions from Colombia problematized 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 people “that deal with the placement of children for adoption abroad.” To do this, he asked Federal Councilor Pierre Aubert for “official support”. “I think we know that such an undertaking is a hot topic in Colombia,” Aubert’s Department of Foreign Affairs told the Swiss embassy in Colombia and asked for an assessment of the question “whether there is a danger that Colombian authorities take offense”³⁵⁹ at the planned trip. The Swiss ambassador later reported back to Bern that Albert Muller had spoken positively about the contacts in Colombia. “General problems affecting the adoption of Colombian children by Swiss parents” were discussed.³⁶⁰

The Federal Aliens Police had informed the Swiss embassy about Muller's visit two weeks earlier and even spoke of "abuses". It was pointed out to Muller “that the adoption issue in Colombia was sensitive.” Is in the picture about it, since SSJ

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[Service social de justice, note d. Authors] have had to do with Latin America for a long time. The aim of his trip is to establish general contact with relevant organizations in order to eliminate mistrust that exists towards foreign countries due to abuses by certain authorities. [...]. Frepol would actually welcome Swiss representatives being informed about the activities of Swiss authorities."361 A week earlier, the Swiss embassy had written to Bern that it would be problem-free to introduce Muller to the local institutions, however, "[[if] however, these are concrete adoption projects, we have to deal with 'Heisses Eisen'. Please note that each case is handled individually and requires the presence of any adoptive parents on site. [...] Frepol aware of all aspects of the adoption problem in Colombia" 362 On the occasion of this trip to South America, the Swiss authorities still spoke in veiled terms about a hot potato and problems with adoptions from Colombia. At this point, the focus was on contacting the Colombian authorities, who they didn't want to upset.

Child trafficking in Bogotá 1981

Three years later the situation had changed. In the fall of 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 was allegedly discovered in Bogotá. If the ongoing investigations reveal that such children have also been sold into our country - last year alone we issued assurances for over 22 Colombian children - then we ask you to inform us accordingly." 363

In its report, the Federal Office of Justice cited the daily press in Bogotá, which had revealed that over the past four years, approximately 500 Colombian children had been sold to families from the USA, France, Sweden and Spain for a total of \$540,000. The head of this operation was lawyer Fabio Martinez*, who held a high position in the ICBF in 1976. His two secretaries, a notary, several juvenile 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

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described in detail the procedure that is characteristic of child trafficking. Step by step, the origins of the adopted children were covered up. For the sake of clarity, the report from the Federal Office of Justice is quoted in detail here:

In two clinics in the south of the capital, mothers, most of whom came from modest backgrounds, were led to believe that their children were stillborn. If necessary, the mothers were shown the corpse of a newborn. In general, a “reserve” of an average of 15 children could be kept ready for sale in this way. If this source was not sufficient to meet demand, unsuspecting, financially disadvantaged mothers in the surrounding villages were brought to sell their children. But Martinez and his accomplices did not shy away from actual child abductions. First of all, the children of some woman with a fictitious name and a fictitious identity card, which, however, had the number of an existing ID card of a woman, were entered into the public registers. The official forms required for this were always delivered by the notary's office [...], filled out in the office of RA [lawyer] Martinez and notarized 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 prospective adoptive parents through newspaper advertisements. Once the buyer was found, the same woman, who was now recorded in the birth register as the biological mother of the stolen child, signed the declaration. Again, the notary in question certified the document. However, this was not enough for them to leave the country, because the adoption in Colombia had to be carried out by court decision. Because of the complicity of three of the five juvenile courts in Bogotá, this was no obstacle for Martinez: “With his methods, an adoption could be completed in less than five days. Attorney Martinez collected \$7,500-\$15,000 per adopted child. The foreign adoptive parents

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then left the country with the Colombian adopted child, apparently in good faith that they had legally adopted him.³⁶⁴

The trigger for the report by the Federal Office of Justice was the short message “Babies from Colombia sold,” which appeared in the *Neue Zürcher Zeitung* on July 23, 1981. The message referred to the USA as well as Sweden, France and Spain. The Section for Private International Law in the Federal Office of Justice commented: “The Swiss authorities have also had to deal with Colombian adoptions and adoptions on a regular basis in recent years and continue to do so.”³⁶⁵ That is why the Federal Office of Justice turned to the matter Justice four days later, on July 27, 1981, to the Swiss embassy in Bogotá 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 arise in Switzerland and therefore acted immediately. The Swiss embassy responded several times under the subject “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 do not have any other information, but it is as you will see, they are already revealing enough and, even by Colombian standards, truly astonishing.”³⁶⁶ What is remarkable about this history is the fact that a short notice in the *Neue Zürcher Zeitung* led to the authorities reacting quickly.

The Swiss representative's dossier does not contain any clarifications on the question of whether Swiss couples had also adopted Colombian children through Martinez. That was actually what the Federal Office for Foreigners' Questions originally wanted to know.³⁶⁷ However, in mid-September 1981, the Swiss ambassador reported to the Federal Office for Foreigners' Questions that stricter controls had been introduced at the embassy. Only applications submitted in written form via the ICBF would be accepted. The embassy had previously responded positively to inquiries from couples wanting to adopt or their lawyers. Now the visa and letter from the embassy must be available so that the ICBF can

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apply for a passport for the child.³⁶⁸ It would be necessary to investigate who the intermediaries were on site during the period in question for adoptions that affected Switzerland. For this purpose, the individual case dossiers contained in the documents of the Swiss representative were analyzed. This case of child trafficking is also documented in a fact file from the Federal Office for Foreigners' Affairs with the report from the Federal Office of Justice.³⁶⁹ The ICBF had apparently sent a circular letter at the end of December 1981 with the instruction that from now on all adoption inquiries from abroad would be handled exclusively via Grupo nacional de coordinación de programa de adopciones [National Adoption Program Coordination Group]. In addition, the ICBF only considered applications that were received through an agency authorized by the Swiss government.³⁷⁰

Problems with forged documents existed before and after 1981

It is questionable whether practice in Colombia actually improved in the following months and years. In 1982, the Swiss representative wrote to the EJPD that parents were only allowed to contact recognized authorities in Colombia. This does not happen in all cases, and the FDJP should therefore forward the information to the responsible authorities in the cantons.³⁷¹ A year later, a file note was also found in the documents of the Federal Office for Foreigners' Affairs, which was in response to a request from the Association for Adoption Assistance. This asked the Federal Office for Foreigners' Affairs to check whether it was possible for children from Colombia to issue blank permits or assurances with fictitious names. According to the Federal Office for Foreigners' Affairs, it has become clear in recent years that foster parents often try to circumvent entry formalities and foreign exit regulations. In order to avoid this - "child trafficking must be prevented under all circumstances" - entry can only be approved if the child has already been born and its identity has been established. "It is not possible to return to our previous procedure, where permits were issued with fictitious personal details."³⁷²

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The fact that fictitious data on children 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 representative in Bogotá sent relevant information: “For your guidance, I would like to inform you that the children, which is supported by FANA [Fundación para la Adopción de la Niñez Abandonada, ed. Authors] who are brought up for adoption are mostly foundlings who do not have an original birth certificate. To take over, however, FANA (Terre des Hommes) requires the Colombian authorities to provide a birth certificate, which, although legally valid, contains fictitious data. That's why for a while we received many certificates with the name Lleras, then with Pastrana (the respective names of the presidents of Colombia).”³⁷³

8.2 Further Indications of Irregular and Problematic Practices

Couples wanting to adopt presented the Swiss authorities with a *fait accompli* if they entered the country with a Colombian child for whom they did not have the necessary papers or if the documents contained inconsistencies. The Swiss representative did not fundamentally advise against adoptions from Colombia. There were problems at various times with the Swiss exchanges that were active in Colombia.

Orientation phase and on-site collaboration in the 1970s

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

Shortly after the placement of children from Colombia to Switzerland began, Terre des hommes Lausanne contacted the embassy with the request that the original documents not be handed over to the future adoptive parents, but rather directly

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to Terre des hommes as a recognized placement agency.³⁷⁵ In addition, the Federal Office for Civil Status 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 entry in the home family register.³⁷⁶

Also at the very beginning there was a problem with prospective adoptive parents who did not give the Federal Aliens Police any other “solution than to accept the fait accompli” when they arrived in Switzerland with a child without an entry permit. Stefan Koch* asked the embassy in Bogotá to inform Swiss couples that they had to take care of an entry permit.³⁷⁷ The Swiss embassy in turn 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

The Swiss representative in Colombia advised couples wishing to adopt to contact the Federal Office for Foreigners' Affairs for a residence permit, to find out about the local conditions at the ICBF and to get in touch with Frieda Müller* from Terre des hommes Lausanne.³⁷⁹ From time to time she also recommended the Casa de la Madre y el Niño.³⁸⁰ For the entire period of the investigation, various inquiries from couples interested in adoption were documented in the dossiers of the Swiss representative in Bogotá.

In the 1990s, the Swiss embassy continued to recommend that you always contact the ICBF directly. She explained to the interested couples that it was not the embassy that issued certifications, but rather the ICBF. In the 1990s, a couple wanted to check with the embassy about the legality of the procedures: “We want [...] to be sure that the whole procedure is carried out correctly (no child trafficking).”³⁸¹ The Swiss embassy referred its concerns to the ICBF that it is well-versed in adoption issues. It “works seriously and correctly. I am convinced

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

Members of the Swiss embassy were sometimes contacted by acquaintances or employees of Swiss authorities. In 1981, shortly before organized child trafficking in Colombia was uncovered, 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, an FDFA employee also 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, as a private person, placed children from Cali in Switzerland, specifically for "pity he felt when seeing all the misery of the orphanages", but charged up to 800 francs in expenses each time. Although Annen had returned to Switzerland and the BGA was no longer working with him, the BGA wanted to provide the Federal Aliens Police with the information for documentation purposes. Stefan Koch, in turn, who noticed an increased demand for children from Colombia, contacted the Geneva

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residents' control office to inquire about Annen and to ensure that he had stopped his placements.³⁸⁸

In the mid-1980s, the ICBF demanded precise information about which offices in Switzerland were authorized to place children from Colombia in Switzerland and how many children were affected. At this point, the ICBF no longer accepted the translated social reports from the BGA because the employees did not have degrees in social work. The BGA complained about this to the Swiss representative in Bogotá and asked for support, because no problems of this kind would arise in any of the other ten countries of origin in which the BGA was active.³⁸⁹ The ICBF informed the Swiss representative in Bogotá, for its part, informed which local offices were authorized to arrange adoptions.³⁹⁰

In the summer of 1976, the Colombian authorities withdrew Frieda Müller* from Terre des hommes Lausanne's permit for her placement work in Bogotá. The Swiss embassy did not know the reasons for this, but suspected that a more restrictive policy had arisen in connection with the legal changes of 1975. According to information from the embassy, the founder of Terre des hommes, Edmond Kaiser, had the office in Bogotá closed immediately.³⁹¹ In 1981, Terre des hommes Lausanne again placed children from Medellín in Switzerland.³⁹² Back in Switzerland, Frieda Müller tried to get her to arrange the succession with two Swiss women after “bad weeks” in which people believed in “atrocities tales of child trafficking” and even a lawyer did not want to take on their mandate.³⁹³ The fact that there were inconsistencies in the mediation by Frieda Müller is shown by an inquiry from one Couple to the Swiss Embassy who wanted to initiate the adoption process in Switzerland after two years of foster parenthood. Despite repeated requests, Frieda Müller had not obtained the missing birth certificate for the child. Only the intervention of the Swiss embassy in the responsible Colombian civil registry led to the couple receiving the necessary copy of the birth registration.³⁹⁴

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In 1979 there was another correspondence about Frieda Müller because the civil registry service in Appenzell Ausserrhoden had asked Stefan Koch about Müller whether she placed children from Colombia. According to the Swiss ambassador in Bogotá, the mediator has not been active for almost two years.³⁹⁵ The impetus for the request from Appenzell Ausserrhoden was a request from Margret Bucher³⁹⁶ for the placement of children from abroad. Margret Bucher had placed children without permission and organized adoptive parents' meetings and advertised this in the local press, which the civil status service in Appenzell Ausserrhoden initially prohibited her from doing. According to the registered letter from the civil status service, Margret Bucher was only allowed to resume placement work if she was granted permission. She was also informed that “the prospective adoptive parents are not authorized to give the foreign children any date of birth, as offered in their advertising materials.” The civil status service also wanted to know who the recognized mediators 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 to couples interested in adopting. Apparently the couples who had arrived had received accommodation from Frieda Müller upon request, and in one case the Swiss embassy had offered to “provide useful information about your inquiries of a tourist nature”. Since the adoption was made in Colombia, the couple “decided to make the sacrifice of a trip to Colombia,” but wanted to at least travel around the country.³⁹⁸ Frieda Müller, who did not have a good reputation as a local mediator, offered additional services to prospective adoptive parents during its activity in Colombia until 1976. From 1979 onwards, Margret Bucher, a Swiss mediator, appeared on the scene, whose methods had also been criticized by the responsible cantonal supervisory authority and whose practice was also questionable when it came to placing Indian adoptive children.

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Adoption International

At Adoption International, based in the canton of Bern, there were problems with the placement permit. The Justice Directorate of the Canton of Bern withdrew the additional permit for Thailand, India and Colombia in January 1983 and only granted it again six months later on a provisional basis for Thailand and India. The Justice Directorate insisted that the Department of Foreign Affairs have the Adoption International employees checked on site. The president of the placement office, Julius D. Suter*, turned to department head Pierre Aubert because he wanted to encourage a quick review: "The provisional approval damages our reputation among members and potential patrons as well as in the public. Members are leaving and donors are withdrawing from us."³⁹⁹ The FDFA asked the Swiss embassy in Bogotá to make inquiries. During a telephone conversation with the director of ICBF in Bogotá, it emerged that ICBF did not agree with the working method 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 submitted another application for the placement of children from Colombia to the Bern Cantonal Youth Welfare Office. In contrast to 1983, there are now good contacts with the ICBF, and the then Swiss consul in Cali, Karl Boser*, was also listed as a reference. Again it doesn't seem to have worked, at least not right away.⁴⁰¹ In 1988 there was an exchange of letters between Julius D. Suter and Karl Boser, now the Swiss ambassador in Bogotá. Karl Boser campaigned to raise donations for the Hogar Bambi children's home in Cali, which Suter ran. He asked his own wife, honorary president of Hogar Bambi, to lobby the local "Swiss Ladies" for donations and wrote to the Migros Cultural Foundation. He informed a former National Councilor how Hogar Bambi was using his donation and assured him that he and his wife supported the project.⁴⁰² At the beginning of the 1990s, the Swiss embassy also recommended the Hogar Bambi children's home in Cali as an institution, to whom those interested in adoption could turn.⁴⁰³

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9. Adoptions of Children from Korea

The Republic of Korea⁴⁰⁴ was, for a long time, the primary country of origin for intercountry adoptions in Switzerland. Most entry permits for children from Korea with the prospect of 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 declined rapidly: in 1977, only 38 children received entry permits, in 1978, four, and in 1980, only one child. From 1981 to 1990, there were only a total of five entry permits for children from Korea to Switzerland.⁴⁰⁵

While Korea was a major country of origin for adopted children for Western countries for a long time, the East Asian country largely curtailed international adoptions from the mid-1970s onwards. From 1978, the adoption of Korean children for various countries, including Switzerland, the United Kingdom, and Italy, was scarcely possible. Exceptions applied to foreign couples residing in Korea. However, in other countries, such as the United States and Belgium, children were still available for adoption. According to the Swiss Embassy in Seoul, the Korean government justified this by stating that many Korean children already lived there, and no new "channels" should be opened to other countries. Switzerland was one of the last countries to sign an agreement with a Korean placement agency.⁴⁰⁶ Another reason mentioned by the embassy was that no Swiss organization existed anymore that collaborated with an agency recognized by the Korean government.⁴⁰⁷

A crucial turning point in the ongoing international adoptions occurred in 1988 during the Olympic Games held in Korea. Due to intense media criticism of its

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adoption policy, the Korean government significantly restricted international adoptions.⁴⁰⁸ In 1988, due to the adoption halt, a meeting took place between the Swiss Vice Consul and representatives of the Korean government.⁴⁰⁹

Nevertheless, Alice Honegger made efforts in the second half of the 1980s to obtain approval for the placement of adoptive children from Korea. She requested a copy of the adoption law and regulations, guidelines on adoption practices, addresses of the relevant welfare office, recognized private placement agencies, orphanages, and hospitals from the Swiss embassy. She received the requested information from the Swiss ambassador with a note that soon no more Korean children could be adopted.⁴¹⁰

9.1 Indications of Child Trafficking and Scandals

The collection consulted for this report at the Swiss embassy in Seoul, the only Swiss representative in Korea, is small. It includes newspaper articles on adoptions,⁴¹¹ entry permits for individual children, as well as correspondence between embassy staff and Swiss authorities and prospective adoptive parents. 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 only limited information in the dossier of the Swiss embassy in Seoul regarding child trafficking and problematic or illegal adoption practices.

Indications of Lucrative Businesses with Adopted Children

Occasionally, there are indications that by the late 1970s, when the adoption of Korean children became nearly impossible for Swiss individuals, some couples provided a fictitious address in a country where adoptions of Korean children were still feasible. This is referenced in a letter from Stefan Koch* of the Federal Aliens Police to the Swiss embassy in Seoul in 1979. Koch wanted to know "whether the competent Korean authorities subscribe to the placement of Korean children in Switzerland through intermediary countries. Is the visa, on the other hand, issued by your services before departure or not? If not, is it issued by the

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Embassy of France or Italy in Seoul and under what cover? [...] It all depends on whether the foster parents declare a fictitious address abroad or not. You will want to ensure this."⁴¹³ Koch warned: "As an authority, it is our responsibility to be cautious when granting entry permits that may be issued under incorrect conditions."⁴¹⁴

Stefan Koch argued that there was resistance in Switzerland to international adoptions, and they did not want to act without the consent of the Korean authorities. He attached an article from the Tages-Anzeiger to the letter, criticizing, among other things, that the placement of adoptive children in certain countries had become a lucrative business. In the article, an adoptive mother criticized officials in Korea for enriching themselves through the placement of children. Koch himself also commented on the business with adoptive children.⁴¹⁵ However, the Swiss chargé d'affaires ad interim rejected the indirect criticism. Adoptions in Korea were taking place "without active intervention by this embassy." He saw "hardly any possibility of finding out whether Swiss adoptive parents are making false statements." The chargé d'affaires ad interim passed the responsibility to Koch, stating that since the prospective adoptive parents resided in Switzerland, "your services could easily carry out such control."⁴¹⁶ Additionally, foreign adoptions were increasingly being halted, so the mentioned problem would resolve itself over time. "In any case, I will ensure that the instructions coming to me on your entry permits are strictly followed, as has always been the case."⁴¹⁷

Federal Office for Foreigners Expresses Concerns about Adoptions from Korea

More detailed information on problematic aspects of adoptions from Korea can be found in the collection of the Federal Office for Foreigners, which includes a separate dossier on foster care and adoptions in Korea.⁴¹⁸ The dossier contains correspondence between the Federal Aliens Police, prompted by Stefan Koch, and the Swiss embassy in Seoul regarding Korean mothers who wanted to reclaim their children given up for adoption. Koch wrote to the Swiss embassy about two girls who were supposed to come to Switzerland for adoption. Terre des hommes

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had informed that the two girls were being reclaimed by their mother, and therefore, the adoption would not proceed. This was happening frequently recently.⁴¹⁹ Koch raised the question of whether it would be possible to promote on-site investigations of abandonment before entrusting such children for adoption abroad. If they were abandoned, it meant their mothers were in distress but still cared for them since they were reclaiming them. Could assistance be provided on-site instead of opting for international adoption? Such cases went beyond the framework they had set and certainly made Terre des Hommes uncomfortable, as they shared a similar perspective in this area.⁴²⁰ Koch not only called for more thorough investigations by the embassy but also questioned whether it might be better to provide assistance locally instead of resorting to international adoption.

The Swiss embassy confirmed that Korean children adopted by Swiss individuals were increasingly being reclaimed by their biological parents. "The problem of abandoned and freely given for adoption children, which often also gives rise to criticism in the local press (see enclosed photocopied newspaper articles), is well known to this embassy. I reported on it to the FDFA last year. The Korean authorities are trying to counteract this shortcoming. The introduction of sponsorships under the supervision of the Ministry of Social Affairs is planned. There is also an intention to revise the adoption law so that only orphans, but not children released for adoption by parents, are allowed to leave the country. Numerous private organizations and institutions are working on the fate of these orphans and foundlings. However, as you can see from the attachments [various newspaper articles, note of the authors], these are not only reputable enterprises. Unfortunately, the solution you proposed, clarifying the situation on-site through this embassy, is impractical."⁴²¹ The embassy was aware of the problem but at the same time pointed out that not much could be clarified or achieved on-site by the embassy.

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Report: "The Korean Adopted Children Problem" by Embassy Staff

In the collection of the Federal Office for Foreigners, there is a report titled "The Korean Adopted Children Problem" written by a staff member of the Swiss embassy in Seoul. The detailed report is not dated but was sent to the Federal Aliens Police in 1976.⁴²² It serves as a key document for analyzing adoptions of Korean children in Switzerland. The staff member prepared the report in direct response to the issues raised by Koch in 1975, particularly focusing on "the frequent reclaiming of voluntarily adopted children by their parents,"⁴²³ as mentioned by the Swiss chargé d'affaires ad interim in the letter accompanying the report sent to the Federal Aliens Police.

The embassy staff member noted that there were many orphaned children in Korea, but adoptions within Korea itself were frowned upon. Children were given up for adoption, especially by unmarried, widowed, or divorced mothers, as well as by couples facing financial difficulties. She mentioned four state-approved agencies: Holt Children's Service, "the leading and seemingly most reputable agency," Korea Social Service, Social Welfare Society, and The David Livingstone Adoption Programme of the Christian Crusade.⁴²⁴

It was known that child placement was a "lucrative business" for these agencies, and they tried to "persuade single mothers and parents facing financial difficulties to release their children for adoption to meet the high demand for Korean children in childless households in the United States and Europe." The report also criticized the Korea Social Service, responsible for coordinating adoptions to Switzerland in collaboration with Terre des hommes Lausanne, and also sending children to the USA, the Netherlands, and Denmark. The agency had been in existence for eleven years, "yet the director claims not to be able to produce documentation or annual reports about his agency." It was housed in a villa on the outskirts of the city, where the children lived until their departure, sometimes numbering up to 200 children. "The living areas for infants and toddlers are in the basement, partly without windows. Although everything is spotlessly clean, it somehow seems quite

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'commercial' and very depressing. Director Rhee* reluctantly answers questions but admits that, on average, two out of ten children are reclaimed by their biological parents before the departure formalities are completed." In two cases, a child was not placed through Terre des hommes or Korea Social Service but "through a 'lady' who is supposed to live in Germany and occasionally comes to Korea to pick up children. The contact person here in Korea is a Dr. Lee*, a doctor at the Municipal Psychiatric Clinic. She claims to only occasionally deal with adoptions (probably violating legal regulations)."⁴²⁵ The report clearly highlighted problematic and illegal placement practices. It noted that Korean authorities were aware of the shortcomings in child welfare but were not yet able to address them.

Positive View of Stricter Emigration Procedures and Criticism of Adoption Practices

The author considered the stricter exit formalities established with the introduction of the new emigration law as positive. It was anticipated that cases where children reached foreign countries for adoption without their parents' permission would no longer occur in the future. The report also mentioned an incident where a child was kidnapped by a domestic worker and taken to Canada for adoption, creating significant media attention. The report concluded with clear words: "The longer one deals with the problem of adopted children, the more one gets the impression that it is not primarily about helping; not everything is within the framework of the law, and the overseas adoption business is lucrative for the agencies."⁴²⁶

Criticism of Individual Placement Agencies and Individuals on Site

In 1976, Terre des hommes Lausanne also complained about the activities of placement organizations operating in Korea. Terre des hommes Lausanne reported to the Federal Aliens Police about dubious activities of the Korea Social Service and Mr. Hye* of the Netherlands-Korea Children's Foundation, a private Dutch organization. The Federal Aliens Police then asked the Swiss embassy in Seoul to investigate the allegations.⁴²⁷ The Swiss chargé d'affaires ad interim replied that nothing "adverse" was known about Mr. Hye.⁴²⁸ "Nevertheless, one is

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tempted to wonder how seriously he takes on the tasks and means entrusted to him. In any case, he seems to be able to afford a very comfortable high standard of living on 'administrative expenses.'"429

In 1977, it was the Swiss embassy that reported what they perceived as irregular practices to Bern. Terre des hommes Lausanne and their new partner were under criticism. Minho Chung* from Kyonggi Neighbors Aid had visited the embassy. Mr. Chung and Kyonggi Neighbors Aid "cannot be recommended under any circumstances. The bad experiences collected through this representative speak for it: CHUNG [sic] presented himself to my colleague as the head of an orphanage near Osan [...], where the children intended for Switzerland were located. A meeting was arranged. However, the given address turned out to be completely insufficient. [...] They were not expected at all. CHUNG happened to be there by chance, but [the] head of the home, which incidentally leaves a good impression, is a 75-year-old woman who no longer wants to send children abroad. CHUNG lost face. Reluctantly, he admitted that the children in question were all in Seoul and not orphans but released for adoption."

The new liaison for Terre des hommes Lausanne had to "hide behind one of the four mentioned organizations [state-approved adoption agencies], probably the Korea Social Service, from which he knows that the quota (quotas for textiles, fish... and recently also for orphaned children!!!) of 670 children per year is preferably reserved for those partners willing to make donations and gifts (a car is urgently needed!). Or are they trying to exert pressure to take a 'straw man' if the leverage doesn't work to stay in business? Thus, the trade with pseudo-orphans flourishes again to Switzerland! I can only understand how 'Terre des Hommes' might offer a hand to this!"430 The Federal Aliens Police subsequently called Terre des hommes Lausanne, which, based on copies of letters, demonstrated how the contact with Chung had been established and defended Kyonggi Neighbors Aid. In this matter, the Swiss embassy took the following stance: "The fact alone that Kyonggi Neighbors Aid has no government authorization to deal

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with adoptions is reason enough to reject cooperation with them. My colleague also warned Mrs. Agata Meier* [from Terre des hommes Lausanne, note of the authors] to be cautious. For the five children already approved, Mr. Chung has still not been able to present any passports. To obtain them, he will have to seek the support of one of the four mentioned adoption organizations or a 'good friend' in the relevant ministry. I think we should not refuse entry to these five children, but make it clear to Mr. Chung that as long as he cannot present a license, no further visas will be issued."⁴³¹ This example points to various problematic issues. Korean children were seemingly misrepresented as orphans to facilitate adoption. The dealings of placement organizations on-site were inscrutable, and their legitimacy and legality were challenging to verify. Furthermore, corruption seemed to be involved in the adoption process, with certain individuals enriching themselves. Finally, the Swiss chargé d'affaires ad interim explicitly spoke of a thriving "trade" with "pseudo-orphans." Nevertheless, the Swiss embassy did not reject the ongoing visa applications.

9.2 Further Indications of Irregular and Problematic Practices

Information about the incidents described above is found in the dossier of the Federal Office for Foreigners. The Swiss representative in Korea's dossier contains various additional indications of irregular and problematic practices, including incorrect information about the children or placements without the corresponding authorization.

Incorrect or Missing Personal Information about Adopted Children

Extensive correspondence exists between the Federal Office for Civil Status and the Swiss embassy regarding missing or incorrect information about names, birthplace, and birthdate of children traveling to Switzerland for adoption purposes. In an entry permit for a Korean girl in 1980, it was noted: "Since the exact personal details are often not known when applying for foster or adoptive children, there is a possibility that the information provided may not correspond to reality. The exact personal details are therefore recorded after entry when

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regulating the residence status based on the passport and declared binding, even if the name in the passport does not match that on our permit."⁴³² Blank permits, meaning the creation of entry permits without the child's name or with a fictitious name, were not possible from the introduction of PAVO in 1978 until its revision in 1989. However, they seem to have persisted in practice but were problematic.⁴³³

This issue is also evident in the Swiss embassy's response to a woman who was adopted from Korea to Switzerland as a child and was searching for her mother in the early 1990s: "The Korea Social Service, the Korean authority that released you for adoption, stated in response that your mother apparently used a false name and address for this adoption, which was still possible at that time. That is why there is no data available about you in the computer."⁴³⁴

Language Barriers

The often missing or incorrect information was, in part, due to language difficulties. In Korea, the script posed an additional high barrier. The Swiss representative had to rely on translators on-site, who were not always proficient in English.⁴³⁵

This is illustrated in a correspondence found in the records between the Swiss embassy and the Federal Office for Civil Status. The latter inquired for the registration in the family register about the birthplace and the name of the biological parents of a Korean girl adopted by a Swiss couple. However, investigations with the Korean placement agency Holt Adoption and the orphanage in Chonan, which had given the child to Holt Adoption, remained unsuccessful. The Swiss embassy provided "a summary translation as well as the original response from Chonan."⁴³⁶ It was recorded that the child born in 1963 was "taken over" by the orphanage in January 1964, and there were no details about the parents. The embassy added a remark after the translation: "Although the birthdate of the child is known, the orphanage has no further information. The translator of the embassy was explicitly asked whether the term 'taken over' could

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possibly also mean 'found' or something similar. He says it only means 'took' = taken, taken over."⁴³⁷ This example illustrates that the Swiss representative depended on on-site translators. In this case, it remained unclear whether the child was abandoned or handed over to the orphanage by someone.

Additional Similar Cases and Unlicensed Mediation with Financial Gain

In the records, there are more cases resembling the one mentioned above. In 1980, the Federal Office for Civil Status asked the Swiss embassy in Seoul to authenticate and summarize a specific adoption certificate and the "Family Registration," a kind of birth certificate. It should also be clarified whether the registered place of origin in the certificate was the probable birthplace of the child: "The documents available to us do not clearly show whether the adoption came about solely through an agreement between the adoptive parents on one side and a (private) adoption agency and the child's guardian on the other side, or whether it was pronounced or at least approved by a government authority."⁴³⁸

Mediation Activity Without Authorization and Financial Enrichment

The Swiss embassy's files contain indications about a Swiss woman, Gabi Studer*, who was involved in mediating children from Korea. She did not have the necessary authorization and argued that her activity was purely advisory and, therefore, not subject to approval. She claimed to assist adoptive parents with advice, providing addresses, and bureaucratic procedures.⁴³⁹ However, the Federal Office for Foreigners believed that Studer did engage in limited mediation activities. It wrote to the Cantonal Foreign Police in Zurich, stating that Studer "does not limit herself to advice only. [...] If anything goes wrong, it would certainly be advantageous if Mrs. Studer had a permit as a mediator and a special permit for intercountry adoptions."⁴⁴⁰ The Swiss embassy was also instructed to inform the Korea Social Service in Seoul about Gabi Studer's legal status and to convey that Studer was not recognized as a mediator until then.⁴⁴¹ This specific case underscores the ambiguity in defining the mediation of children from abroad for adoption purposes. The Federal Office for Foreigners insisted on the correct

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observance of regulations but, as adoption procedures in Switzerland were organized, had to leave the substantive examination of mediation competence to the relevant cantonal authorities.

Finally, there are occasional indications that individuals financially benefited from mediating adoptive children. In the previously mentioned article from the Tages-Anzeiger, which the Swiss embassy had retained, a woman criticized that the costs for a child from Korea far exceeded administrative expenses and that it was "obvious" that officials were enriching themselves through mediation.⁴⁴²

10. Adoptions of Children from Lebanon

During the investigation period, a small number of children from Lebanon traveled to Switzerland for adoption purposes. The figures remained low, with 16 entry permits in 1976, ten each in 1980 and 1992, eleven in 1991, and 14 in 1988. In other years, the permits ranged between three and seven.

The legal framework for adoptions in Lebanon was described by the then Swiss ambassador as "very complicated because Lebanese legislation leaves its regulation to religious communities, of which there are about 10." Certain religious communities allowed "simple adoption," where "legal ties with the family are not broken." Most communities did not recognize adoption. The Swiss embassy found it challenging to gain an overview of the applicable laws, relying on the expertise of local actors and trusting their assessments. For example, a local lawyer provided an overview of the regulations for the Swiss embassy, and the head nun of Crèche St. Vincent-de-Paul explained the Lebanese adoption process to the ambassador. The challenge for the Swiss representative was that embassy personnel could not verify the information, and some of the informants were themselves involved in adoption placement.

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10.1 Indications of Child Trafficking and Scandals

The Swiss representative in Lebanon has only two thin dossiers. A reference to child trafficking is found in a newspaper report from 1981. The dossiers mainly address missing documents. More indications of child trafficking in Lebanon, described in Chapter 13.4 of this inventory, can be found in the dossier of the Federal Office for Foreigners.

Missing Documents upon Entry into Switzerland

A challenge arose with adoptive couples bringing Lebanese children to Switzerland without prior investigations and approvals, presenting authorities with a *fait accompli*. One documented case involves a couple bringing a child from Crèche St. Vincent-de-Paul in Beirut to Switzerland in 1977 without a cantonal foster care approval or an entry permit. The child entered with a "visa exceptionnel" issued at the Swiss airport. Only after the child was in Switzerland did the adopting couple inquire about the child's documents with the Swiss embassy in Beirut. The Swiss ambassador tried to obtain the papers from Crèche. The nun in charge 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 from the available records. It is also unclear why the Swiss couple suspected that the child's papers were with the Swiss embassy. The couple thanked the Swiss ambassador for taking the time, nonetheless.

Stefan Koch* from the Federal Aliens Police expressed dissatisfaction in this case that the local aliens police had accepted the *fait accompli*. Koch instructed the aliens police to send a severe reprimand to the adoptive father. He also instructed the ambassador in Beirut to always obtain prior entry approval and instruct Crèche St. Vincent-de-Paul "not to engage in any adoption placement in our country without prior entry authorization from us."

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Another case documented in the files involved the Swiss ambassador asking the Latin Church Court, which pronounced adoptions in Lebanon, to contact the Swiss embassy before making a decision. The ambassador aimed to ensure that all necessary approvals from Swiss authorities were in place before the Church Court decided on adoption. The ambassador tried to implement Koch's instructions and encourage local authorities to follow the correct procedure.

Crèche St. Vincent-de-Paul

The mentioned Crèche St. Vincent-de-Paul was an important contact point for Swiss adoption organizations. The Service d'adoption du Mouvement Enfance et Foyers in Fribourg collaborated with Crèche St. Vincent-de-Paul between 1976 and 1994, claiming to have facilitated the adoption of 77 children from the Crèche to Switzerland during that time. This corresponds to half of the 154 children who received entry permits for Switzerland during the same period.

In the inventory, there is a Lebanese newspaper article portraying Crèche St. Vincent-de-Paul in 1981. At that time, approximately 130 infants and children were cared for by five nuns under the direction of Sister Allali*. The Lebanese state and donations funded the Crèche. In an interview, Sister Allali presented the Crèche as an institution acting in the best interests of the children, providing them a better environment than with their biological parents: "The lack of knowledge of the child by the parents means that many children are taken care of by us because at any time, a human being can correct the innate through acquired and environmental influence." The Crèche also placed "certain orphaned or abandoned children" for adoption. Sister Allali described the process in the interview, stating that the adoptive child had to come from the Crèche, and the decision had to be made by the Church Court. Sister Allali spoke of an adoption black market that operated outside the Church Court and the Crèche: "But unfortunately, after events that Lebanon has witnessed, a new illegal and monstrous 'trafficking' has appeared, black adoption, that is, without going through the Crèche and the religious court."

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Doctors, midwives, and nurses would, for payment, give newborns to adoptive parents.

To what extent Sister Allali, as suggested in this interview, distanced herself from illegal practices would require further investigation. The year before, she had expressed willingness to the Swiss ambassador to handle the necessary formalities if "adoptive parents find a child themselves, for example, through a hospital or a doctor," thus shortening the waiting time for a child. Sister Allali had suggested a practice that she later distanced herself from in the interview—handling formalities for a child that had been arranged through questionable channels and sought by adoptive parents on their own initiative.

Challenges in Tracing Origins

In 2000, the Service d'adoption du Mouvement Enfance et Foyers in Fribourg inquired with the Swiss embassy in Beirut about securing records related to adoption cases. The adoption agency was concerned that "the responsible sisters of the Crèche [St. Vincent-de-Paul, note of the authors] are old and [...] have apparently not organized their succession." The adoption agency feared that the records "disappear, either by being destroyed or lost." This could lead to the loss of important information about the biological parents. Given that Switzerland had ratified the Hague Convention, this would pose a problem for the adoption agency, especially considering that "we [the adoption agency] are regularly confronted with the request of these young adoptees in search of their origins." The Swiss embassy's inquiry with Sister Allali revealed that "no register with the backgrounds of the children exists. In most cases, newborns are abandoned by single mothers in front of crèches or convents. Indeed, Lebanon does not know and does not recognize children born out of wedlock; therefore, no birth can be registered. To prevent children from living without identity papers and thus a kind of non-existence, religious congregations take in abandoned babies and look for couples for adoptions. In the meantime, the children are registered with assumed

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names. Sister Allali told me that she has never asked anything of distressed women, neither the name, nor the origin, nor the religion."

The lack of documentation on the origins of children was a consequence of the adoption placement practices in Lebanon. The societal stigmatization of unmarried mothers in Lebanon also played a significant role. The correspondence from 2000 vividly points to the challenges in tracing origins that adoptees in Switzerland face in adulthood.

10.2 Further Indications of Irregular and Problematic Practices

There are few examples in the records that involve other adoption-related issues.

Stefan Koch* highlights missing documents

In a case documented in the records, an adoptive couple in 1977 wanted to bring a child to Switzerland without the necessary investigations and formalities. Once again, Stefan Koch pointed out the problematic aspects. He informed the responsible cantonal aliens police in 1976 that they could only issue an entry permit based on a complete dossier containing necessary information about the adoptive parents. The Federal Aliens Police also needed at least minimal information from the social report. The decision involved "the entire future of a child, and we can only make it with knowledge of a complete dossier." Therefore, even if the adoptive couple already had a cantonal foster care approval, the approval from the Federal Aliens Police had to be obtained additionally, and this had to be done before the children entered Switzerland: "[...] what will happen if the request has to be rejected for reasons of foreign police while the steps abroad are about to be completed? The consequences are too serious, and that is why we always recommend obtaining formal entry authorization before taking any steps abroad." Koch concluded from the information provided by the adoptive couple that the child had not yet been born, making it a "renunciation." Koch emphasized that the Federal Aliens Police only issued entry permits for "abandoned or complete orphans, that is, placed in an orphanage, but not

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obtained with a renunciation." Koch did not want an entry permit granted for a child not yet born. He considered on-site assistance more humane at that point, stating, "At this moment, it is more humane to help on-site, and we can only follow the practice of large organizations dealing with child welfare, namely never to separate a child from its mother or parents, except for exceptional reasons."

On-Site Investigations for an Acquaintance

The inventory documents how an employee of the Swiss embassy in Lebanon assisted the relatives of another Swiss representative in finding an adoptive child in Lebanon. The assistance went beyond what was done in ordinary inquiries from adoptive couples. This case also clearly illustrates that the future religious upbringing of adoptive children was an important criterion for religiously run children's homes. In the letter to the colleague, the employee of the Swiss representative in Lebanon described his approach. His visit to Crèche St. Vincent-de-Paul was initially disappointing. The Mother Superior informed him that since the civil war, "almost no child had been entrusted to her for adoption." He was more successful at the St. Joseph orphanage. The Mother Superior there was convinced that a child would be found in her institution. To achieve this, the prospective adopter had to come to Beirut. The St. Joseph institution would provide him with a staff member "to accompany you to the Latin Tribunal of Achrafieh, which would have to make a decision on your request." The condition set by the institution was that "at least one of the parents be a Roman Catholic and that a written commitment be given that the adopted child be raised in this religion." The adoptive seeker was recommended the Service d'adoption du Mouvement Enfance et Foyer in Fribourg as the adoption agency.

Adoption in the Context of Planned Emigration to Switzerland

Finally, the inventory contains parts of a correspondence between the Swiss embassy and the Federal Office for Foreigners regarding a Lebanese family whose children were placed with different foster parents in Switzerland. This case has only a peripheral connection to the topic of this report, but it is briefly

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presented here for completeness. The correspondence reveals that the biological parents wanted to emigrate to Switzerland in the early 1980s and no longer wanted to put their placed children up for adoption, as apparently initially intended. On the instructions of the Federal Office for Foreigners, the parents were not granted an entry permit. Ultimately, the parents apparently abandoned the idea of immigrating to Switzerland and signed a waiver for their children.

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 annually between four and 13 entry permits for foster children for later adoption or other reasons. In 1978, the number sharply rose to 25 but dropped to only 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 numbers ranged from about two to a maximum of three dozen. In 1990, the Swiss authorities granted 20 entry permits, 27 in 1991, and only eleven in 1992. After that, there were practically no entry permits: in 1993 and 1994, there were three each, in 1995, two, and in 1997 and 1999, one entry permit each; in 1996 and 1998, the Swiss authorities did not issue any entry permits.

During the investigative period, the Swiss Embassy in Lima regularly sought contact with the relevant Peruvian authorities, especially with the Instituto Nacional de Bienestar Familiar (INABIF), which was responsible for adoptions within the Ministry of Promotion of Women and Human Development (PROMUDEH). In 1993, the Peruvian government established the Secretaria Técnica de Adopciones (STA) in response to investigations into a child trafficking

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scandal. The Swiss Embassy also regularly contacted the STA to clarify, in the 1990s, whether placements from Peru to Switzerland were still possible.

Terre des hommes Lausanne facilitated the adoption of children from Peru to Switzerland until the early 1990s. The Swiss Embassy's records often mention their activities in Peru. Terre des hommes Lausanne seems to have been the only Swiss placement agency with a special permit for Peru for many years. In the mid-1980s, the Swiss Embassy also appears to have collaborated with the Bureau Genevois d'Adoption (BGA).

11.1 Indications of Child Trafficking and Scandals

The records of the Swiss representative in Peru contain many indications of child trafficking over various decades. The Peruvian and foreign press, including in Switzerland, repeatedly reported on illegal adoption practices, irregularities in local procedures, child trafficking, kidnapping, and even child selling. The Swiss representative in Lima documented these issues with numerous newspaper articles and informed Swiss authorities and prospective adoptive couples from Switzerland about the serious deficiencies, which it mostly referred to as difficulties or problems.

From the late 1970s, the exploitation of Peruvian children was mentioned

In 1979, Swiss Ambassador John Leimgruber* informed the authorities in Bern about the adoption problems in Peru, as named by the EJPD, and that, according to an article in La Cronaca, regulations for international adoptions should be tightened "in order to restrict the exodus of these poor little ones." According to media reports, adoptive parents now had to be present for the procedure in Peru, "to allow for more serious control of this act," forcing Terre des hommes Lausanne to organize a longer stay for interested couples in Peru. "Terre des hommes Lausanne continues to be very active in the field of adoptions and transfers of children from the Third World" and was also active in Lima as a placement agency. This correspondence coincides with the fact that the Swiss Federal Police

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documented the Swiss Embassy in Lima in the records of Stefan Koch* in the late 1970s. At the same time, there was an increase in demand from Swiss prospective adoptive couples, who sometimes explicitly wished for small girls under two years of age and "fair-skinned if possible."

In the spring of 1978, in connection with the visit of notary and member of the Service social de justice of the Canton of Vaud, Albert Muller*, to Colombia and Peru, child trafficking was also mentioned. Albert Muller personally informed Federal Councillor Pierre Aubert about his South American trip. Peruvian juvenile judges had received reports of "the exploitation of these children by the adoptive parents," but "It is obvious that these fears are perfectly unjustified as far as Swiss parents are concerned," as confirmed by the Peruvian authorities. However, he admitted that he had very little time for his trip and therefore could not speak with the staff of Peruvian social services. Before his departure, the Swiss authorities had pointed out to him that "Peru is particularly delicate." The Swiss Embassy in Lima also knew about an uncovered scandal in Cusco: "Peruvians, among others doctors, would have traded children for adoption with Europeans." However, this was not a problem for Switzerland since the number of placements was low compared to other countries, and everything was in accordance with the law. At the same time, the Swiss Ambassador informed Terre des hommes in Lima "about the problem of adoption in Peru," referring to an article in Comercio from July 13, 1978, and also requested to be informed about Terre des hommes' upcoming meeting with the Peruvian First Lady.

Media reports on child trafficking in Peru in the 1980s

In 1982, Peruvian journalists repeatedly reported on child trafficking. The media accused that many more children than shown in official statistics, namely over 3,000, had been given abroad from Peru in recent years. The black market in Europe was growing. The media mentioned amounts between 5,000 and 10,000 dollars that adoptive parents allegedly paid for the children. In the same period, a major report titled "Adoption in the Crossfire: Humanitarian Aid or Children at Any

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Price?" was published in Neue Zürcher Zeitung in Switzerland. The Swiss Embassy informed the Federal Office of Justice that it wanted to keep an eye on the legislative revision initiated due to the revealed abuses in Peru. The Federal Office for Foreigners, in turn, reiterated at that time to the Swiss Embassy that Peruvian children could only enter Switzerland with the consent of the Federal Office for Foreigners.

However, the media coverage did not stop. In November 1982, L'Express in western Switzerland reported that the police in Lima had uncovered child trafficking, where 60 stolen children had been placed for adoption in France, Italy, Sweden, and the Netherlands. In the fall of 1983, Peruvian media continued to report that biological parents sold their children to avoid starving. At that time, the Swiss representative compiled documents on the legal situation in Peru for the International Private Law Section, Federal Office of Justice. Towards the cantonal authorities, it did not advise against adoptions from Peru at that time but only expressed criticism of the Peruvian placement agency La Cuguena, which, from the embassy's perspective, had a bad reputation.

In the summer of 1986, La Suisse Dimanche reported on 80 adoptions of children from Latin America in Geneva, where adoptive parents had spent between 10,000 and 15,000 francs on travel expenses and expenses. The main focus of the article was on the fact that the adoption of Peruvian children was burdensome for adoptive parents. In the same period, the Swiss Ambassador informed the International Private Law Section of the Federal Office of Justice that the "difficulties" in adoptions from Peru could be avoided "if the interested parties had inquired about local customs with this embassy in general before undertaking all formalities. ... Would it be possible for the relevant institutions in Switzerland to be informed in the above sense?"

Interestingly, in this context, there is a draft of a much more detailed report among the documents, prepared two and a half years earlier on September 23, 1983.

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Handwritten on it on October 11, 1983, was that the original of the draft was with the ambassador and also handwritten on December 12, 1983: "Ambassador Bernasconi* did not want to send it to BE [sic]." In this never-sent report, the Swiss Ambassador highlighted severe procedural flaws in Peru using three case studies: relevant Peruvian documents only appeared after adoptive parents had paid substantial sums, a judge decided differently from case to case depending on the amounts paid, and lawyers would instruct adoptive parents on whom to pay funds: "As for the so-called 'bribes,' it is recommended to take them in US dollar notes, as the corresponding officials would prefer these to the Peruvian currency! It is also advisable to carry out these 'payments' with the utmost discretion. In recent years, formalities have often been bypassed 'and the children taken out of the country illegally,' which has caused 'great publicity both in the national and international press' and prompted authorities to review individual cases. 'It would be desirable, however, for Swiss adoption agencies to be informed about the difficulties awaiting prospective adoptive parents in Peru thanks to these explanations.'" The ambassador hoped that, thanks to his explanations, "a lot of disappointments, high expenses, and a lot of work could be avoided." However, he kept this report in his files. The federal authorities in Bern knew nothing about these obvious cases of illegal adoptions. It was only in response to media reports two and a half years later that the subsequently responsible ambassador in Lima reacted with references to difficulties in Peru.

Negative headlines continue in the early 1990s

In 1990, various Peruvian media once again reported on child trafficking. Adoptions had taken on the worst forms, with intermediaries, lawyers, and judges shamelessly enriching themselves at the expense of the children. The juvenile 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. Adoptions to Germany and the USA were particularly in focus. Peruvian media also reported that Terre des hommes, as a local placement agency, had filed a lawsuit for child trafficking. Terre des hommes argued that a newborn could only be taken from its

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mother under exceptional circumstances and that a voluntary consent declaration must be present. Formalities alone, according to Terre des hommes' argument in the lawsuit, were not sufficient. Terre des hommes had refused the adoption of a child to an American couple based on these grounds, citing the Convention on the Rights of the Child.

In January 1991, Neue Zürcher Zeitung titled a brief report "'Children's Market' in Peru" and described an auction where boys and girls had been sold to the highest bidders: "Completely impoverished farm families in the city of Arequipa had to sell their children to secure the survival of the children and the families." NZZ referred to a report in the Peruvian newspaper El Comercio. A newspaper from Neuchâtel also wrote about these "children for sale." The children were subsequently resold to prospective adopters for \$10,000 to \$20,000.

The negative headlines about adoptions did not stop in Peru itself. In March 1991, La Republica reported on the mafia structures in Peruvian child trafficking. In the summer of 1991, according to media reports, the government announced its intention to create a register of children who were adopted abroad. However, Peruvian newspapers reported again in the fall that illegal adoptions had been exposed. Biological mothers hoped for money when they handed over their children to the state institution, Instituto Nacional de Bienestar Familiar (INABIF).

In December 1991, according to media reports, a search was conducted for child trafficking involving 18 judges, 14 fiscal officials, and eleven court clerks. The public prosecutor's office, responsible for the investigations, had received death threats. These large-scale investigations led to a debate in the Peruvian parliament about reforms in international adoptions. The relevant state institution, INABIF, subsequently announced in August 1992 that it would better coordinate international cooperation to protect abandoned Peruvian children.

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Immediately after this coverage and the information from the Federal Office for Foreigners that adoptions from Peru were apparently no longer allowed, the Swiss embassy inquired with the director of the adoption office at INABIF about the possibility of continuing to arrange adoptions to Switzerland. In the summer of 1992, the embassy reported to Bern: "It is not known that adoptions are not currently being carried out. Delays may have occurred since many officials (including judges) in the justice system have been replaced after April 5, 1992." As would soon be revealed, it was no longer possible to arrange for the placement of Peruvian children for later adoption in Switzerland. The Peruvian authorities insisted on contractual agreements.

11.2 Further indications of irregular and problematic practices

In addition to the evident cases of child trafficking, the authorities involved and interested Swiss couples repeatedly addressed serious procedural deficiencies in the context of adoption placements from Peru. The scandals and irregularities led to a de facto suspension of placements to Switzerland from 1993 onward.

Orientation and consolidation phase from 1970

Even before 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 in response to its inquiry at the end of 1969 that there was no uniform practice among the cantons regarding the recognition of adoptions. It was recommended that interested parties carefully consider the implications of adoption. The Swiss embassy inquired with the authorities in Bern during this orientation phase about further specific questions: Should interested couples be informed about possible hereditary influences on the children? Could an unmarried woman adopt a child? How should one proceed with relative adoptions? The Swiss representative sought this information on the legal situation in Switzerland and the procedure because it was already confronted with numerous inquiries for Peruvian adopted children.

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In the 1980s, the Swiss embassy was also busy translating and processing information from Peruvian authorities for Swiss placement agencies. Until then, only Terre des hommes Lausanne had been active in Peru. When Alice Honegger inquired on behalf of Adoptio in 1987 about Peruvian laws and contacts on-site, the Swiss embassy referred her to Peruvian juvenile judges, who provided information on children available for adoption. The embassy could not provide addresses of local placement agencies, stating, "I am not informed about their reliability." In 1988, correspondence ensued because a niece of the Peruvian consul in Basel, living in Lima, assisted Swiss couples in the adoption process. The Swiss embassy could not determine whether the woman was authorized for this activity.

Changed procedures in Peru from 1993 amount to an adoption halt

Since 1993, Swiss authorities issued only a few entry permits for children from Peru. This was related to a procedural change on the part of Peruvian authorities, which came into effect in April 1993 and was implemented by the newly created Secretaria Técnica de Adopciones (STA). In a phone call with an official from INABIF in June 1993, an employee of the Swiss embassy learned that STA had been created due to irregularities, "that children had been taken from biological parents with false promises, and there were also cases of stolen infants. With the establishment of the new adoption office, they aim to prevent this in the future." Initially, it seems that the Swiss embassy did not believe this would change much. A handwritten note on a Post-it attached to a newspaper article from El Peruano reporting the end of illegalities thanks to the creation of STA read:

Possibly short info to EJPD!! Conclusion: more bureaucratic! Doesn't change much! Conclude bilateral agreement? With STA?" Another earlier newspaper article, which in June 1993 spoke of the creation of a new, effective adoption law, was commented on by someone at the Swiss embassy, also handwritten: "Adoptions are not possible in

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the future without a bilateral agreement. Everything is blocked. Bern informed. Negotiations ongoing.

Now, a reciprocity statement was required between STA and a foreign placement agency or the respective government or authority that had granted approval to the foreign placement agency. Peruvian authorities wanted to prevent, according to the interpretation of Cristine Togni Fischer, Section for International Private Law in the Federal Office of Justice, "prospective adoptive parents from going to get the child themselves without the involvement of an officially recognized adoption placement agency and, in the worst case, sending the child back to Switzerland if cohabitation did not work out after entering Switzerland." Cristine Togni Fischer recommended that the embassy explain to the relevant Peruvian authorities that such a legal vacuum did not exist in Switzerland according to PAVO. She also suggested, to solve the problem, contacting Terre des hommes Lausanne. At that time, Terre des hommes Lausanne was the only organization that had approval for placing children from Peru. And Togni Fischer

pointed out one last issue. As long as the Hague Convention was not signed by both Peru and Switzerland, it was not possible to prevent the adoption pronounced in Peru from being performed a second time in Switzerland. Peru, on the other hand, demanded that adoptions pronounced in Peru be legally valid abroad. Thus, the legislations of the two countries were no longer compatible from 1993. The Peruvian Ministry of Women and Family Affairs had, with the new provision, effectively imposed a temporary adoption stop for Switzerland.

In the files on Peru, there are many documents that demonstrate that the Swiss representative in Peru between 1993 and 2000 dealt extensively with this challenging diplomatic situation. The Swiss representative was under pressure, as numerous prospective adoptive couples approached them with inquiries. In May 1993, the Swiss representative had warned prospective adopters that adoption in Peru was "time-consuming and sometimes [a] very costly matter," but

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fundamentally possible. In August 1993, the tone changed. The Swiss representative informed a couple that Peru had created the new STA, but Switzerland did not have an agreement with STA, so no adoptions could be carried out. In August 1993, it also informed another couple that STA assumed "a certain monitoring and coordination task. This is with a view to the largest possible elimination of irregularities, which unfortunately have also occurred in this area." Apparently, the Swiss representative in Peru also began to refer prospective adopters to the Federal Office of Justice. The Federal Office of Justice returned the responsibility, stating that the office could not provide information "before a solution regarding the further procedure in adoption matters with Peru has been found."

The Swiss embassy wanted to defuse the situation. For example, the Swiss Ambassador tried to convince the Minister of Women and Family Affairs of sufficient legal protection in Switzerland for the arrived children. However, this effort was in vain. One of his staff had previously researched with local lawyers in Peru and found that they were not aware of cases of returned children. This argument did not convince the responsible minister. The staff of the Swiss embassy repeatedly documented the Peruvian authorities with the legal foundations in Switzerland, but this also had no effect. At the same time, the Swiss embassy regularly contacted federal authorities to inquire about the status of the ratification of the Hague Convention by Peru and Switzerland.

Finally, the Swiss embassy, together with the Federal Office of Justice, Section for International Private Law, in this phase, after numerous media reports about child trafficking in Peru, tried to bring Terre des hommes Lausanne back on board. The Swiss representative and the Federal Office of Justice wanted to convince Terre des hommes Lausanne to conclude a bilateral placement agreement with STA. The Swiss embassy openly expressed its interest in such a solution in a communication to the Federal Office of Justice: They were faced with many inquiries from prospective adopters. If the agreement with Terre des hommes

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Lausanne came about, "the applications could be channeled through this organization." However, Terre des hommes Lausanne refused this step, arguing that the delegate on-site first wanted to observe the situation for a few years and Terre des hommes would only resume adoption placement from Peru after receiving his positive feedback.

Procedural irregularities, bureaucracy, and information to prospective adopters

In exchange with prospective adoptive couples and authorities from Switzerland, the Swiss representative in Lima identified procedural problems. In individual cases, there seems to have been overstepping of competence by Peruvian notaries. They were authorized to authenticate signatures on consent declarations but could not accept the consent of the biological parents as such. In Peru, this responsibility fell to juvenile judges, who ultimately pronounced the adoptions. The files of the Swiss representative also document cases where cantonal authorities doubted the authenticity of consent declarations and asked the Swiss embassy in Lima to conduct further investigations. In one case, after consultation with their trusted lawyer, the embassy confirmed that the consent declaration was not legal but took the position that they could not obtain a new declaration; this was the responsibility of the Peruvian juvenile judges. What happened next in this case is not documented in the files. The cantonal authorities sometimes asked very specific questions: in one case, the Civil Status Office of the future adoptive parents' place of residence wanted confirmation that a biological father had not withdrawn his consent within the six weeks provided.

The Swiss embassy addressed the complex procedures that they perceived as burdensome for future adoptive parents from 1991 onward. Starting in 1991, the birth certificate had to be authenticated by four authorities, and the translation had to be authorized by the Foreign Ministry, "which is associated with a disproportionately large amount of time and can hardly be expected of the adoptive parents." Therefore, the Swiss Ambassador informed the Federal Office for Foreigners that he would henceforth refrain from translating the relevant

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documents into a Swiss national language for visa issuance to avoid imposing this additional burden on future adoptive parents. Interested adoptive parents often did not know which authority to contact in Peru. In such cases, the Swiss embassy regularly sent a brochure from the relevant INABIF. "Another way to adopt a child is for the prospective adoptive parents, once they have found a child available for adoption, to carry out the formalities with the help of an experienced lawyer directly at the relevant juvenile court." However, the embassy advised waiting to travel to Peru "until specific information about the child is available." Nevertheless, this could be construed as an invitation to seek a child in Peru without collaborating with an authorized placement agency.

Some prospective adopters received more detailed information about the procedures in Peru than others, especially if they were acquainted with embassy staff. In one example, an employee of another Swiss embassy advocated for a couple from Switzerland who wanted to adopt a child from Peru. On behalf of the Ambassador in Lima, he received information in May 1993 about the procedure in Peru, even though at that time adoptions were no longer possible, and the Swiss embassy, in standard responses to others, discouraged choosing a child from Peru.

In addition to the case files, there are many individual case files in the collection of the Swiss representative in Peru that were not reviewed for this inventory. Their analysis will lead to deeper historical insights into the specifics of adoptions of children from Peru in Switzerland.

12. Adoptions of Children from Romania

In the 1970s, no entry permits to Switzerland were granted for children from Romania. The only exception was in 1976 when two entry permits were issued for

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Romanian adoptive children. From the early 1980s, the number of entry permits gradually increased, with one permit per year between 1980 and 1982. In 1983, two permits were issued; in 1984, three; and in 1985, seven permits. The highest number in the 1980s was reached in 1986 and 1987, with twelve and 28 entry permits, respectively. A noticeable increase occurred from 1990 onwards. From four entry permits in 1989, the number jumped to 154 permits in 1990. From 1993, the number of entry permits decreased again to the low double digits.

The archival material related to Romania consists of five extensive case files. These documents, primarily from the mid-1980s to the mid-1990s, thoroughly document the period before and after the political upheaval of 1989 in Romania. The question of child trafficking with Romanian adoptive children and problematic procedural practices is closely linked to Romania's political situation since the 1980s and the overthrow of Nicolae Ceaușescu's regime in 1989. For this reason, the following two sub-chapters of the chronology follow the break of 1989, unlike other origin countries, which differentiate between child trafficking on the one hand and irregular and problematic practices on the other.

12.1 Indications of Child Trafficking and Irregular Practices until the Late 1980s

Due to state mismanagement and misguided industrial policies, Romania faced a prolonged economic crisis since the late 1970s. The Romanian state's population policy, aimed at population growth, included a ban on contraception and abortion, leading to a widespread existence of children's homes in Romania where an estimated 170,000 children and adolescents grew up in dire conditions. Various homes offered children for international adoption. In 1981, the Swiss embassy reported to the Director of the Federal Office of Justice that a "veritable inflation of child adoptions by French interested parties" was taking place. A newspaper article transmitted to the embassy in Bucharest described how the Romanian state published advertisements in Western newspapers, especially in France, offering children from Romanian homes for adoption. The Swiss embassy confirmed this practice. In a letter to the Director of the Federal Office of Justice in 1981, they

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detailed the adoption process in Romania: "The adoption procedure is usually carried out by a lawyer from the state attorney's office in Bucharest. Adoptive parents pay \$600 for an adoption." The files document a case where Swiss adoptive parents paid a lawyer's fee of 1,800 Swiss francs with a "generous subsidy," possibly contributing to expediting the process. An article from the Romandie region mentioned over 20,000 francs spent by adoptive parents on "travel and administrative and legal formalities."

Collaboration with Romanian Lawyers and Blockage Due to Negative Media Reports

Since 1985, the Swiss embassy collaborated with Romanian lawyer Luis Radu. This lawyer specialized in "adoption matters" as it was the "safer, more pleasant work than dealing with judicial authorities." The embassy's records noted that there was also "a strong financial interest." Luis Radu played a crucial role, given his connections to personnel in children's homes, in facilitating the adoption of Romanian children to Switzerland. As the Swiss embassy knew, the lawyer had "two 'sources' for adoptive children," a "maternity home" and a children's home affiliated with the Pediatric Institute of the University in Bucharest: "Mr. Radu typically proceeds with children from the maternity home by having the mother sign a blank declaration into which the name of the adoptive parents is later inserted. The mother does not know who is adopting the baby." Lawyers had access to infant homes and orphanages – referred to as "crèches" in Romania – "to find adoptable children." Luis Radu was also a key figure in the Swiss embassy's collaboration with Romanian authorities. For example, when adoptions by Romanian authorities were blocked from 1987 and the initiation of new procedures was "basically stopped," the lawyer outlined to Hansjörg Widmer, Swiss Ambassador in Bucharest, how, due to his connections to influential individuals, new applications could still be submitted: It was necessary that the application is "politically sufficiently substantiated." The lawyer noted that he still had "some pre-signed renunciation statements from mothers 'en blanc' in stock."

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Romanian authorities reacted sensitively to press reports about child trafficking and threatened to suspend international adoptions. However, no measures to prevent child trafficking were taken by the Romanian side. The Romanian government's threat not to allow adoptions to certain countries was to be taken seriously. For some time, adoptions to France were not approved. The Romanian lawyer confirmed to the Swiss embassy in Bucharest the connection between French newspaper reports on child trafficking and this halt: "The note is likely a [word missing, author's note] warning to exercise discretion regarding the financial side of adoptions," reported the Swiss embassy to the EDA.

Influence in Favor of Adoptive Parents

Despite press reports on child trafficking, the number of international adoption proceedings with Romanian children increased from 1986 onwards, according to an EDA report. The EDA suspected that this displeased the Romanian authorities, possibly even President Nicolae Ceaușescu himself, as Romania wanted to "see its population grow." The archived documents illustrate how, from the spring of 1987, the finalization of adoption proceedings by Romanian authorities was blocked and delayed. Adoptive parents then turned to the EDA with the request for it to intervene with Romanian authorities to conclude the pending procedures as quickly as possible. A memorandum provides insight into the embassy's considerations: "They all [the adoptive parents] have probably paid the official lawyer's fee through the bar association. If the situation remains blocked for too long, an intervention may be justified. If adoption applications are accepted, future adoptive parents also have a certain right to know how long the process will roughly take." The EDA, also confronted with inquiries from adoptive parents, shared this assessment: "The highly sensitive issue of adoptions justifies our continued restraint."

However, this restraint became increasingly incompatible with the goal of concluding ongoing procedures in favor of Swiss adoptive parents. The lawyer Luis Radu made it clear to the embassy that "without interventions (by

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high-ranking politicians, foreign ministries, governments, etc.), practically no adoptions would be approved anymore." He noted that while adoptions were previously handled based on file numbers, today, the mentioned interventions decided on the duration and success. Prospective adoptive parents exerted so much pressure that Swiss President Pierre Aubert, head of the EDA, agreed in August 1987 to submit the "cases in a letter to President Ceaușescu." The president's letter listed eight cases that had been blocked for some time. For the Swiss ambassador, delivering Aubert's letter to the director of the Romanian Ministry of Foreign Affairs responsible for Western Europe was a delicate mission. He demanded the visit of the EDA Secretary of State to Romania. Although the Swiss ambassador rejected this request with "his extremely busy schedule," the intervention by President Pierre Aubert apparently had an effect, as the Romanian side approved the eight mentioned cases, allowing the Romanian children to travel to Switzerland.

Apparently, not all ongoing adoption proceedings known to the EDA were listed on the letter attached to the president's letter to Ceaușescu. The unmentioned prospective adoptive parents accused the EDA, which asked the Swiss ambassador, faced with this "embarrassing situation," to transmit all information about all pending cases to the EDA and to treat the adoptive parents who had contacted the embassy "with tact, patience, and understanding." The Swiss ambassador in Bucharest personally reviewed the dossier.

In early December 1987, the Swiss French-language newspaper La Liberté reported that the Swiss authorities had "with great difficulty" obtained approval from the Romanian authorities for just under a third of the still pending adoption proceedings. The pressure increased to successfully conclude the remaining pending procedures. At the same time, apparently, the Romanian authorities became increasingly restrictive; visits by future adoptive parents to homes were no longer possible. Subsequently, they became more demanding towards Swiss authorities. The Romanian authorities informed the Swiss ambassador that

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proceedings would only be concluded based on the intervention of "influential personalities." Discretion was of the utmost priority, and reports in the Swiss press could have "negative effects." On December 9, 1987, President Pierre Aubert, just before his resignation, and again as a former Federal Councilor on May 5, 1988, wrote to President Ceaușescu, requesting a favorable review of the still pending adoption proceedings.

Adoptions of Children from Romania discussed in the National Council

The mentioned report in the newspaper La Liberté triggered a Simple Inquiry by National Councillor Lili Nabholz. She requested the Federal Council's statement on pending cases and urged Swiss authorities to support adoptive parents. In response, the Federal Council stated that the Swiss Federal Department of Foreign Affairs (EDA) had approached Romanian authorities on various levels. As a considerable number of adoption cases with Romania had been resolved, the Federal Council expressed its determination to continue assisting families. However, it emphasized the exceptional nature of its intervention and advised against adoptions from Romania due to the uncertain outcome falling solely under Romanian authorities' jurisdiction. A document dated March 1988 from the EDA summarized recent events in the context of the Simple Inquiry, emphasizing the department's efforts to alert new adoptive parents to the expected difficulties in Romanian adoptions.

The second letter from the Federal President to Nicolae Ceaușescu in December 1987, just before Pierre Aubert resigned as a Federal Councillor, did not have the same effect as the first letter in August 1987. Romanian authorities continued to block adoption requests. The Swiss ambassador reported that he had no access to decision-makers. Pierre Aubert, on behalf of Swiss adoptive parents, intervened again, prompted by a request from an acquaintance. In March 1988, this individual approached Pierre Aubert, now an ex-Federal Councillor, requesting "une intervention à titre personnel auprès du président roumain." Pierre Aubert, having offered to help during the official reception for his successor, René Felber,

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obtained the latter's consent for this personal intervention. In the third letter to Nicolae Ceaușescu, Pierre Aubert mentioned a "quinzaine d'enfants de votre pays en instance d'adoption par des familles suisses" (about fifteen children from your country pending adoption by Swiss families) and specifically addressed the case of the known adoption candidate in a separate paragraph.

The dossier lacks documents from October 1988 to January 3, 1989. A January 1989 telex from the EDA to the Swiss Ambassador in Bucharest revealed that the procedures remained blocked: "[la] question adoption enfants roumains de la part couples suisses constitue l'un des points plus délicats et difficiles a résoudre, dans le cadre de nos relations bilaterales avec la Roumanie." Despite several interventions, results were limited, and there were concerns that Romania might demand reciprocity, such as a "political gesture." Simultaneously, adoptive parents maintained pressure on the EDA. Pierre Aubert, as noted in a memo, wanted nothing more to do with Romania after the "solution of adoption cases."

Chaotic Conditions in 1989

The situation became increasingly confusing in 1989 due to political developments in Romania. In April, the Swiss Embassy reported to the EDA's consular protection section that Romanian authorities seemed overwhelmed with the administrative handling of adoption files. Constant changes in responsibilities, personnel, and contradictory regulations made it difficult for the Swiss Embassy to keep track. The embassy staff lost track of the adoptive children's whereabouts, stating, "Es ist bedenklich, dass nicht einmal mehr die Angaben der verschiedenen Instanzen über die Aufenthaltsorte der Kinder übereinstimmen" ("It is worrying that not even the information from various authorities about the whereabouts of the children matches"). The Swiss Ambassador suspected that no one dared to present the adoption files to Ceaușescu for signature.

Prospective adoptive parents continued to push for the resumption of blocked procedures. A prospective adoptive father went on a hunger strike in front of the

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French Embassy in Bucharest. Besides the Belgian and Italian ambassadors, the Swiss ambassador also tried to persuade the man to stop, as "seine Aktion möglicherweise kontraproduktiv wirken könnte" ("his action could possibly have counterproductive effects"). The Swiss Embassy advocated individually for adoptive parents, and a staff member tried to obtain information about the adoptive children's whereabouts by personally approaching Romanian guardianship authorities, accompanied by Romanian lawyer Luis Radu.

The documents mention another Romanian lawyer, Petr Popescu. Both lawyers used their own financial resources. Luis Radu covered the support of Romanian adoptive children in "crèches" and "écoles préscolaires" as long as their procedures were pending. This financial support, coupled with gifts like coffee and cigarettes, aimed to maintain the status quo and prevent biological mothers from reconsidering. The adoptive parents, unwilling to bear these costs until they had the children, and the biological mothers, hesitant to pay for children already belonging to adoptive parents, created a vicious cycle. The issue of reimbursing the lawyer for these expenses was discussed among the EDA, the Swiss Embassy, and Luis Radu, but the documents do not indicate a solution. The EDA signaled that adoptive parents were willing to pay if necessary.

12.2 Indications of Child Trafficking and Irregular Practices Until the Late 1990s

The fall of Romanian President Nicolae Ceaușescu on December 22, 1989, and his execution three days later marked a turning point, including in international adoptions. The records include a chronology from December 30, 1989, to January 11, 1990, compiled by an embassy staff member. The document illustrates how the Swiss Embassy ensured that Romanian adoptive children could travel to Switzerland within a few days.

Quick and unconventional processing of adoption procedures

On December 27, 1989, the ambassador in Bucharest requested the EDA to "restrain parents, as formalities for adoption and departure are still

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unavoidable."⁵⁷³ On December 30, 1989, the Romanian authorities informed the embassy that all adoptions had been approved, and it would take four weeks to complete all formalities for the children's departure.⁵⁷⁴ However, on January 3, 1990, when it was revealed that the French authorities had obtained a "preferential treatment" through the intervention of government officials, flying the adopted children from Bucharest to France on a chartered plane, Swiss adoptive parents also urged Swiss authorities to provide an extra flight.⁵⁷⁵ In response, an embassy staff member visited the children in the homes or tried to locate their whereabouts.⁵⁷⁶ The embassy also organized a photographer to create passport photos and obtained birth certificates and adoption papers.⁵⁷⁷ Assistance was provided by lawyer Luis Radu, the ICRC, and Swissair.

The authorities in Bern responded quickly and unconventionally, stating, "no difficulty was encountered in this matter settled through an urgent procedure and without too much formality (but with necessary precautions) given the circumstances."⁵⁷⁸ The embassy in Bucharest, after consulting with the EDA, issued entry visas for the Romanian adopted children, even though their entry permits from the Federal Office for Foreigners had already expired.⁵⁷⁹ The new written confirmation from the Federal Office for Foreigners in Bucharest arrived shortly before departure.⁵⁸⁰ On January 12, 1990, a Swissair plane landed in Kloten with nine Romanian adopted children, accompanied by positive press reports.⁵⁸¹ The embassy covered the "per diem costs" and expenses for passports, "CH visas were given free of charge."⁵⁸² In retrospect, the embassy suggested to the EDA not to invoice these fees: "As is known, the adoption cases extended over a period of more than a year, during which the embassy had to intervene and advocate with various authorities as well as the mandated lawyers countless times. A recapitulation of all these efforts can no longer be made today. [...] Therefore, it might be unwise to retrospectively invoice fees to the concerned adoptive parents."⁵⁸³

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Child trafficking amid political turmoil

After the fall of Nicolae Ceaușescu's regime, the severe economic hardship of the Romanian population came into the global spotlight. Numerous reports also highlighted the dire conditions in children's homes. According to the reports, many children had AIDS, hepatitis, or suffered from malnutrition.⁵⁸⁴ In the summer of 1990, a new Romanian adoption law was passed.⁵⁸⁵ Courts, not the president, now approved foreign adoptions. Nevertheless, widespread child trafficking occurred. Reports in Swiss and international media described how prospective adoptive parents from Western countries independently traveled to Romania and took a child home for a few dollars or in exchange for consumer goods.⁵⁸⁶ Swiss individuals also apparently wanted to adopt Romanian children. The Bureau Genevois d'Adoption, Terre des hommes Lausanne, and the Service d'adoption du Mouvement Enfance et Foyers reportedly sought approval from Romanian authorities in January 1990.⁵⁸⁷

The Swiss embassy in Bucharest faced an "adoption boom" and many inquiries after Ceaușescu's regime fell.⁵⁸⁸ Despite the experiences of the recently completed procedures, the EDA and the embassy were cautious, stating that they would not deal with adoption cases "in operational terms."⁵⁸⁹ The Swiss embassy only facilitated contact with the Collège des avocats in Bucharest and lawyer Petr Popescu*.⁵⁹⁰ Luis Radu* was reportedly no longer involved in mediation from the early 1990s.⁵⁹¹

Tensions arose between the embassy in Bucharest and federal authorities. The ambassador informed the EJPD and the Federal Office for Foreigners that "cases of prospective adoptive parents [are increasing], who come to this representative for visa issuance without the approval of your office." Attributing this disregard for the correct procedure to "deficient or even incorrect information from the cantonal authorities," he drafted a letter informing the cantonal authorities of the correct procedure for the adoption of Romanian children, which should be sent out.⁵⁹² The Federal Civil Status Office saw no need for such a letter but criticized that the

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birthplaces of Romanian children were not recorded in their birth certificates, only the residence of the adoptive parents at the time of adoption.⁵⁹³ The Federal Office for Foreigners did not support the Swiss ambassador's request and instructed the embassy to "issue visas to adopted children only after consulting our office."⁵⁹⁴ This instruction was given in light of the fact that the Federal Office for Foreigners had been "repeatedly confronted with cases of child trafficking (though not from Romania) in recent times."⁵⁹⁵

The documents include a statement from an embassy staff member who issued a visa without a residence permit from the Federal Office for Foreigners: "Indeed, I issued a visa for the adopted child [...] without a residence permit from the FOM. The couple [...] was mentally strained after difficult experiences around the adoption, and the child needed medical care, which was not possible in Romania. Since a departure passport was available from Romanian authorities, I could assume a correct adoption procedure according to Romanian law (I could therefore rule out child abduction). In the dilemma of obtaining a residence permit retroactively and subjecting the parents to another test of patience, and knowing that residence permits often take a long time to arrive, or granting the child a visa to enable medical treatment, I opted for the humanitarian alternative." This statement is part of a letter from the Swiss ambassador Luca Hänggi* to the Director of the Federal Office for Foreigners, justifying the embassy's approach. Apparently, some prospective adoptive parents had threatened lawsuits due to long waiting periods. The Swiss ambassador explained that delayed delivery of entry permits led to Swiss citizens expressing anger, formulating complaints, insulting officials, and, in one case, the attorney representing these petitioners even threatened with a lawsuit. The Swiss ambassador stated that "you can see that it is not always easy to make the right decision in each case according to the circumstances."⁵⁹⁶ This example illustrates how the Swiss embassy was under pressure to balance the demands of prospective adoptive parents, correct procedures, and the protection of the child's welfare.

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After the fall of Ceaușescu's regime, cantonal authorities, the Federal Office of Justice, and the embassy in Bucharest discussed the legality of consent declarations from biological parents dating back to before 1989. The Federal Office of Justice made it clear that the absence of consent declarations could no longer be accepted in the new situation: "According to our regulations, we cannot be satisfied with the consent of the President as long as the consent declaration of the parents or an official declaration is not simultaneously available if parental consent cannot be provided (see Art. 6 and 8 PAVO)."⁵⁹⁷ A cantonal youth welfare office also expressed concerns: "Since various reports are known, stating that the previous regime in Romania took children away from parents, we wonder whether the consents of the parents should be repeated."⁵⁹⁸ The Swiss chargé d'affaires ad interim, however, believed that "the mentioned reports that the old regime in Romania took children away from parents are completely unfounded."⁵⁹⁹

Exchange among 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 "demands up to \$5,000 for 'mediation'".⁶⁰⁰ The American Embassy created an information sheet. This engagement was related to the numerous adoption requests they were facing.⁶⁰¹ In the eyes of Western embassies, Romanian legislation could only provide insufficient control: "Direct or private adoptions continue to lead to human trafficking, involving significant amounts of money. Pregnant women often carry and deliver children on demand and for payment. [...] The term 'abandoned children' is not clearly defined. Arbitrary interpretation of the term is systematically carried out. For practically all adoptable children, the mother is known, and in many cases, the father as well. [...] A broad interest in international adoptions, ranging from the birth mother to the taxi driver, cannot be overlooked. [...] Another cause for concern is the increasing number of adoptions of newborns, mostly directly from women's hospitals. Often, these are just a few days old children who may have already been registered by adoption intermediaries even before their

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birth."602 The embassy staff's report concluded with an appeal: "Urgent action must be taken to prevent the haggling over children and the associated profit by unscrupulous individuals, and to generally improve the status of adoptable children." Even Romanian politicians were suspected of engaging in child trafficking, as reported by the Swiss Embassy to the FDFA and the FDJP.604 However, "[a]s embassy staff, we cannot prevent these adoptions, and we do not want to, as the desire of a couple to adopt a child is considered natural." The responsibility lies with their own "homeland authorities." They should "influence Romania in such a way that its authorities adapt legislation to international standards. With a small step, a noticeable halt to the black market could be achieved: by promoting national adoption."605 The Swiss Embassy reported on child trafficking: "On August 1, 1990, the new adoption law came into effect. Contrary to all expectations, this law did not prove itself. It complicated national adoption, enabled, or rather, favored adoption by foreigners, who mostly adopted children privately and often on a large scale. As a result, a real child trade developed, involving a lot of money. Often, unborn children are already registered by unscrupulous intermediaries for adoption."606

New Romanian Adoption Law of 1992

According to information from 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 reports on illegal practices and child trafficking in Romania continued.609 The international pressure on Romania to address child trafficking in its own country had an effect. In mid-April 1991, the Swiss Embassy in Bucharest reported that Romania, "apparently under increasing pressure from abroad," had commissioned UNICEF to "examine the adoption issue in Romania through a neutral commission and develop improvement proposals."610 This commission consisted of the Geneva-based institutions *Défense des Enfants International* (DEI) and *Service Social International* (SSI).611 Until the new Romanian law, which largely followed

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the commission's recommendations, became effective, all procedures were suspended in the spring of 1991 "to make administrative, organizational, and personnel adjustments."⁶¹² On April 1, 1992, the suspension was lifted, and international adoptions of Romanian children were possible again. With the law, Romania established a central national body for the coordination and monitoring of adoptions, the Comité Roumain pour les Adoptions.⁶¹³

The Romanian law stipulated that the new Adoption Committee, as the central authority in Romania, would only carry out international adoptions "in agreement with central authorities abroad." Correspondence in the documents is related to 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, however, took the position that, as with the previous practice, cantonal foster care approvals should be recognized, and prospective adoptive parents should not be forced to seek adoptive children exclusively through an intermediary: "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, and future adoptive parents should not be obliged to go through a cantonal agency (whether it is a cantonal foster care supervisory authority or another approved intermediary)." It should be left to the cantons to establish an agency.⁶¹⁶

As the first Swiss intermediary, the Bureau Genevois d'Adoption concluded an agreement with the Romanian Adoption Committee in the spring of 1992.⁶¹⁷ Soon after, Terre des hommes Lausanne followed suit.⁶¹⁸ For several years, as far as can be reconstructed from the case files, these were the only Swiss intermediaries active in Romania, as the Service d'adoption du Mouvement Enfance et Foyers tried unsuccessfully several times to obtain approval from the Romanian side.⁶¹⁹

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The reason for this cannot be reconstructed based on the available documents. From 1997 onwards, RomAdopt also operated in Romania.⁶²⁰

Child trafficking remains a topic in the 1990s

For the years from 1992, case files include documents on the Romanian adoption process, correspondence from the Swiss Embassy in Bucharest, newspaper articles, and files on the Hague Convention. The files from this period are less extensive compared to the preceding years. Child trafficking and illegal practices continued to be a topic, as documented by the media reports.⁶²¹ The demand for Romanian adoptive children remained consistently high internationally, while the number of "registered adoptable" children in the spring of 1992 dropped to a few dozen.⁶²² A memorandum from the Swiss Embassy listed the causes for this decline: "[...] the formalities to declare a child 'adoptable' are legally cumbersome and time-consuming due to the new law. In addition, a diminishing interest on the part of Romanians in releasing children for adoption is observed, especially since adoption no longer offers material incentives compared to before."⁶²³ The Bureau Genevois d'Adoption confirmed to the Embassy in Bucharest their assessment that there were "far too few" Romanian adoptive children given the demand. Therefore, the intermediary directed interested parties "to adoption opportunities in traditionally favored countries."⁶²⁴

Prospective adopters seem to have been willing, in individual cases, to resort to illegal means to obtain a Romanian child, as an inquiry shows: "How can one legally (or possibly illegally) help a child to come to Switzerland validly for adoption?"⁶²⁵ In another case, the adoptive parents entered into an agreement with the biological Romanian mother. The renunciation declaration stated that "their child was intended for adoption by the Swiss couple." The Romanian Adoption Committee assessed this as "unlawful, even criminal." Additionally, the child was registered with the Adoption Committee too late for the legally required waiting period of six months before adoption, making it very likely that the adoption would not be approved in this case. The embassy excused the behavior

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of the prospective adoptive parents, attributing it to ignorance: "I want to make it clear that [the adoptive parents, note by the authors] did nothing wrong. On the contrary, they are keen to adopt the child only within the framework of Swiss and Romanian legislation."⁶²⁶ The rumor was brought to the Swiss Embassy that the Bureau Genevois d'Adoption "encourages adoptive parents to invite Romanian children for a holiday in Switzerland and then initiate an adoption procedure from there." The embassy stated to the Federal Office of Justice that "such a procedure is naturally in contradiction to Romanian law":⁶²⁷ "However, I find it unlikely that the Geneva office would give such a recommendation."⁶²⁸ The Romanian Adoption Committee, on the other hand, explained the procedural steps: Before the Embassy issues visas for the Romanian adoptive children, there must be confirmation from the Committee that it had approved the adoption by a foreigner.⁶²⁹

Swiss mediation agencies mostly withdraw from Romania

From July 1997, Romanian authorities intended to allow only foreign mediation organizations in Romania whose home countries had ratified the Hague Convention.⁶³⁰ As it became apparent that the signing of this agreement in Switzerland would take a long time, the Federal Office of Justice and the Swiss Embassy sought to negotiate an alternative procedure with Romanian authorities.⁶³¹ The focus, as a temporary solution, was not on a bilateral agreement but on an agreement between the Romanian Adoption Committee and the mediation organizations active in Romania, namely Bureau Genevois d'Adoption and Terre des hommes Lausanne.⁶³² Swiss prospective adopters could thus continue to either work directly with Romanian mediation agencies or seek a child in Romania through Bureau Genevois d'Adoption or Terre des hommes Lausanne.⁶³³ The only requirement from the Romanian side was that the adoption applications of prospective parents be forwarded by the Swiss Embassy to the Adoption Committee, and the adoptive parents collaborate with Romanian mediation agencies. Due to resource constraints, the Swiss Embassy could not verify the credibility of these Romanian mediation agencies.⁶³⁴ Adoption inquiries

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from Swiss individuals who did not collaborate with Swiss mediation agencies were forwarded to the Miscarea Copiilor Foundation "to prevent having to work with countless different foundations."⁶³⁵

By the end of the 1990s, the number of Romanian mediation agencies increased, making it impossible for the Swiss Embassy to "pass judgment on their credibility."⁶³⁶ New actors also emerged on the Swiss side. The case of Petra Gross*, Information Center for Romanian Adoptions, is documented in the records. She took the position that she did not need approval from cantonal authorities for her activities.⁶³⁷ The Embassy insisted to Petra Gross that she had to obtain approval. Correspondence from the relevant cantonal supervisory authority is also on file, having inquired about the approval process in December 1997 from the Federal Office of Justice.⁶³⁸

A year earlier, RomAdopt began facilitating adoptions for children from Romania. In its first year of operation, RomAdopt, based in the canton of Aargau, raised concerns from the relevant cantonal supervisory authority. The Citizenship Section in the Aargau Department of the Interior had been alerted in connection with the first annual report that adoptive parents were paying an additional \$3,500 alongside the usual placement fees.⁶³⁹ The Federal Office of Justice forwarded the inquiry to the Swiss Embassy in Bucharest for clarification. The Embassy responded to the Federal Office of Justice, stating that this payment was a matter between RomAdopt and the Romanian mediation organization: "There is considerable administrative work to be done. In Romania, every administrative, and even judicial (!), step can be accelerated or made possible by the payment of a 'side payment,' the amount of which seems to be hierarchically determined. This seems to be particularly the case in what could be called 'the trade in orphans.' It is entirely conceivable that the majority of the USD 3,500 is used for these purposes, and the Association Cuore [the Romanian mediation organization, note by the authors] only charges a reasonable fee. The price of USD 3,500 seems, according to my information, to be roughly the one practiced by other

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foundations. In other words, it is a common practice in Romania, and it does not a priori harm an intermediary. The Embassy is not aware of any negative elements regarding the Association Cuore."⁶⁴⁰

The mediation agency Pro Kind Adopt Inform, from the canton of Zurich, already active in Chile and Brazil, received additional approval in 1998 for adoption placements of children from Romania.⁶⁴¹ In 1999, apparently, the Bureau Genevois d'Adoption ceased its activities in Romania due to child trafficking concerns, along with other Swiss mediation agencies: "[T]he current conditions set by the Romanian foundations no longer satisfy the aforementioned Swiss offices, which consider it more of a child trafficking than adoption case. It seems that the amounts requested by the Romanian foundations to cover the dossier fees have doubled in the last 6 months (approx. \$5,000 instead of \$2,500 before) [sic]."⁶⁴² The Swiss Embassy mentioned even higher amounts in another document. According to the document, Romanian mediation agencies would demand between 1,000 and 15,000 US dollars per child. In the same letter, it was speculated that Romanian authorities deliberately placed only a few children on the adoption list to drive up prices. The EU had intervened with Romania because of this. According to the letter, at that time, Terre des hommes, Service d'adoption du Mouvement Enfance et Foyer, Bureau Genevois d'Adoption, and Pro Kind Adopt Inform were no longer involved in adoption placements. Only RomAdopt, located in the canton of Aargau, was facilitating adoptions of Romanian children to Switzerland.⁶⁴³

Illegal practices and child trafficking were often reported in Swiss and Romanian newspapers around the turn of the millennium,⁶⁴⁴ and there are various newspaper articles on child trafficking in the records of the Swiss Embassy after 2000.⁶⁴⁵ In 2000, a legislative revision was initiated in Romania, and ongoing adoption procedures initiated after December 14, 2000, were suspended.⁶⁴⁶

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13. Inventory of the Federal Office for Migration Matters

The inventory of the Federal Office for Migration Matters is central to the focus of our report. The Federal Office possessed expertise in international adoptions and served as a point of contact for questions of various origins. It maintained active communication with Swiss representatives in the countries of origin of the children, as well as with cantonal authorities, and was sometimes directly contacted by those interested in adoption. The inventory reveals that the staff of the Federal Office gained a broad overview of problematic aspects and illegal practices related to adoptions from different countries through these channels. For example, extensive correspondence provides insights into contested practices in international adoptions and the responses of the office. The examination of the inventory includes the review of case files from the Federal Office for Migration Matters, and the selection does not claim to be exhaustive.

Within the inventory of the Federal Office for Migration Matters, there are two files labeled 'Kinderhandel' (child trafficking), explicitly addressing illegal adoptions. The first file is a thin folder, primarily containing newspaper articles and correspondence between the Federal Office for Migration Matters and Swiss representatives in various countries. It provides insight into what the Federal Office for Migration Matters knew about child trafficking in the 1980s and 1990s. For instance, the Swiss representative in Brasilia addressed child trafficking in Brazil in a letter to the Federal Department of Justice and Police (EJPD), International Private Law Section, in 1992, and the same year, Guatemala was also a subject of discussion.

Of particular interest in this file is a document from the Federal Department of Justice, International Private Law Section, dated 1981, regarding the international sale of Colombian children. It provides a detailed description of how child

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trafficking operated. Lawyers, notaries, juvenile judges, secretaries, and orphanage employees were implicated in the scandal in Colombia. Mothers were deceived into believing that their children were stillborn. The children were registered in public records with fictitious names and identification papers. The same woman who was falsely registered as the biological mother of the stolen child in the birth register signed the statement that she was handing over the child, falsely claimed as hers, to foreign spouses who paid between \$7,500 and \$15,000. This scandal in 1981 led to the Swiss Embassy in Bogotá wanting to introduce stricter controls regarding the 'autorizzazioni,' which were now granted only upon written request from 'Bienestar Familiar.' The Swiss Embassy requested the Federal Office for Migration Matters to establish 'una normativa precisa e concisa' for cantonal authorities. It was deemed unnecessary to instruct prospective adoptive parents to go directly to the embassy upon their arrival in Bogotá to obtain a residence permit for the child. Instead, those interested in adoption should 'svolgere le pratiche di adozione nella città designata, indi chiedere al 'Bienestar' l'autorizzazione di espatrio per l'adottato e, per ultimo, presentarsi od inviare all'ambasciata l'anzidetta autorizzazione.'" [Conduct the adoption procedures in the designated city, then request authorization for the adopted child to leave from 'Bienestar,' and finally, present oneself or send the aforementioned authorization to the embassy.]

The example illustrates that Swiss representatives occasionally reported shortcomings to Switzerland and urged the relevant authorities to take action. This was also the case with Bolivia. In May 1982, the Swiss embassy in La Paz reported to the Federal Office of Justice that Bolivian children had been placed for adoption in Switzerland in recent years, and "possibly not all parts of Bolivian law were followed in the process." The Federal Office of Justice, Section for Private International Law, wrote to the Federal Office for Foreigners on this matter: "Cases and rumors regarding not entirely flawless adoptions have arisen on several occasions recently. Therefore, this report should also be taken seriously. We would like to investigate the matter and, above all, determine the identity of the

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Swiss citizen who is said to have arranged the adoptions." The Section for Private International Law asked the Federal Office for Foreigners for information on the number of foster children from Bolivia who entered the country in the past five years and the name of the relevant intermediary. The documents do not indicate whether and what further investigations took place.

The second dossier on child trafficking primarily includes documents on countries other than the ten countries of origin of children selected for this report. It mainly contains information on child trafficking from Zaire between 1995 and 1997 and from Somalia in 1996. Additionally, there is an instruction and correspondence between the Swiss Ambassador in New Delhi and the Federal Office for Foreigners from 1996 and 1997. The ambassador drew attention to corruption in Indian passport and visa offices. To prevent "child-smuggling," he instructed that "no visa is issued for passports which include child(ren). Authorization for exceptions can only be given by the Swiss responsible for visas." The dossier also includes information that Portuguese adolescents were being exploited for undeclared work by Portuguese families in Switzerland.

13.1 Increase in International Adoptions Causes Concern among Authorities

At the beginning of the investigation period, the records reflect the uncertainty and overwhelmed state of the responsible cantonal authorities and Swiss representatives in the face of the new phenomenon of international adoptions. As these adoptions increased significantly from the mid-1970s onwards, inquiries on this matter became frequent at the Federal Office of Police.

Issues Already Evident in the 1970s

In 1975, for instance, the Youth Welfare Office of the Canton of Neuchâtel asked the Federal Office of Police how to handle the growing number of couples seeking to adopt children from countries such as Colombia, Vietnam, or Israel. Acting on the advice of the cantonal police, these couples demanded that the

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Youth Welfare Office provide them with a kind of "certificat de notoriété," attesting to their parenting abilities and enabling them to obtain an entry visa in the respective country. While the Neuchâtel Youth Welfare Office understood the strong desire of these couples to start a family, it expressed concerns about potentially fueling child trafficking through this approach. In a letter to the Federal Office of Police, the Youth Welfare Office mentioned a case in which prospective adoptive parents paid 10,000 Swiss Francs for a child.

"Certainly we understand the violent desire of those who want to create a family. [...] But we would not want to appear to be contributing to a unilateral 'market' for the benefit only of those who have the means, without a certain moral guarantee or assurance of acting regularly and legally. [translated from French]" The Youth Welfare Office was concerned about illegal practices, explicitly mentioning the risk of child trafficking. Therefore, it wanted to know "exactement et officiellement" from the Federal Office of Police how to proceed with such requests.

In his response, Stefan Koch* from the Federal Office of Police stated that the mentioned sum of 10,000 francs by the Youth Welfare Office was not indicative of abuse. Flight and lawyer costs could indeed be that high. However, if the Youth Welfare Office knew of specific cases of abuse, the Federal Police would initiate an investigation and intervene with Swiss representatives abroad. Koch did not elaborate further on lawyer costs, and it remains unclear how he defined "concrete cases of abuse." Nevertheless, he signaled a willingness to conduct investigations. Whether such investigations were actually carried out cannot be determined based on the materials we reviewed.

Koch also responded to the Youth Welfare Office, stating that shortcomings in foreign adoptions were known to the Federal Police. Specifically, he mentioned entry without prior authorization. Fortunately, hardly any child left its country without a valid passport and the consent of the local authorities for permanent residence in Switzerland for adoption purposes, according to Koch. Foster parents

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who did not comply with regulations primarily acted out of ignorance and lack of knowledge. In such cases, the Federal Police refrained from "refoulement inhumain." Therefore, prior educational work was essential: "[I]l faut donc éduquer et informer." Koch focused on the ignorance of adoptive parents. However, it is not accurate to claim, as Koch did, that hardly any child entered without valid documents, as the documents we consulted in the Swiss Federal Archives repeatedly addressed cases where children traveled to Switzerland without valid papers, lacking essential information, or containing fictitious entries. In 1975, the Federal Police, for example, pointed out that inaccuracies in personal information transmission occurred in children placed in Switzerland by Terre des hommes Lausanne, such as discrepancies between the submitted application and the granted entry permit. However, false name and birthdate entries were attributed to translation errors, and the deficient documents were hardly scrutinized. The Directorate for International Organizations of the Federal Political Department (EPD) wrote to the Swiss Embassy in Dhaka: "However, such inaccuracies are of subordinate importance. Authorization will be granted for the needy child. Therefore, the crucial factor is which child the representative of Terre des hommes designates as intended for entry into Switzerland."

Cantonal Specifics Exacerbate Uncertainty

Cantonal specificities contributed to the uncertainty of cantonal authorities in dealing with international adoptions. Calls for harmonization and standardization of cantonal guidelines were made to alleviate the situation. Simultaneously, demands for federal directives were voiced. In early 1976, an employee of the Federal Police wrote to Director Silvio Mancini*: "On 14.8.1975 [...] we discussed the issue of foster and adoptive children in your office with Mr. Koch and found that several cantons are not sure how to deal with these cases. Some cantons have expressed the desire for federal directives." Subsequently, Mancini commissioned Koch to draft a circular.

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Federal Police Focuses on Awareness

As international adoptions gradually increased in Switzerland, various execution problems in the adoption process, such as the entry of children without prior approval, were already evident. The primary cause cited was a lack of knowledge among authorities and private individuals. As Stefan Koch had already indicated in his 1975 letter to the Neuchâtel Youth Welfare Office, the Federal Police responded with a kind of information campaign. Koch himself became the expert and point of contact. In a letter to cantonal police departments, the Federal Police pointed out that they could contact their specialist Stefan Koch for questions regarding international adoptions.⁶⁶⁵ Koch regularly reiterated the necessary requirements and guidelines for adopting a child from abroad in letters to Swiss representatives and cantonal supervisory authorities, in lectures, publications, or personal discussions, attempting to coordinate the practices of the cantons.⁶⁶⁶

The Federal Police also hoped for increased awareness among the general population through the media. In the documents we consulted from the Federal Archives, there are indications that newspaper articles were published on this topic in 1974, and a segment appeared on Swiss television in March 1975.⁶⁶⁷ Koch also provided lectures on international adoptions. The fact that he lectured on a specialized topic about which little was known at the federal and cantonal levels was occasionally viewed positively within the Federal Police.⁶⁶⁸ "I find it very useful if Mr. Koch informs the adoption agencies about the immigration police requirements for the adoption of foreign children and the correct procedure. Cases where a *fait accompli* is created are quite common. Presumed adoptive parents are often very impatient and do not want to understand that, in the interest of the child, we must insist that we will only approve entry if the subsequent adoption is actually possible."⁶⁶⁹ The note indicates that entries of children that did not comply with legal requirements were frequent. It also highlights that authorities were already aware in 1974 of the clear importance of the child's well-being. However, those responsible in Switzerland acted under the

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pressure of couples interested in adoption, often pushing the child's interest they intended to consider into the background.

In this context, Koch's presentation at the conference of the Working Group for Adoption Issues of the Swiss National Conference for Social Welfare in May 1975 in Bern is noteworthy. In his presentation, "Foreign Adopted Children in Light of the Regulations and Practices of the Federal Police,"⁶⁷⁰ Koch urged that entry regulations be adhered to for the benefit of the child. Children could only enter for adoption purposes, as only adoption provided a firm legal relationship and the necessary security for the future. Koch's presentation in French was translated into German and widely distributed. It is found in the holdings of Swiss representatives and was also published in the Swiss Journal for Charity as well as in the Journal for Guardianship.⁶⁷¹ These widely-read journals addressed professionals at the federal, cantonal, and municipal levels.

In a lecture Koch gave in 1978 to representatives of cantonal police departments in Savognin, he again highlighted that prospective adoptive parents sometimes sought a child directly on site without involving a recognized placement agency recognized by the authorities, and that Swiss representatives did not always have the necessary information to advise them. He emphasized that foreign children could only be placed by recognized intermediaries. The problem was that this regulation was of little use when parents increasingly went abroad themselves. In the lecture, Koch therefore recalled the most important points: First, it must be clarified before the child's arrival whether all prerequisites for adoption are given. Second, only children destined for adoption can enter. Third, prospective adoptive parents must sign an obligation to provide for the maintenance of the child taken in.⁶⁷²

Warnings to Swiss Representatives in the Resident Countries

The Federal Police also sent a copy of this lecture to Swiss representatives abroad.⁶⁷³ The occasion was the expectation that the circle of parents willing to

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adopt would expand with the new adoption law. "There are couples who, in part, disregard the formalities that need to be fulfilled beforehand; they go directly to the location, hoping to return with a child. Only then do they contact the responsible Swiss representative."⁶⁷⁴ Mention was also made of individuals "who, during a vacation trip, encounter one of these unfortunate children and feel the desire to take it home."⁶⁷⁵ Since Swiss representatives in this area "probably do not have the necessary documents, it will not always be possible for them to provide the relevant information."⁶⁷⁶ Koch's explanations were intended to remedy this situation. The fact that Swiss couples brought a child from vacation to Switzerland without first obtaining a visa or other documents required for adoption is also evident from a letter from an official guardian, which he addressed to the competent cantonal police. This, in turn, reported this case to the Federal Office for Foreigners.⁶⁷⁷

Parents who looked for a child on their own initiative on-site disregarded the Swiss mediation system. Given the increasing interest in adoptive children from abroad, Koch repeatedly urged Swiss representatives to exercise caution in this regard. In 1977, he wrote to the Swiss Consulate General in Rio de Janeiro, stating that adoptions from the Third World had reached such proportions since the new adoption law that "we are obliged to recommend to our representatives a certain caution, so that a child is not prematurely entrusted to a couple abroad, while it is possible that we may have to refuse entry because the conditions for future adoption are not met in Switzerland. It is essential to wait for authorization from us before taking any action on-site. [...] We would appreciate it if you could recommend to the competent Brazilian authorities not to accept any placement requests without our prior entry authorization."⁶⁷⁸

Koch insisted repeatedly on compliance with legal requirements and the correct sequence in the procedure. In 1979, for example, he urged Swiss representatives in New Delhi and Bombay to intervene with the Indian authorities to prevent Indian exit formalities—the judicial permission to allow a child to leave for the

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purpose of later adoption and the issuance of the passport—from taking place before Switzerland had a foreign police entry permit.⁶⁷⁹

Discussions about a Possible Change of Course in International Adoptions

In light of the increase in foreign adoptions from the mid-1970s, representatives of the Federal Police occasionally discussed whether a change of course was appropriate. In 1975, there was a discussion about "whether we should [...] let things take their course, or whether we must try to control the wave of adoptions."⁶⁸⁰ Also in 1981, a change in policy regarding international adoptions was considered. The trigger was, among other things, media reports in the Ecuadorian press about abuses of adopted children in Italy, which the Swiss representative in Quito forwarded to the EDA. The responsible minister had immediately banned any adoptions by foreigners. There were rumors that, in the future, those countries that had concluded an adoption agreement with Ecuador would be given preference. Therefore, the Swiss Embassy in Quito raised the question of whether it would also be beneficial for Switzerland to sign such an agreement.⁶⁸¹

In its opinion on this matter, the Section for International Private Law of the Federal Office of Justice fundamentally questioned whether the federal Swiss "private placement system" – as there were no state mediation agencies in Switzerland – had proven itself. The section concluded that the number of "wild" procurements of children argued against it and predicted, "that the Federal Council will have to fundamentally reconsider its policy in the field of international adoptions over time, especially with regard to the many 'wild' adoptive child procurements."⁶⁸² In addition to the "private placement system," the issue of so-called "wild" procurements was addressed, a problem that had been a constant topic at the federal authorities since the mid-1970s and will be discussed again later in this chapter. In addition, the cantonal supervision of placement agencies posed a problem.

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13.2 Collaboration with Couples Interested in Adoption

The recurring issue of adoptive couples bringing children into Switzerland without a recognized placement agency and without prior approval or the required social reports was known to federal authorities and discussed repeatedly. In 1978, the Federal Police reported to the cantonal foreign police that the majority of couples were choosing their children from abroad themselves, thus overburdening the cantonal authorities.⁶⁸³ In 1979, Stefan Koch expressed concern that almost all children from outside Europe were now being adopted "without going through an approved agency for international or interracial adoptions, that is, an agency with the knowledge required by law, which does not hesitate to apply selective criteria and which deals directly with the foreign correspondent offering the necessary guarantees."⁶⁸⁴ With this statement, Koch classified the majority of adoptions as problematic. In these cases, the necessary knowledge about the country of origin, which the regulation for the placement of foreign children required, did not come into play because no placement agency was involved in the process.

The Deputy Director of the Department of Justice of the Federal Department of Justice and Police,⁶⁸⁵ Beat Vollenweider*, also wrote to the Federal Police in 1977, stating that more and more people, "including those who, due to their unsuitability for a Swiss child, would not be considered at all, are trying by all means – even that of unauthorized 'self-help' – to obtain a foreign child, especially from Asia or South America. The border authorities, the foreign police offices, but also the child protection authorities are repeatedly faced with regrettable 'faits accomplis.'"⁶⁸⁶ In 1977, the Deputy Director therefore considered "mandatory cost liability" for individuals bringing foreign children into Switzerland. This "would not only create a clear legal basis." The cost liability "would also be suitable to counteract the often thoughtless and arbitrary bringing of foreign children into Switzerland."⁶⁸⁷ Since the Swiss Civil Code (ZGB) regulates only domestic matters, it is worth considering incorporating the corresponding provision into the Foreigners Act.⁶⁸⁸ The cost liability demanded by the Deputy Director was ultimately included in the PAVO.

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Indications of Unlawful Adoptions

The records of the Federal Office for Foreigners Affairs provide concrete cases in which prospective adoptive parents brought children to Switzerland under questionable circumstances. For example, in 1979, a Swiss couple brought a child from Paraguay during their stay there, with no indication in the files of how the couple came across the child. Before returning to Switzerland, the couple stayed in Brazil with the child for several months. The Swiss Consulate General in São Paulo intervened with the Federal Aliens Police on behalf of the Swiss woman and man: "[We] have reached the beginning of a human tragedy. Indeed, the mentioned individuals cannot return the infant entrusted to them in Paraguay to its misery. Too many emotional contacts have already occurred between the foster mother and the child for its return to uncertainty. There are almost insurmountable difficulties to its temporary placement in Brazil. The foster parents will stay here for another two to three months and remain in touch with this Consulate General. Given the circumstances described, I would be extremely grateful if you would treat the attached entry request with benevolence and generosity. In ignorance of harsh reality, the hearts of these two serious young people have run away with them. I wonder whether all our representatives in countries potentially suitable for child adoptions should be thoroughly informed about the Swiss regulations. The exposé written by Mr. Stefan Koch would be excellent for this clarification." The Consul General justified the *fait accompli* with the ignorance, romantic naivety, and young age of the couple and called for better education of Swiss representatives. He argued based on the existing mother-child bond and asked the Federal Aliens Police or the Federal Office for Foreigners Affairs to treat the request favorably.

The response from the Federal Office for Foreigners Affairs is not documented in the files of the case, however, it is available for another case where a couple brought a child from Peru to Switzerland under dubious circumstances in 1976. The couple had not yet reached the age required by Peruvian law for adoptive

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parents. In response, the Civil Status Officer entered the spouses as biological parents in the birth register. The Federal Aliens Police did not address this irregular procedure in the country of origin but criticized that the child entered Switzerland without permission and the parents had no authorization for a foster place. They admonished the Swiss Embassy in Lima to inform the immigration authorities when adoption applicants contacted the embassy directly and to instruct the Peruvian authorities "not to authorize adoptive or foster placement in our country without prior entry authorization from our services."

In this case, the Federal Aliens Police were not willing to approve the stay without clarifying the reasons for the *fait accompli*. A similar case had recently been described by a guardianship authority: "If the child is already here, the entire adoption process is almost a farce. We are often surprised at how little guardianship authorities, youth offices, and even immigration authorities are concerned about such '*fait accompli*.' Those who proceed in this way are not even reported, and the correctly acting foster parents, who must accept a longer waiting period for clarification, are thus disadvantaged." What happened next in the adoption case from Peru is not clear from the files in the case dossier. It would be necessary to analyze any individual case file that might be available.

"Wild Adoptions"

In the correspondence between the Federal Aliens Police and the Swiss Embassy in Mexico, a case from 1979 is discussed where 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 left Mexico as quickly as possible to avoid any difficulties. The Federal Aliens Police noted: "[...] we intend to set more stringent admission conditions within the framework of the foreign police regulations when it comes to a child from a non-European country. Otherwise, it is an open door to all possible abuses that abound and that some circles in our country qualify as wild adoptions or even child trafficking. In the case of [last names], it would be enough for the lawyer to have handed over a certain

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amount to the mother for it to already be a business; on the other hand, it is not difficult to encourage single women to abandon their child, as was the case in Korea and Thailand not long ago, and to profit from it." The Federal Aliens Police spoke of child trafficking. However, it qualified this by adding that certain circles would call these abusive practices that. Again, it also mentioned that some couples were willing to do anything to fulfill their desire for a child. "This is why we have set very specific rules," such as the child must be abandoned or orphaned, a provision that was extremely flexible in practice. Furthermore, local intermediaries must be officially recognized for adoptions abroad.

As these examples illustrate, in the material we have reviewed in the case files, there are instances where prospective adoptive parents acted unlawfully. In serious cases, federal authorities also addressed the issue of child trafficking and considered it appropriate for the competent cantonal and municipal authorities to report the prospective adoptive couples. Authorities at the federal and cantonal levels referred to it as a *fait accompli*. Alongside this was a second argumentative expedient: the distinction between prospective adoptive parents acting correctly, who, along with a recognized intermediary, went to great lengths, and those who acted on their own initiative. This argumentation overlooked the fact that even in mediated international adoptions, there were shortcomings.

13.3 Attempts to Influence the Federal Office for Foreigners

Stefan Koch identified problems not only with prospective adoptive couples but also with cantonal and municipal authorities. He criticized their lack of legal knowledge and hinted at inter-authority conflicts. In a note to his superior Silvio Mancini in 1975, Koch stated: "Certain cantonal or municipal childhood services, often out of ignorance, consider themselves solely competent to decide on the placement of a foreign child, i.e., disregarding foreign police matters. They issue a placement authorization that, in the eyes of foreign authorities, serves as a valid document [...]. Foreign police are often faced with a *fait accompli*; the child is sometimes declared only after a successful trial period, or if the canton is involved

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from the beginning." [translated from the French] In 1979, Koch again criticized the enforcement practices of cantonal authorities. Since there were too few placement agencies in Switzerland, parents would turn to youth welfare offices. They would often sign what was not strictly prohibited by the new adoption law. "C'est ainsi que nous avons la plus grande panoplie des critères d'accueil et qui nous lient, car nous ne pouvons refuser un cas que pour des motifs de police des étrangers et non pour d'autres motifs [...]. 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." In this case, he recommended once again better informing cantonal supervisory authorities to guide adoption practices based on criteria. He also regretted that his agency could only reject entries for adoption purposes based on immigration reasons, not on substantive grounds.

The examples from the records demonstrate that the Federal Office for Foreigners was aware of implementation problems. Stefan Koch insisted with Swiss representatives and cantonal authorities on compliance with guidelines. The somewhat lenient attitude towards prospective adoptive parents by federal and cantonal authorities was criticized by some experts. In 1981, a Lausanne legal guardian, in a presentation, pointed out that the Federal Office for Foreigners had only admonished parents who had brought a child to Switzerland without the legally required steps. He wondered if more forceful measures might be appropriate.

Disputes between the Federal Government and Cantons

The Federal Office for Foreigners, or its successor authority, the Federal Office for Migration, took on a leading role in the field of international adoptions and attempted to exert influence for years. Stefan Koch, in particular, played a central role. This atypical role for a Swiss official, along with the ongoing disputes over jurisdiction between guardianship authorities and the immigration office, led to open conflicts.

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Koch's influence on cantonal practices did not meet universal approval. For instance, the Geneva authorities viewed his interventions as interference and emphasized federalism and the competencies of guardianship authorities or courts. In 1976, the Geneva Guardianship Chamber complained to the President of the Department of Justice and Police of the Canton of Geneva that Koch had once again interfered in an adoption matter. In this case, he had intervened "regarding the validity of an adoption request, a request submitted to the Guardianship Chamber which, based on a report from the Youth Protection Service, had given a favorable opinion." The same had happened twice before. It was not up to Koch to judge whether the legally required conditions were met. He should approve or reject entry permits but not interfere in the decisions of guardianship authorities. A complaint was then filed with Federal Councilor Kurt Furgler, stating that Koch exceeded his powers and interfered in an area reserved for judges in Geneva. In one case, Koch had objected to the woman being employed; in another, he argued that the children, aged five and six, were too old for entry into Switzerland for adoption. The President of the Department of Justice and Police of the Canton of Geneva considered the Federal Office for Foreigners' approach "not satisfactory": "I hope that this will be reviewed."

Federal Councilor Furgler responded that the requests for entry permits did not always contain the necessary information, especially when children did not come to Switzerland through a recognized placement agency. In such cases, employees of his department had to request clarifications. Furgler's response suggested that problems particularly existed in so-called independent adoptions. Subsequently, Federal Councilor Furgler proposed a discussion between Koch and members of the authorities, which took place on October 13, 1976. The minutes of this meeting make clear the Federal Office for Foreigners' effort to standardize criteria for placement and social reports across cantons.

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Koch emphasized, "[We] do not change an opinion of a childhood protection body"; rather, they inquire for additional information or draw attention to sensitive points, such as the age or employment status of both parents. The responsibility for the child's entry lies with the immigration office. It would be irresponsible to allow entry without a complete dossier, as the return of children is usually not possible. The cases mentioned by the President of the Department of Justice and Police were approved, "we have only clarified certain points because an entry permit commits the entire future of a child. [...] We never interfere in an adoption, and the separation of powers is complete. But in case of failure, it is our entry permit that will be questioned if the case has not been examined as it should have been from the beginning."

In a statement to Federal Councilor Furgler, the Director of the Federal Office for Foreigners, Silvio Mancini*, also considered the criticism from Geneva as only partially justified. All entry requests were centralized with Koch "to ensure a uniform practice." "It has happened that Mr. Koch occasionally asked for information from the cantons that had already been obtained by the social services. He handles the cases with great care, and his collaboration with Terre des hommes and the other social organizations is excellent."

The example shows that the efforts of the Federal Office for Foreigners to standardize and professionalize adoption practices encountered limitations in the cantons. Koch had also judged cases on their content, which was perceived as interference in the canton of Geneva. In this specific case, he saw the problem less in the child's entry or how the child actually came to Switzerland but rather identified a specific ideal of an adoptive family that was not met. Koch seemed to have a traditional role model or a breadwinner-housewife model in mind. Jurisdictional conflicts shifted to this side issue in international adoptions, with unresolved entries fading into the background.

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It is striking that in the material we reviewed in the case files, almost all entries were approved, even if the Federal Office for Foreigners had concerns. In fact, their powers were limited. In November 1979, Bruno Zimmermann*, head of the department at the Federal Office for Foreigners, admitted "frankly [...] that his predecessor, Mr. Koch, had not succeeded in refusing the necessary immigration permits for the admission of foreign foster children with a view to adoption, although this had been necessary in consideration of the entire social situation on several occasions (adoptive foster parents the age of grandparents, both spouses employed full-time [...])." In 1981, at the Swiss conference of cantonal youth leaders, clearer and more uniform criteria for the selection of foster parents were once again demanded.

The Federal Office for Foreigners, therefore, had little opportunity to reject entries for foreign policy reasons if the previous reports from cantonal foreign police and guardianship authorities were positive. It could only urge the responsible cantonal authorities to establish clear guidelines in their cantons and thoroughly assess foster parents. This was evident, for example, in the case of an illegal adoption facilitated by Sister Hildegard* of a child from India. The scandal not only led to comprehensive investigations and calls for a revision of adoption practices but also highlighted once again the limited capabilities of the federal authority. In an internal note to the Deputy Director of the Federal Office for Foreigners, Norbert Länzlinger*, it was stated: "Even though we have all the responsibilities that derive from the decisions made, our Office, in practice, has limited competencies." The entire preparatory work is carried out by the relevant cantonal authorities. When a case comes to the Federal Office for Foreigners, it is usually accompanied by a positive preliminary decision from the cantonal foreign police. Therefore, the Federal Office has no reason "to refuse and we practically limit ourselves to transmitting the authorization with a general observation to our representatives." However, if irregularities or even a scandal arise in the country of origin, the Federal Office for Foreigners and its decisions come under criticism. The author of the note deemed it necessary to "establish a stricter and less encouraging

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practice that also includes greater decision-making possibilities for our Office." He anticipated a circular instructing the cantons to clarify to adoptive parents "under what conditions our Office can follow up on their request. I finally consider it necessary to centralize all procedures.

Circular of the Federal Office for Foreigners

In the same year 1983, the Federal Office for Foreigners drafted a circular addressed to Swiss representatives abroad and the foreign police authorities of the cantons. This central document condensed the problems discussed in the 1970s and early 1980s and responded to them. It illustrates the efforts of the Federal Office for Foreigners to specify the applicable provisions for the adoption of a child from abroad and raise awareness of sensitive aspects of adoption practice. Circulars, like guidelines, are administrative regulations containing generally abstract rules that do not immediately confer rights or impose obligations on the subjects of the law but are intended to guide the implementation of binding law.**

The 1983 circular called for a correction of course by the authorities in international adoptions. Initially, it was once again generally stated that the adoption of foreign children was not unproblematic. Foster parents often did not comply with entry formalities, or they attempted to circumvent foreign exit regulations, leading to critical reactions from the public and foreign authorities. Furthermore, the Federal Office summarized its area of responsibility and pointed out jurisdictions: The examination of an application for the admission of a child is the responsibility of municipal and cantonal authorities. The Federal Office itself could only approve the entry of a child into Switzerland based on the consent of cantonal and municipal authorities. To "address these difficulties and make the admission practice more transparent," the Federal Office issued various instructions: First, the entry of a child into Switzerland would only be approved by the Federal Office for Foreigners if it was already born and its identity was established. Applicants must also disclose where the child is currently located.

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Secondly, only entries for abandoned or parentless children were approved. Thirdly, an investigation was required to determine whether the prospective adoptive parents were "capable of receiving and raising a child from a different ethnic background," and whether the conditions for future adoption were met. In this regard, the child's welfare took precedence over the interests of the prospective adoptive parents. Finally, attention was once again drawn to the dangers of international adoptions. Prospective adoptive parents were required to contact the official placement agencies in the child's home country. This was important, "as they otherwise risk having to return the child, entrusted to them as an orphan or abandoned child, to the mother or parents who were misled and from whom it was taken away."⁷¹⁴

The circular further contained explicit instructions for Swiss representatives abroad. These also aimed at preventing abusive practices. The representatives were instructed to check the validity of all documents necessary for emigration and the court judgment⁷¹⁵ before issuing a visa, ensuring compliance with local laws. The Federal Office for Foreigners emphasized that the child needed a valid passport from their home country and an entry visa. Furthermore, it urged Swiss representatives to "periodically inform about everything" concerning the adoption of foreign children: it requested reports on local conditions, detected abuses, reactions from the press and authorities, and finally, any changes in relevant legislation necessitating an adjustment of Swiss practices. It also asked the representatives to review the activities of placement agencies and report individuals who "violate local laws."⁷¹⁶

With reference to this circular, the Federal Office for Foreigners subsequently pointed out that blank approvals and assurances with fictitious names were no longer possible. In recent years, it had been shown that foster parents often attempted to circumvent entry formalities and foreign exit regulations. In a memorandum in October 1983, Hohler* from the Federal Office for Foreigners

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noted: "To avoid this - child trafficking must be prevented under all circumstances - formal approval for the entry of a child can only be granted if it is already born, and its identity is established. Returning to our previous procedure, where approvals with fictitious personal data were issued, is not possible. The new practice according to our circular 10/83 has proven itself [...]. The increasing cases lately, where placement agencies fly abroad with several Swiss families at the same time (mainly Sri Lanka), look for a child on the spot, and then request our telegraphic entry permit, entail certain dangers that must be addressed from the outset. In the case of a serious placement, it can be assumed that prospective foster parents have the child's personal details before their departure. Therefore, telegraphic approvals should generally be avoided."⁷¹⁷ Even in May 1982, Hohler mentioned in a report on "Conditions for the entry of foreign infants for later adoption" that in most cases, the child's personal details were still unknown when the application was made. "Provisional work is therefore done with the family name of the future parents, as well as any first name and the desired birth year of the child. After entry (when arranging further residence), the provisional personal details are replaced by those stated in the passport."⁷¹⁸ Nevertheless, blank approvals persisted in practice even after 1983. With the revision of the PAVO, the ban was lifted in 1989, and the years of illegal practice were legalized.⁷¹⁹

Regarding the revision of the PAVO, there is also a circular from the Federal Council to the supervisory authorities on foster care and adoption placement dated December 21, 1988, in the Federal Office for Foreigners' records. This circular provides explanations and instructions on international adoptions.⁷²⁰ In the old regulation, applicants had to submit a statement from the legal representative of the child under the child's home country law regarding the purpose of placement and their consent. Since these children often did not have a legal representative, according to the Federal Council, a government agency should now verify that the laws of the country of origin were followed, and the child could legally depart. Involving a government agency "creates a desirable barrier against obtaining children in an unfair manner."⁷²¹ This declaration of

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non-objection could consist of "entrusting foster parents with guardianship over 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 arranged by an authorized local authority, or having a competent authority certify that the handover of the child to foster parents in Switzerland is not contrary to the law of the country of origin."⁷²²

Furthermore, the Federal Council referred to the Declaration on Adoption and Foster Care of the United Nations General Assembly of December 3, 1986. This considered cross-border adoption as an appropriate means of child care only if the child could not grow up with its natural family or an adoptive or foster family in its country of origin. "According to the Federal Council, this guideline must also apply to the international adoption practice in our country." However, the supervisory authorities could hardly control this. In principle, this was the responsibility of the authorities in the country of origin. Therefore, this guideline is not mentioned in the regulation. However, parents searching for a child abroad with a provisional permit should be informed about this recognized guideline.⁷²³

The case files consulted from the Federal Office for Foreigners further indicate that there was later closer collaboration between municipal, cantonal, and federal authorities in the field of international adoptions. For example, there is evidence of an exchange between the cantonal Vaud aliens police, the adoption commission, the cantonal civil status office, and the Youth Protection Service of the canton of Vaud in December 1990 at the Federal Office for Foreigners. During this meeting, the modalities of social reports on prospective adoptive parents, adoption confidentiality, urgent adoptive parents, the identity search of adoptees, or the entry of children without permits were discussed. Illegal adoptions from Brazil and Chile were also addressed.⁷²⁴

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Attitude towards international adoptions in Switzerland

The circular of 1983 illustrates the stance of the Federal Office for Foreigners regarding international adoptions. Other documents in its records provide insights into the attitudes of various actors towards international adoptions. Stefan Koch repeatedly expressed the view that children should only be separated from their birth parents and brought to Switzerland in cases of emergency, "Because it is much more humane to help on-site. Our intervention must maintain a humanitarian character in line with the decision of the Federal Council in 1967 when the issue of welcoming the first Vietnamese children arose. The goal is to save children in distress and not to fulfill an emotional need for parents struggling with adoption." [Translated from the French] 725 Not everyone shared this opinion. For instance, the Swiss chargé d'affaires ad interim in Seoul at the end of the 1970s clearly advocated the departure of Korean children for adoption purposes.⁷²⁶

Occasionally, the records include reports from foster parents. In the file "Admission Requirements for Foster and Adoptive Parents," there is a letter from a couple to Terre des hommes Lausanne. They reported problems with their children adopted from Korea. One of the children was at least two years older than indicated in the passport, leading to difficulties in school: "We are now convinced that people of this age should not be transplanted anymore. The difficulties are very great for both parties."⁷²⁷

Finally, the records provide indications of the Federal Council's stance on this issue. In 1979, National Councillor Gloor wanted to know in a simple inquiry about the Federal Council's "fundamental attitude towards the adoption of children from disadvantaged countries by Swiss families."⁷²⁸ In its response of February 27, 1980, the Federal Council pointed out that it had already dealt with these questions on several occasions, including on the occasion of the Bauer postulate of March 24, 1977, which demanded better protection for foster children from the Third World. It "generally favors the adoption of children from disadvantaged countries by Swiss families. It is aware of the particular difficulties associated with

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such adoption."⁷²⁹ The Federal Council cited the new adoption law, the Federal Council's ordinance on the admission of foster children, and cooperation between alien police and guardianship authorities as conditions "to create favorable conditions for the adopted children. If adoption is considered in individual cases, the Swiss diplomatic and consular representatives abroad assist the families and humanitarian organizations concerned as much as possible."⁷³⁰ The Federal Council was open to international adoptions, acknowledging difficulties without specifying them. Additionally, the Federal Council referred to the competent authorities and Swiss representatives abroad.

13.4 Case files on individual placement agencies and countries of origin

The case files of the Federal Office for Foreigners provide indications of problems and irregularities in the placement of foreign adoptive children based on specific incidents. The Federal Office for Foreigners had information about child trafficking in various countries of origin and details about problematic practices of individual intermediaries.

Information about Intermediaries

The definition of intermediary activities is discussed, acknowledging that it was often challenging for authorities to assess the true role of a person. For example, in the case of a person residing in the canton of Zurich, both the cantonal and the Federal Foreign Police repeatedly debated from 1977 whether this person was merely providing advice or engaging in intermediary activities requiring approval.⁷³¹ Bitter et al. point out that individuals in the field of international adoptions in Sri Lanka were sometimes active without authorization.⁷³² This is confirmed by our research. For instance, in 1981, the Federal Office for Foreigners wrote to the cantonal Foreign Police in Vaud that it had information that a woman from a Vaud municipality was facilitating the adoption of children from Haiti without authorization.⁷³³

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Certain intermediary agencies occasionally came under scrutiny. In 1993, due to an article in the newspaper La Liberté, there were suspicions about whether the Freiburg adoption agency "Service d'adoption du Mouvement Enfance et Foyers" was involved in child trafficking from Lebanon. A French lawyer demanded "exorbitant fees" for Lebanese children. The Federal Office for Foreigners considered the suspicion to be unfounded.⁷³⁴ Another sensitive issue in intermediary activities is the mixing of competencies. As early as 1968, the Federal Foreign Police criticized that Terre des hommes both prepared investigative reports and placed adoptive children.⁷³⁵ In some cases, intermediaries acted as guardians during the fostering phase, blending the interests of parents and children.⁷³⁶

By the 1980s, there was an exchange between the Federal Office for Foreigners and officially recognized intermediary agencies such as Terre des hommes Lausanne, Bureau Genevois d'Adoption, or the Geneva Divali Adoption Service. Intermediaries also sought to influence adoption procedures. In 1981, the president of the Bureau Genevois d'Adoption asked the Federal Office for Foreigners for a simplification of entry regulations: whether it was possible to issue them in the names of the future parents instead of inventing a name for the child. This would simplify the process given the increasing number of adoptions.⁷³⁷ Mother Teresa, from the Missionaries of Charity operating orphanages in India from which children were adopted to Switzerland, requested faster processing of entry permits from the Federal Office for Foreigners in 1987. Delays in receiving permits resulted in cases pending for a long time in court, preventing the timely reunification of children with their adoptive parents.⁷³⁸

For the years 1979 and 1980, as well as the mid-1980s, the files of the Federal Office for Foreigners document meetings between the Federal Office for Foreigners, the Federal Department of Justice, cantonal youth offices, and various intermediary agencies, discussing criteria for selecting adoptive parents and

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optimizing adoption practices.⁷³⁹ West Swiss intermediary agencies played a leading role in this regard.⁷⁴⁰

The collection also contains diverse information about individual intermediary agencies, including permit applications, annual reports, and correspondence.⁷⁴¹ The Federal Office for Foreigners also dealt with intermediaries who, under unclear or illegal circumstances, brought children to Switzerland. The files contain detailed information about Margret Bucher*, a Catholic nun from the canton of Appenzell Ausserrhoden who facilitated the adoption of children from India without authorization.⁷⁴² There were also indications of problematic conditions in the children's home she operated in India. In 1980, Hohler* from the Federal Office for Foreigners inquired with the Federal Office of Justice about ways to stop Sister Bucher's activities or redirect them legally. In the reply, the Federal Office of Justice explained the legal sanctions against unauthorized adoption placement and opaque charitable organizations in general, but did not make a conclusive "judgment."⁷⁴³ Shortly afterward, the municipal administration of Appenzell Ausserrhoden imposed fines on Bucher for facilitating Indian children without authorization. However, the fine was waived, and she was merely threatened with a fine again if she violated the order.⁷⁴⁴

The files of the Federal Office for Foreigners also contain documents related to the activities of Alice Honegger in Sri Lanka and India. Since this has already been extensively covered in the Sri Lanka report, it will not be discussed here.⁷⁴⁵ In the cases of Bucher and Honegger, the reluctance of cantonal authorities to intervene in unauthorized intermediary activities is evident. Both Bucher and Honegger, at times, did not have authorization but continued to facilitate adoptions from Sri Lanka.

Brazil

There are also several case files on the topic of "Foster Care and Adoption" related to specific regions, as well as files on individual countries. In the dossier on

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Brazil⁷⁴⁶, there are indications of children being handed over to couples shortly after birth, who, based on false information, registered them as their own children in the civil registry without undergoing an adoption procedure. The forgery was compounded by the fact that the six-week deadline, after which biological mothers could give their consent, as required by Swiss adoption law, was not adhered to in the case of international adoptions. In 1979, the Swiss Consulate General in São Paulo contacted the Federal Office for Civil Status and reported that it is "a known fact [that] in São Paulo and probably elsewhere in Brazil, infants are given to couples who can register them as their own children at a civil registry without undergoing an adoption procedure. Usually, the registration of a birth requires a certificate from the hospital where the child was born, as well as a marriage certificate. The first document can be bought or forged if necessary."⁷⁴⁷ The Consulate General described two recent cases. In the first case, a Swiss couple registered a "very likely not their own child [...]": The childless couple from Switzerland traveled to Brazil for alleged business purposes, and a week later, a son was born. "My specific questions, such as flight permit for a highly pregnant woman, timing of the Brazil stay, do not unsettle the father of the child at all; he spontaneously presents a confirmation from the clinic providing information about the wife's stay, the child's weight, etc. Although I have no evidence, I cannot shake the impression that it is someone else's child."⁷⁴⁹

In the second case, a couple residing in São Paulo registered a foreign infant as their own child. The husband did not hide this fact from the Consulate General. In response to inquiries, he explained that his wife could no longer have children of her own, and they had long wished to adopt a Brazilian child. Since the adoption process could not be completed due to the imminent return to Switzerland, he registered the "long-awaited child" as their own. Otherwise, he would have had to give it up. The Consulate General sought instructions from the Federal Office for Civil Status on how to handle such incidents: "I do not need to emphasize in what a delicate situation I find myself in such cases, which are exclusively humanitarian in nature and could undoubtedly have unpleasant consequences for both parties,

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depending on the behavior of the Consulate General. I would be grateful if you would once again address this problem and provide me with precise instructions on how to handle these cases."750 Without addressing the criminal actions of the couple, the Federal Office for Civil Status referred to the difficult verifiability of "register truth": In Switzerland, a civil status officer verifies the information provided. If it turns out that the information is incorrect, the alleged parents could face criminal charges, including obtaining a false certification. "If a foreign child is registered as the biological child of the couple without verifying the existing circumstances, there is a greater risk that the child does not fit into that family, and that the informal 'adoption' ultimately serves neither its well-being nor that of the parents. Moreover, in such a less formal assumption of a foreign child, there is no guarantee that the child has not been taken from the rightful guardian against their will. Finally, it does not seem entirely unproblematic if members of a foreign state present a child born there as their own in their host country, thus deceiving the local authorities when the child leaves that country. Of course, it is beyond the capabilities of our consular representatives – and it is not their task – to investigate the material truth of foreign civil status documents concerning Swiss citizens presented to them." If civil status documents are presented to the consulate that raise doubts about their authenticity, they should be forwarded to the Federal Office for Civil Status, as usual. At the same time, it requested further information. Finally, "it would not be inappropriate if the parties involved [...] were informed of the rather unpleasant consequences that a false registration [...] can have." The Federal Office for Civil Status added that such a notice "should be purely informative and not in a threatening tone. If the alleged parents decide to confess to you, this fact should definitely be communicated to us when submitting the birth certificate."751 There is no further information on this procedure in the case file, which was illegal in the country of origin. It would be worth checking if there is also an individual case file.

In 1984, a news program in Brazil repeatedly reported on the sale of babies to foreigners, which was either legalized by conducting a simple adoption under

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Brazilian law or by falsely registering them in the birth registry. The target of criticism was the youth court in Curitiba, which had conducted ten percent of all adoptions in Brazil in the previous year. The biological mothers were impoverished single women who had been persuaded with false information to entrust their child to a married couple. As a result, all adoptions from 1983 were reviewed. Additionally, efforts were made to make foreign adoptions more difficult.⁷⁵² In 1992, an article on baby trafficking appeared again in a Brazilian newspaper, which the Swiss representative in Brasilia forwarded to the FDJP, Section for International Private Law.⁷⁵³

Correspondence from 1990 between the Federal Office for Foreigners, the Swiss representative in São Paulo, and Swiss pastor Paul Noser* of the Igreja Evangélica Suíça in São Paulo is informative regarding the question of irregular adoption practices. Noser had sent a strictly confidential letter 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 presented with two boys aged five and seven. The younger one was "strongly environmentally damaged" and refused to go with the potential adoptive parents. "Apparently, the mother also got in touch again [...] and wanted the boy back." In response, a seven-year-old girl was brought in as a replacement from an institution. "The girl had no idea where she was going, so no preparation at all. The adoptive parents were also here without any support and then found a German woman through the judge who helped with translation." Noser also pointed out that no medical assessments were carried out, as required by Swiss regulations.⁷⁵⁴ The Consulate General forwarded Pastor Noser's letter to the Federal Office for Foreigners and requested a response for the concerned pastor. Noser, according to the Federal Office for Justice, observed a "strong increase in black children released for adoption from Brazil to Switzerland with concern and is convinced that the willingness to accept such children in our country promotes the generous practice of releasing especially black and partly environmentally damaged children by Brazilian youth courts." He considered "a stricter application of legal means against intermediary

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organizations (Pro Kind, etc.) and stricter admission conditions by the Federal Office for Foreigners (BFA) in the interest of the children and future parents."755

The Federal Office of Justice, Section for International Private and Civil Procedure Law, wrote to the Swiss Consulate General in São Paulo in June, stating that "cases as quoted by Mr. Pastor Noser are indeed not uncommon" and that adoptive parents, just before their planned return, often faced the dilemma of "another child than expected or none at all. Since the formal requirements are fulfilled [...], judicial authorities seem to easily decide in favor 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 International Private and Civil Procedure Law of the Federal Office of Justice responded as follows: "1. Our office is well aware of the described problem in adoption cases with third countries such as Brazil. We will not fail to forward Mr. Pastor Noser's concerns to the Federal Office for Foreigners. As far as possible, we should have concrete information to prevent abuses. We would therefore be very grateful if you would ask Mr. Pastor Noser to describe the cases known to him with names." In addition, the Section for International Private and Civil Procedure Law referred to the Hague Conference on Private International Law in June 1990, which was dedicated to the development of a new convention on intercountry adoptions to replace the old Hague Convention of November 15, 1965. Brazil was participating in this conference.756

In this case, it is interesting that the pastor reported abuses to Swiss authorities but was involved in facilitating adoptions without authorization. In June 1990, he wrote to the Federal Office for Foreigners, stating 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 collaborate with an officially recognized placement agency in Switzerland. The pastor therefore asked whether a provisional approval could be sent by fax and the original sent later. "So that we do not lose too much time, and the children in our home do not have unnecessary waiting times."757 He clarified

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that he did not mediate adoptions as a "main occupation" but "as a small help for children and adoptive parents." The Federal Office for Foreigners did not comment on the fact that the pastor apparently facilitated adoptions for years without authorization. However, it reported its concerns regarding approval to the Federal Office of Justice: "In our opinion, it would be problematic to issue Mr. Pastor Noser in São Paulo with the confirmation he desires."⁷⁵⁸ This was not granted in the end.⁷⁵⁹

Chile, Ecuador, Colombia, and Peru

In a dossier on fosterhood and adoption, an illegal entry is documented, which 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 traveled to Ecuador. They had taken a child home without the approval of the competent cantonal Aliens Police and without prior examination of the situation by the guardianship authorities. This was "inadmissible," and the Ecuadorian authorities had to be alerted not to allow placements in Switzerland without prior approval from the Aliens Police. The Federal Aliens Police feared a negative example. Other Swiss people could hear about it and act similarly. At the same time, the Federal Aliens Police sent a copy of its letter to the relevant cantonal Aliens Police and urged them to approach the family and ask how they got the child, who the intermediaries were at home and abroad, and why they had brought the child illegally to Switzerland.⁷⁶⁰

In the dossiers of the Federal Office for Foreigners on Chile, Peru, and Colombia, various newspaper articles on child trafficking exist.⁷⁶¹ For Peru, there is correspondence between the Federal Aliens Police and the Swiss Embassy in Lima, dealing with accomplished facts.⁷⁶² In 1977, a case was also mentioned where parents brought the child to Switzerland under dubious circumstances.⁷⁶³ The dossier on Colombia contains copies of the decrees of the Colombian government, minutes of Swiss authorities, correspondence from the Swiss representative, forms of the Colombian government for adoption matters, and a

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central document of the Federal Office of Justice on child trafficking in Bogotá from 1981.764

Lebanon and Romania

In 1980, the Youth Protection Service of the Canton of Vaud reported to the Federal Office for Foreigners that a certain Mrs. Dallavecchio* was seeking sponsorships for Lebanese orphaned children through a newspaper advertisement. A person providing information under the given phone number stated that Dallavecchio had placed a certain number of children in Switzerland. Dallavecchio was then summoned, and she claimed to have never mediated the placement of children from Lebanon to Switzerland. The Youth Protection Service then inquired with the Federal Office for Foreigners about information regarding this woman.⁷⁶⁵ In December 1980, the Federal Office for Foreigners responded regarding the potentially illegal placement of Lebanese children. It mentioned a mediator from the Canton of Vaud and asked if she was connected to Dallavecchio.⁷⁶⁶

In 1987, the Federal Office for Foreigners forwarded a report from the Youth Protection Service of the Canton of Vaud to the Swiss Embassy in Beirut. This report highlighted a Lebanese lawyer who "apparently enriched herself with the lucrative trade of children. We would appreciate it if you, despite the currently difficult situation for you, could try to investigate the matter within your means."⁷⁶⁷ The Embassy in Beirut responded that it was aware "that, in addition to lawyers, doctors, nurses, and midwives also enrich themselves through the mediation of children. In East Beirut, a quite respected doctor recently 'sold' a baby to Germany. About four years ago, the same doctor denied a Swiss resident a child because she could not raise the amount of LL 25,000.– (approximately CHF 8,000.–) at that time." The matter was being investigated, and entry requests would be more closely monitored in the future.⁷⁶⁸ Two months later, the Swiss representative in Beirut reported the following to the Federal Office for Foreigners: "[J]e vous informe que je ne possède aucun renseignement quant aux candidats d'autres

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cantons suisses qui ont également utilisé les services de Mme Hadid*. Cependant, je voudrais vous informer que cette Ambassade a pris connaissance de cette filière et qu'à l'avenir je ferai mon possible d'éveiller l'attention des personnes qui voudraient adopter par l'intermédiaire de Mme Hadid." This message was then forwarded by the Federal Office for Foreigners to the Youth Protection Service in Lausanne.⁷⁶⁹ In a letter from Stefan Koch of the Federal Aliens Police to the Embassy in Beirut in 1979, he had already urged great caution: "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 is available in the case dossier.

From 1990 onwards, there was a surge in adoption inquiries from Romania, and the Federal Office for Foreigners was contacted daily with written inquiries and phone calls. The Federal Office also spoke of child trafficking in the case of Romania and discussed whether the practice needed to be changed: "Il en résulte l'impression (comme d'autre pays d'ailleurs) qu'il existe un commerce certain d'enfant, notamment lorsque les 'parents' s'adressent non pas à un orphelinat mais directement à des privés et sont prêts à échanger une voiture contre un enfant. L'état de santé véritable de ces enfants me semble également représenter un fait préoccupant. La qualité ou véracité des certificats médicaux laisse planer quelques doutes (taux de séropositivité élevé dans ce pays). Ces quelques réflexions m'amènent à poser la question de la nécessité d'une nouvelle procédure à examiner?"⁷⁷¹

Dossiers on other countries of origin

In the archives of the Federal Office for Foreigners, there are case files on countries that were not the focus of this report but became important for international adoptions, especially 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

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Federal Archives received these case files in a second delivery during our ongoing research, as it was part of the mandate to review these files.⁷⁷³

The files contain general information on problematic practices in these countries. For instance, in 1990, the Chargé d'Affaires for Madagascar wrote to the Federal Office for Foreigners, stating that the exit procedures were very simple and could be initiated immediately after the adoption was granted in Madagascar. He opposed what he referred to as "cash and carry a child".⁷⁷⁴ The files also include information on specific adoption cases and indications of child trafficking. In one case, it involves a questionable adoption mediation from the Philippines by a Swiss citizen who was also suspected of pedophilia and child prostitution.⁷⁷⁵

On multiple occasions, the International Social Service of Switzerland (ISS), Zurich section, provided the Federal Office for Foreigners with information on child trafficking. In two cases, it concerned a Swiss individual in Manila in 1990.⁷⁷⁶ The files also document a specific case of child trafficking from Thailand to Switzerland. The ISS social worker reported to the Federal Office for Foreigners that an approximately one-and-a-half-year-old boy from Thailand had been brought to Switzerland via Amsterdam. A Thai woman claimed to be the biological mother of the child. "The Thai woman, without knowledge of German, under the influence of drugs, drove to Switzerland with a woman [...] and handed over the child to two men and a woman at a - unknown to her - station." The ISS social worker further wrote: "It seems to me that silence can no longer be considered an adequate response here. I would be pleased if these indications could be followed up - especially because there may be time pressure. If the child has possibly been integrated into a normal adoption procedure under another name, it is to be expected that an adoption could be granted from May 91 onwards... [sic] If it is possible to determine the whereabouts of the child, I would like to emphasize once again that a professionally competent authority (social work!) should be involved immediately, which has experience with this problem. Unfortunately, the previous experiences with the authorities involved have been less encouraging. It

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must even be noted that the involvement of specialized agencies is often delayed - and sometimes even avoided."⁷⁷⁷ The Federal Office for Foreigners informed the ISS that, in collaboration with the Federal Office of Justice, attempts were being made to determine the current whereabouts of the child, and it also mentioned a child that could be the illegally brought Thai boy in Switzerland.⁷⁷⁸ What happened next is not evident from the case dossier. More information may be found in the documents of the Swiss representative in Thailand.

In June 1995, newspaper articles appeared about illegal adoptions and child trafficking in Taiwan and Russia. Ilse-Louise Kessler*, adoption specialist for the French-speaking part of Switzerland in the Federal Office for Foreigners, advised Eduard Duman*, Deputy Head of the Western Switzerland and Ticino section of the Federal Office for Foreigners, to treat inquiries from these countries with caution.⁷⁷⁹

There are additional case files in the holdings of the Federal Office for Foreigners that were not extensively reviewed for this report but are also of interest for further research. For example, there is a file on "Instructions and Laws"⁷⁸⁰, which includes a report prepared within the Federal Office of Justice by the working group "Third World Adoptions," published in 1986.⁷⁸¹ Because various questions related to international adoptions were not or were inadequately regulated by the Adoption Mediation Ordinance of 1973 and the Foster Care Ordinance of 1977, in 1983, the Conference of Cantonal Directors of Youth Welfare had requested the Federal Office of Justice to examine the partial revision of both regulations. Problems arose, in particular, because foster parents sought a child abroad without recognized intermediaries. There was a risk that children would enter Switzerland illegally. Such adoptions represented a significant additional burden for public youth welfare.⁷⁸²

The file "important documents and presentations"⁷⁸³ contains, among other things, presentations, approvals for mediation activities, and annual reports of

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mediation organizations. The file "Newspaper Articles"⁷⁸⁴ is insightful for an analysis of media coverage on international adoptions. Statistical material from the Federal Office for Foreigners on granted entry permits for foster children can be found in "Statistics"⁷⁸⁵. The file "Child Welfare: General" includes folders on unaccompanied minors, "Child Welfare General, Bolivian Children," "Child Welfare Brazil," Lebanese and Romanian vacationing children, Russian and Tibetan children, "Guatemalan Children," including correspondence between the Federal Office for Foreigners and the Swiss Embassy in Guatemala City on the mediation of children by the lawyer Antonio Lopez*.⁷⁸⁶ The file on the Hague Convention of May 29, 1993, on the Protection of Children contains various documents related to the signing of the Hague Convention, drafts for the Federal Law on the Hague Convention, correspondence on official consultations, and the consultation process for ratification.⁷⁸⁷

14. Inventories of Other Federal Authorities

In addition to the records of the Federal Office for Foreigners, there are documents in the Swiss Federal Archives from other federal authorities related to international adoptions. For the inventory, case files from the Federal Office of Justice, the General Secretariat of the FDJP (Federal Department of Justice and Police), and the central office of the FDFA (Federal Department of Foreign Affairs) were reviewed. The selection does not claim to be exhaustive. We only refer briefly to the files of the Federal Office of Civil Status and the Federal Data Protection and Information Commissioner. Individual case files were not reviewed.

14.1 Federal Office of Justice

The Federal Office of Justice is primarily involved in matters of legislation concerning adoptions.⁷⁸⁸ The holdings of the Federal Office of Justice

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specifically related to international adoptions are manageable. The reviewed files for this report include correspondence between the Federal Office of Justice and Swiss representatives abroad, as well as correspondence with other federal offices regarding Asia⁷⁸⁹ and specific countries such as Brazil, Chile, Guatemala, Colombia, and Peru.⁷⁹⁰ Selected files on adoption placements and cantonal supervisory authorities were also examined.⁷⁹¹ Two files relate to parliamentary initiatives.⁷⁹²

General Correspondence of the Federal Office of Justice

The file 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 related to a handbook on international adoption.⁷⁹⁴ The handbook contains various statistics, an overview of appeal decisions in international adoptions since 1983 with case studies, and a text by an investigating judge, who is also an adoptive father, on legal issues related to international adoption.⁷⁹⁵ The file also contains correspondence between the Divali Adoption Service, Geneva authorities, and the Federal Office of Justice regarding the accreditation of a mediator. There are also documents related to the introduction of maternity insurance in the file.⁷⁹⁶ A note from the head of the International Private and Civil Procedure Law section in March 1992 summarizes the "necessary clarifications in international adoptions."⁷⁹⁷

The file includes a letter in which authorities from French-speaking Switzerland, Bern, and Ticino, as well as Terre des hommes Lausanne, wrote in 1993 to the Federal Office for Foreigners, the Federal Office of Justice, and the relevant cantonal central authorities to express their "current concerns": "We are concerned about the existing possibilities in the world of child trafficking. Due to their desire for children, adoption candidates from our country contribute to the international market for children, and we would like to be assured that we are working for the best interests of the child in the case of international adoption. We realize that our means are limited to intervene in this context, but we have,

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through the accounts of adoptive parents, a lot of information about dubious channels, excessive procedural costs. We would like to create an intercantonal information system that allows us to centralize and disseminate all this information. [...] We would like you to take our concerns into account and that you, between federal authorities and cantonal authorities, reflect on this issue and propose a centralized place for information. On the other hand, we wish that recognized intermediaries be subject to stricter control of their activities, that the power and means of supervisory authorities be strengthened, and that independent adoptions also be subject to this supervision. [...] It is also important that Swiss delegations abroad (consulates) be better informed about the issue of international adoption and child trafficking."798 The letter concluded with the call for Switzerland to sign the Hague Convention.

Documents related to the Bär Postulate of January 31, 1992, are also included in the file. The postulate inquired about legal protection for foreign adopted children who, due to adoption granted abroad, had already lost the nationality of their country of origin but were not adopted in Switzerland after the two-year foster care period.799 According to statements by Milena Rochat* from the International Private and Civil Procedure Law section at the Federal Office of Justice, "no case is known to [the Federal Office of Justice, note of the authors] where the foreign home country of the adopted child would withdraw its own nationality from the child before acquiring the nationality of the receiving state." Furthermore, the Federal Office of Justice saw the home country as responsible: "Should such cases nevertheless occur, it would, in our opinion, primarily be the responsibility of the foreign home country of the child to remedy such an undesirable legal situation through suitable legislative measures."800 Cristine Togni Fischer*, head of the International Private and Civil Procedure Law section at the Federal Office of Justice, denied the legal vacuum mentioned in the postulate: "To our knowledge, there is no nationality law that would provide for a contrary regulation, so one could not speak of any kind of vacuum situation. If the postulate were accepted, this would falsely diagnose a deficiency in the legal situation in this

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area. She believed that "the difficult situation of foreign children who are not adopted as a result" had already been adequately addressed by a postulate accepted by parliament on the facilitated naturalization of young foreigners raised in Switzerland.⁸⁰¹

Correspondence with Swiss representatives and Regarding India

In accordance with the Federal Office of Justice's role in adoption proceedings, the dossiers related to Swiss representatives abroad mainly contain correspondence between them and the Federal Office of Justice, focusing on legal questions. The Federal Office for Foreigners is occasionally involved as well. The dossier labeled "Adoption Asia – General Correspondence" is extensive.⁸⁰² The records in this dossier pertain not only to India but also to Indonesia, the Philippines, Sri Lanka, Bhutan, Japan, Cambodia, Iran, Pakistan, Vietnam, Israel, China, and Thailand. Newspaper articles and legal texts from these source countries are also included. Particularly in the early 1990s, the Federal Office of Justice sought information from the respective Swiss representatives about the legal foundations for adoptions in the origin countries.

In the India dossier, there is correspondence between the Federal Office of Justice and the Swiss Embassy in New Delhi, including newspaper articles about child trafficking in India.⁸⁰³ An article in the *Berner Zeitung* in the spring of 1984 reported that the Supreme Court in India had "spoken a preliminary word in the matter of 'baby export' in view of the government's inability to enact an adequate adoption law."⁸⁰⁴ Henceforth, only "organizations recognized by the government either in India or abroad" were allowed to facilitate adoptions.

This prompted the Indian Embassy in Bern to request from the Federal Office of Justice in the summer of 1984 "a list of social or child welfare agencies licensed or recognized by the Federal/Cantonal authorities for sponsoring applications from Swiss nationals for intercountry adoptions."⁸⁰⁵ The Federal Office of Justice provided the Indian Embassy with such a list of ten Swiss placement agencies. In

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the context of this decision by the Supreme Court in India, one must consider the report from Adoption International sent by the Swiss representative in Bombay to the Federal Office of Justice.⁸⁰⁶ In this report, the representative of Adoption International described how the adoption process in India was supposed to proceed in the future. The correspondence between the Federal Office of Justice and the Swiss Embassy in New Delhi focused on mutual information exchange regarding legal provisions.⁸⁰⁷ Two dossiers of the Federal Office of Justice related to India were initially recorded as individual case files. As it turned out that part of these dossiers is thematic, two new thematic dossiers were created. Unfortunately, these could not be reviewed for this inventory.⁸⁰⁸

In the early 1990s, the Federal Office of Justice prepared a circular on the recognition of foreign adoptions in Switzerland. For this purpose, it requested Swiss representatives in various Asian countries to provide information on the currently applicable provisions. These inquiries are included in the records.⁸⁰⁹ Some of the response letters from the respective Swiss representatives include legal texts. Providing an overview of applicable legal provisions posed a challenge for Swiss representatives. This was evident in the case of India, as documented by the correspondence between the Federal Office of Justice and the Swiss representative in the spring of 1990.⁸¹⁰ The circular to Swiss representatives and to the relevant cantonal authorities in civil status was sent out in July 1992.⁸¹¹

Correspondence with Swiss representatives in Chile, Guatemala, Colombia, and Peru

The thematic dossiers of the Federal Office of Justice regarding various South and Central American countries include correspondence, newspaper articles, and legal texts from the 1990s. In the Chile dossier, correspondence between the Federal Office of Justice and the Swiss representative from 1994 to 1998 is stored.⁸¹² The subjects included inquiries about the applicable legal provisions and a potential agreement between Switzerland and Chile regarding the adoption of children. In October 1998, the Swiss Ambassador in Chile sent explanations

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about the legal provisions and the Chilean adoption process to the Federal Office of Justice, which forwarded the document to the Federal Office for Foreigners.⁸¹³ The dossier also contains inquiries from cantonal authorities to the Federal Office of Justice regarding local approvals of placement organizations in the source countries.⁸¹⁴ The Federal Office of Justice forwarded these inquiries to the Swiss representatives in the respective countries, requesting clarification.

The dossier with the correspondence of the Federal Office of Justice regarding Guatemala covers only a few pages.⁸¹⁵ It includes a letter from the International Social Service to the authorities of Central European countries, as well as Canada, New Zealand, and Australia, titled "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 judges in Guatemala who were, according to the informant of the International Social Service, "suspected of serious abuses in intercountry adoption in Guatemala."⁸¹⁶ The handwritten note on the letter reads: "keiner ist Vertrauensanwalt Botschaft" (none is embassy's trusted lawyer). Apparently, the Federal Office of Justice had checked whether any of the lawyers accused of illegal practices were a trusted lawyer of the Swiss embassy.

In the dossier regarding Colombia, along with correspondence from the period between 1994 and 1998, there are documents related to individual adoption cases.⁸¹⁷ A newspaper article from 1996 about "Exportación de niños" (Export of children) is filed, which was transmitted to the Federal Office of Justice by the Swiss representative in Colombia,⁸¹⁸ as well as the response of the Federal Office of Justice to an inquiry from the Federal Police Office regarding the "Handel mit kolumbianischen Kindern – illegale Adoptionen" (Trade with Colombian children – illegal adoptions) in 1998.⁸¹⁹

The dossier with the correspondence of the Federal Office of Justice with the Swiss representative in Peru includes documents from 1995 to 1998.⁸²⁰ They document the investigations and efforts of the Federal Office of Justice, together

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with the Swiss embassy on-site, in the context of the adoption suspension, as described in the Peru chapter. The Swiss representative in Lima would have welcomed a bilateral agreement between Switzerland and Peru.⁸²¹ In a letter to Cristine Togni Fischer*, the head of the Section for International Private and Civil Procedure Law, 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 actuellement en vue de signer une convention avec la Secretaria Tecnica de Adopciones."⁸²² The legal provisions of Switzerland and Peru remained incompatible after Peru ratified the Hague Convention in 1996, so adoptions to Switzerland remained impossible.⁸²³ Nevertheless, Swiss individuals interested in adoption repeatedly contacted the Federal Office of Justice, as they had heard rumors that the Peruvian regulations had been relaxed.⁸²⁴ Also, a letter from Federal Councillor Flavio Cotti, the then head of the Federal Department of Foreign Affairs, explaining the suspension to an interested couple, is filed in the dossier.⁸²⁵

Various correspondences between the Federal Office of Justice, the Federal Office for Foreigners, and the Swiss representative in Lima show that the adoption suspension raised legal questions.⁸²⁶ On the occasion of the dispatch of the new Swiss ambassador for Peru and Bolivia, Milena Rochat* from the Section for International Private and Civil Procedure Law wrote a memorandum in August 1998 summarizing the current situation regarding 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 all relevant legal texts and correspondence from recent years to the new ambassador.⁸²⁸ However, the efforts of the Swiss ambassador to create understanding for Swiss legal provisions and to enable adoptions to Switzerland remained unsuccessful even after a change of personnel at the helm of the relevant Peruvian authority.⁸²⁹

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Child Trafficking and Problematic Procedures in Brazil

The dossier containing correspondence between the Federal Office of Justice and Swiss representatives in Brazil is extensive and includes numerous Brazilian legal texts, along with many newspaper articles about child trafficking.⁸³⁰ The Federal Office of Justice received the delivery of these media reports. The letters from Swiss representatives regarding adoption suspensions in the Brazilian states of Pernambuco and Ceará included numerous media reports on child trafficking as attachments. 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 related to the approval of the placement organization Bras Kind. Investigations into the approval of another placement agency are also documented. The association UMBET Switzerland financially supported the institution Monte Refugio in São Paulo, which facilitated the adoption of Brazilian children by Swiss couples. Monte Refugio in Brazil was led by a Swiss couple.⁸³¹ Also included are documents related to investigations by the Swiss Embassy in Brasilia and the Swiss Consulate General in Rio de Janeiro regarding the mediator Iris Mettler Kamm*, with whom the Association for Adoption Aid in Brazil wanted to collaborate. Investigations by Swiss representatives in Brazil revealed that Iris Mettler Kamm had been mentioned multiple times in newspaper reports between 1980 and 1985 in connection with child trafficking.⁸³² The Federal Office of Justice forwarded this information, marked as confidential, to the Youth Welfare Office of the Canton of Bern, indicating that Iris Mettler Kamm might not meet the necessary requirements as a mediator.⁸³³

In the Brazil-specific dossier, there are also documents from lawyer Elena Lucrezia Barlotti*, describing how adoptions she facilitated came about. An attached list of adopted children shows that most of them came from the states of Paraná and Pernambuco.⁸³⁴ These states often experienced child trafficking. Elena Lucrezia Barlotti published advertisements in the Corriere del Ticino promoting her mediation activities. The Ticino authorities approached the Federal Office of Justice with a request for clarification. The dossier contains correspondence

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between the Ticino authorities, the Federal Office of Justice, and the Swiss Embassy in Brasilia. Correspondence with Pastor Paul Noser* from the Igreja Evangélica Suíça in São Paulo is also included.⁸³⁵ The dossier also contains documents and correspondence related to new legal adoption regulations introduced in Brazil in 1990.

Approval Procedures and Complaints

The extensive files of the Civil Code Section at the Federal Office of Justice contain correspondence from various sources.⁸³⁶ Of particular interest are the letters from cantons to the Federal Office of Justice. They cover various topics, from training programs for adoptive parents to legal questions about problematic procedures and invitations to consultation procedures for cantonal legal revisions. Often, Kathrin Keller* from the Federal Office of Justice was asked to assess legal questions.⁸³⁷ The files contain cantonal confirmations for approved placement agencies, as well as lists of approved placement agencies compiled by Kathrin Keller.⁸³⁸ Based on these files, the approval process can be reconstructed. The numerous letters from couples interested in adoption provide insights into their motives. They sometimes addressed their requests for support directly to the responsible federal councillors. In one example, an adopting couple described to Federal Councillor Elisabeth Kopp the challenges they faced and perceived as unjust.⁸³⁹ The files include appeals that cantonal governments had to address. The correspondence related to complaints from adoptive parents about placement agencies and the associated inquiries from cantonal authorities is also enlightening. Some of these inquiries prompted internal investigations at the Federal Office of Justice.⁸⁴⁰ An example is a cantonal authority's inquiry to the Federal Office of Justice about whether "à-fondsperdu payments" to the birth mother, as practiced by the Rainbow Children placement agency in the USA, were legal.⁸⁴¹ In this context, mention should also be made of the correspondence between the Federal Office of Justice and Service Social International regarding the activity of American adoption agencies in Switzerland.⁸⁴²

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From 1998 onwards, a new player becomes visible in the records, namely the newly established Conference of Adoption Placement Agencies.⁸⁴³ In 1998, nine placement agencies joined this conference. The conference did not handle placements but dealt with the quality of placement work. The documents include a letter from 1999 in which the president of this conference pointed out to the Federal Office of Justice two adoption placement agencies that seemed "questionable on a deontological and ethical level" to the conference.⁸⁴⁴

Revision of the Adoption Placement Regulation and Ratification of the Hague Convention

In the holdings of the Civil Code Section, there are files relevant to the analysis of the revision process of the Foster Care Ordinance in the late 1980s. The Federal Office of Justice sent drafts for the revision of the Foster Care Admission Ordinance and the Adoption Placement Ordinance to various recipients, requesting feedback. Various interest groups submitted their opinions to the Federal Office of Justice.⁸⁴⁵ The minutes of the working group for the revision and response letters from placement organizations are also filed. A letter from the Foreigners' Police of the Canton of Zurich is interesting, highlighting procedural issues with case examples. This included the contradiction "that, on the one hand, in the ordinance, the foreign police entry permit (or the assurance of the residence permit) is a prerequisite, but, on the other hand, it must already be established before the entry permit is issued whether a foster care permit can be issued at all. This is a contradiction that needs to be addressed through legislation."⁸⁴⁶ The opinion of the Federal Office for Foreigners also pointed out the inadequate delimitation of the competencies of guardianship authorities and the Foreigners' Police and considered the clearer delimitation proposed in the revision "as positive [...] and [...] a great step forward."⁸⁴⁷ In the context of the revision of the adoption ordinance, the parliamentary motions Longet and Nabholz are also relevant.⁸⁴⁸

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In the context of the revision, the correspondence between Terre des hommes Lausanne and the Federal Office of Justice is also noteworthy, illustrating the stance of the placement agency:

"According to Terre des hommes, it is desirable for federal authorities to go beyond the revision of ordinances on child placement and intermediary activity for adoption. However, the movement considers it unrealistic to mandate that future adoptive parents go through an intermediary (impossibility for our country's intermediaries to share and absorb demands)."

Terre des hommes Lausanne proposed two solutions to the Federal Office of Justice to curb child trafficking:

The creation of an entity responsible for centralizing and disseminating practical information on adoption; this mission could be entrusted to officials from the FDJP.

As a second solution, Terre des hommes Lausanne suggested "concluding bilateral agreements with the countries of origin of the children."⁸⁴⁹ In its response to Terre des hommes Lausanne, however, Federal Councillor Elisabeth Kopp made it clear that she rejected the creation of a central supervisory authority. Instead, she saw the path of bi- and multilateral agreements as a possibility and mentioned that the Hague Conference on Private International Law had already contacted certain countries to discuss the creation of a convention.⁸⁵⁰ After the resignation of Federal Councillor Elisabeth Kopp in 1989, Terre des hommes Lausanne made another attempt to create a central authority, outlining its tasks as follows: "Collecting the adoption laws of foreign states. Determining the procedure to be followed and its costs for an adoption abroad. Collecting information about reputable orphanages and intermediaries abroad to whom an adoption application can be addressed. Providing information to interested citizens, placement agencies, and cantonal authorities."⁸⁵¹ Kathrin

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Keller* from the Federal Office of Justice noted in the accompanying memorandum to Federal Councillor Arnold Koller: "Previous experiences in connection with the granting of permits to adoption intermediaries show that our representatives abroad practically cannot clarify the seriousness of intermediaries and orphanages there."⁸⁵² In 2003, the Federal Office of Justice replaced cantonal authorities as the competent supervisory authority over adoption placement agencies. The development had moved in the direction that Terre des hommes Lausanne had suggested 15 years earlier but which Elisabeth Kopp had rejected at the time. The former head of the FDJP's stance at that time could partly explain why the Federal Office of Justice in the 1990s tried to influence bilateral adoption agreements, as demonstrated in this inventory, for example, in the case of Peru.

The files also contain letters from private individuals to Federal Councillor Elisabeth Kopp, requesting the withdrawal of the new ordinance on child placement "in the name of human rights for revision."⁸⁵³ Most of the writers were adoptive parents or interested couples who expressed concerns about not being able to adopt a child under the new regulation and therefore wished for a procedure that was as uncomplicated as possible.⁸⁵⁴

Finally, there are numerous files on the process of creating the International Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of May 29, 1993.⁸⁵⁵ Documents from delegation chief Cristine Togni Fischer*, head of the Section for International Private and Civil Procedure Law, are filed. Documents from Prof. Dr. Michael Frei*, Professor at the University of Geneva and Deputy Delegation Chief, are also archived. These documents include reports from the delegation chief to the Federal Council as well as documents and correspondence from international working groups.

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14.2 General Secretariat FDJP

During their research in the archives of the General Secretariat of the Federal Department of Justice and Police (EJPD) on the topic of "adoptions," the Federal Archives staff identified three relevant file numbers. From these, we examined selected dossiers.

Revision of the Swiss Civil Code (ZGB) in 1973 and 1978

In the file inventory of the Civil Code Department, there are subject files related to the revisions of the Swiss Civil Code in 1973 and 1978.⁸⁵⁶ Among them is an agreement between the Federal Office of Justice on one side and Prof. Dr. Ernst A. von Schneider* and lawyer Dr. Gustav Wüst* on the other side regarding 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, after the enforcement of the new adoption law, "considerable uncertainties and fundamental differences of opinion about the recognition of foreign adoptions had arisen in the practice of the competent federal and cantonal authorities."⁸⁵⁷ To "clarify this matter and ensure a uniform practice as much as possible from the beginning," the Federal Office of Justice commissioned the expert opinion.⁸⁵⁸ This measure indicates that foreign adoptions were not adequately considered in the revised adoption law, leading to enforcement problems. A letter from the Director of the Federal Department of Justice to the working group for adoption issues of the Swiss National Conference for Social Welfare also revealed that the Adoption Act of 1973 left questions unanswered.⁸⁵⁹

Revision of the Federal Ordinance on the Admission of Foster Children in 1988

The revision of the Federal Ordinance on the Admission of Foster Children in 1988 was submitted for consultation to cantonal authorities and various interest groups.⁸⁶⁰ Among them were mediation agencies, some of which urged adoptive parents affiliated with them to take action. Over several months, many dozens of letters arrived at federal authorities and at Federal Councillors Elisabeth Kopp and Jean-Pascal Delamuraz. An employee noted: "Targeted action after an article in

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'Hebdo' [...] in EJPD, BK, and in other departments." Divali Adoption Service was suspected as the initiator behind this action. Kathrin Keller* from the Federal Office of Justice, Civil Code Section, was responsible for answering the letters. In coping with the numerous response letters, she could resort to standardized "form letters [...] from the typewriter."⁸⁶¹ Despite the use of modern office technology to handle the large volume of correspondence, Kathrin Keller, on behalf of the Federal Councillors, also wrote personal response letters. It is noteworthy how strongly federal authorities emphasize in these letters that the concerns of the writers, often adoptive parents or representatives of mediation agencies, are taken seriously in the revision.⁸⁶² "The goal of the revision is by no means to prevent international adoptions but merely to regulate them in the best interests of the child,"⁸⁶³ wrote Kathrin Keller. She simultaneously assured that concerning the report on the child's life history, which was to be introduced with the revision, "there is by no means an intention to exclude or complicate the adoption of foundlings or children without a documented background." Because even if this report had to be submitted, it was clear that "a report can only compile what is known. In the case of foundlings, for example, the report can only describe the life history after the child was found." Kathrin Keller pointed out that this report would enable adoptive parents to "answer any later questions the child may have about its origin." "The goal of the revision is not to prevent adoptions," Keller continued, but to create "optimal conditions" and "avoid child trafficking as much as possible."⁸⁶⁴

Alice Honegger also contacted Federal Councillor Elisabeth Kopp and reported "from her personal experiences in adoption." In the response letter, Kathrin Keller assured her, on behalf of the Federal Councillor, that her "assessment of Scandinavian adoption practices [...] is useful": "The responsible federal authorities are currently examining the possibility of bilateral agreements, as Sweden, for example, has concluded with various Third World countries."⁸⁶⁵

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In the context of the revision, the question was discussed whether international adoptions should only be carried out through recognized mediation agencies. In response to a corresponding proposal from a mediation agency, the Federal Office of Justice assured that the adjustment of legal provisions within the scope of the revision would provide adequate protection for the children even without this channeling and thus prevent "international adoption from becoming a 'self-service store' for parents who cannot have their own children."⁸⁶⁶

Extensive documents on the ratification of the Hague Convention by Switzerland are stored in the archive of the General Secretariat of the EJPD.⁸⁶⁷ The Simple Inquiry from National Councillor Lili Nabholz regarding support for adoption procedures blocked by Romania, submitted to the Federal Council on December 18, 1987, is also documented.⁸⁶⁸

14.3 EDA Headquarters

A large part of these subject files deals with civil, family, child, or human rights issues. Two specific dossiers from the Directorate for International Organizations are particularly relevant to the focus of this report, containing documents related to the two adoption agencies Terre des hommes Lausanne and Adoption International Kreuzlingen.⁸⁶⁹

Terre des hommes Lausanne

The dossier on Terre des hommes Lausanne reveals the exchange between Edmond Kaiser, founder of the aid organization, and federal authorities in the first half of the 1970s. As previously indicated in the report on adoptions of children from Sri Lanka, the relations were close and sometimes marked by conflicts. An invitation from 1973 to Pierre Graber, Federal Councillor and Head of the Political Department (now EDA), to be personally present at the arrival of Bangladeshi adopted children in Switzerland at Geneva-Cointrin Airport illustrates how closely Edmond Kaiser was connected to federal authorities and their representatives.⁸⁷⁰

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According to a handwritten note on the filed invitation, Pierre Graber accepted the invitation.

Terre des hommes Lausanne was interested in a collaborative relationship with federal authorities to address issues encountered by the aid organization. For example, the Swiss Embassy in New Delhi forwarded an English-language report on the adoption of Indian children to the EDA headquarters with the following remark: "Terre des hommes seems to have significant difficulties in the selection of children suitable for adoption in Europe."⁸⁷¹ The subject file also includes correspondence between the Swiss Embassy in Dhaka/Bangladesh, the EDA, and the Federal Office of Migration. It pertains to the approval of entry visas for Bangladeshi children under the care of Terre des hommes Lausanne, where the information in the presented passports did not match the details on the entry permits. This was apparently due to children intended for adoption in Switzerland having died in the meantime and being replaced by others.⁸⁷² A handwritten telephone note from the Swiss Embassy in Dhaka stated: "The Federal Office of Migration does not dare to reject such cases."⁸⁷³ The Federal Office of Migration eventually approved the entry of these children, apparently not least due to the feared negative press reports.⁸⁷⁴ Just one day after the Federal Office of Migration had given the green light for the entry of "new, substituted adoptive children," it again turned to the EDA: The on-site representative of Terre des hommes Lausanne requested an entry visa for a child that "did not match in any point with the presented passport." Accordingly, the Swiss representative denied the visa. In a letter to the Political Directorate of the EDA, the Swiss representative described the subsequent events as follows: "In response to her [the representative of Terre des hommes Lausanne, note by the authors] inquiry, I gave her the name listed on 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 mentioned name]." Since the birth dates in the passport and the entry permit did not match, providing "sufficient grounds," the Swiss representative did not issue

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the visa. To secure their actions, the Swiss representative asked the EDA for a statement, as "further similar cases must be expected."⁸⁷⁵

The response from the EDA to the inquiry from Bangladesh had been coordinated with Stefan Koch from the Federal Office of Migration: "The Federal Office of Migration pointed out that inaccuracies in the transmission of personal data by Terre des Hommes, which formed the basis for granting entry permits, frequently occur. Incorrect name information often results from translation errors; thus, it also happens that the birth date is incorrect. Such inaccuracies, however, are of subordinate importance. The permit is issued for the suffering child. Consequently, what is decisive is which child the representative of Terre des Hommes designates as the one intended for entry into Switzerland." The Swiss Embassy in Dhaka was instructed by the Directorate for International Organizations, EDA Headquarters, to issue the denied entry visa and to "proceed in the future according to the principle that the representative of Terre des Hommes is the designated person to identify the child entitled to entry."⁸⁷⁶ The Directorate for International Organizations justified this by stating that "defending a negative decision would be difficult in the Swiss public (including the press)." Neither the Directorate for International Organizations nor the Federal Office of Migration wanted to take the "human responsibility" for a rejection decision: "The Federal Office of Migration informed us that it is not willing to reject substitution cases as long as the necessary new personal data of the children are available. It simultaneously points out that permits may only be issued with its formal approval."⁸⁷⁷ In coordination with the Federal Office of Migration, the Directorate for International Organizations granted the representative of Terre des hommes Lausanne some leeway in the formalities of the adoptive children.

The subject file also provides insights into the approach of Terre des hommes Lausanne to establish contacts in new source countries such as Brazil or Ecuador.⁸⁷⁸ In the case of Brazil, a member of the Social Democratic Party advocated for Edmond Kaiser. This support prompted the Swiss representative in

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Brazil to inquire with the EDA about its stance on Edmond Kaiser's request.⁸⁷⁹ The EDA, in turn, consulted with the Federal Office of Migration and signaled to the Swiss representative in Brazil that the Federal Office of Migration "has no objection to this project, provided it is carried out on a modest scale." The EDA also informed the representative that the Federal Office of Migration attested to Edmond Kaiser "solving legal issues related to adoption very satisfactorily."⁸⁸⁰ This favorable attitude of the EDA and the Federal Office of Migration towards Terre des hommes Lausanne aligned with their stance on the activities of the aid organization in Sri Lanka.⁸⁸¹ As in the case of Sri Lanka, there is also an appeal from federal authorities to Terre des hommes Lausanne in this scenario, not to attract attention by a high number of adopted children, which "could harm not only the good reputation of 'Terre des Hommes' as such but also that of our country as the seat of the organization."⁸⁸² Terre des hommes also benefited from financial concessions: Federal authorities granted the organization a 50% price reduction on flights between Switzerland, Bombay, and Bangkok.⁸⁸³ The archived correspondence finally provides insight into the collaboration between Terre des hommes Lausanne and a local representative in Calcutta,⁸⁸⁴ as well as the organization's work in Vietnam and Cambodia.⁸⁸⁵

Adoption International Kreuzlingen

In addition to the dossier on Terre des hommes Lausanne, the EDA headquarters, or the Directorate for International Organizations, also holds a dossier on Adoption International Kreuzlingen.⁸⁸⁶ This adoption agency was founded in 1980 with the goal of integrating children "who have little or no chance of leading a meaningful and fulfilling life" into adoptive families.⁸⁸⁷ The dossier includes the statutes as well as the activity report from 1981/82. The documents show how the adoption agency sought, in the early 1980s, to establish contacts with the Swiss representative and children's homes, as well as Mother Teresa, in India and Thailand. It was not easy for the newly established adoption agency to gain a foothold in India.⁸⁸⁸ The Swiss Embassy facilitated contact with the Catholic nun Hildegard* and the embassy's trusted lawyer.⁸⁸⁹ In 1982, Adoption International

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approached the EDA for financial support.⁸⁹⁰ The dossier also contains correspondence between the Swiss Embassy in New Delhi/India and the EDA headquarters, focusing on the "reputation and reliability" of Doris Kälin*, who acted as a mediator.⁸⁹¹

14.4 Federal Office for Civil Status and Federal Data Protection and Official for Publicity

The Federal Office of Civil Status exercises supervision over civil status matters.⁸⁹² It receives adoption notifications from cantonal authorities. The holdings are of little relevance to the focus of this report. One dossier contains documents on the new adoption law and adoption secrecy. This includes an article by Cyril Hegnauer in the Journal for Guardianship from 1973 and an article from the Neue Zürcher Zeitung titled "What the New Child Law Brings" from 1976. Also included is a protocol from the working meeting of cantonal supervisory authorities in civil status matters on July 4, 1974, regarding the new adoption law. Part of the dossier is dedicated to the issue of dealing with adoptions pronounced abroad.⁸⁹³ In a second dossier, annual reports from the Adoption Counseling Center are included, as well as lists of adoption agencies.⁸⁹⁴ A third dossier in this collection contains the central adoption register.⁸⁹⁵ The remaining three dossiers contain adoption notifications from cantonal authorities to the Federal Office of Civil Status.⁸⁹⁶

The position of the Federal Data Protection and Transparency Commissioner (FDPIC) has been responsible for advising and supervising federal authorities, private companies, and organizations on data protection-compliant data collection and processing since the early 1990s.⁸⁹⁷ The five subject files that employees of the Swiss Federal Archives have researched are identified in the sources.

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15. Results and Research Needs

The ten source countries—Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Korea, Lebanon, Peru, and Romania—selected for this inventory recorded different trends in intercountry adoptions from the 1970s to the 1990s. In the 1970s, most entry permits to Switzerland were granted for children from Asia. In the 1980s, the total number of all entry permits nearly doubled to 6,157, compared to a total of 3,520 permits in the 1970s. In the 1980s, Asia remained at the forefront, closely followed by South America. South America became the leader in the 1990s when the overall numbers were slightly below those of the 1980s. More children also came from Eastern Europe. Among the ten selected source countries, the highest number of entry permits for the period 1970 to 1999 was 2,799 for children from India, followed by 2,122 for Colombia, 1,222 for Brazil, and 1,065 for Korea. The smallest number was recorded for Guatemala, with 130 entry permits. Entry permits for children from Bangladesh and Lebanon were also below 200.898 If adoptions in one of the source countries were temporarily blocked due to illegal practices, as was the case in Peru, Swiss authorities tried to find solutions with the responsible authorities to facilitate placements in Switzerland based on adjusted laws, or the demand from Swiss couples seeking adoption shifted to another country, as happened in the case of Korea.

This inventory did not examine individual cases but only subject files located in the Swiss Federal Archives. In the following, we focus on the central question for this report: what Swiss representations in the ten source countries and federal authorities in Bern, especially the Federal Office of Migration and its successor from 1979, the Federal Office for Immigration, knew about illegal adoptions and how they reacted, to the extent that can be reconstructed from the documents in the subject files. During the investigation period, they had indications of irregular and problematic practices in many source countries. Swiss representations and federal authorities regularly exchanged information about procedural misconduct. When illegal occurrences became known in a country, federal authorities urged

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caution, and, for example, Stefan Koch* from the Federal Office of Migration insisted in the 1970s on compliance with laws and guidelines, the implementation of which was the responsibility of the cantons.

While Swiss representations had only an overview of the respective host country, federal authorities in Bern accumulated knowledge about illegal adoptions in various source countries from which foster children arrived in Switzerland for later adoption. Structural problems were evident in all stages of foreign adoptions in Switzerland. The reactions of Swiss representations and federal authorities to irregularities were often similar. They considered themselves responsible for only part of the processes within their respective competencies, making it difficult to consolidate the collected information on illegal adoptions into comprehensive knowledge bases pointing to cross-border problems. In cases of irregularities, such as incomplete documentation, they sought situational solutions.

The decisive factors for this stance of federal authorities and Swiss representations were, firstly, the complex procedures with many involved parties that were difficult to control, the numerous responsibilities, and the cross-border legal regulations. Secondly, there was a prevailing belief that adopted children in Switzerland would have a better life than in their home country—a view shared with future adoptive parents and intermediaries. Thirdly, it was of significant importance that Swiss representations and federal authorities, as a pragmatic response to the consistently high demand, overall weighted the concerns of prospective adoptive couples even higher than the interests of the adoptive children. Additionally, out of fear of negative press, they did not want to be seen as officials acting inhumanely by sending children back. Flexibility in entry was justified by the consideration of the child's welfare, assuming that the country of origin would no longer take back the child in question. A child entering Switzerland with insufficient documents presented a dilemma to the involved authorities between ensuring the child's well-being and procedural correctness.

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The welfare of the child, serving as a central legal concept in the Swiss Civil Code, was a focal point of justifications, procedures, motives, and experiences of the involved actors and vividly reflects the societal change in values behind adoptions and the related family ideals and concepts of an intact family. In the documents we have examined from the subject files, there is a discrepancy between the proclaimed respect for the welfare of the child and the practice, where frequently other interests took precedence over those of the adopted children. As a result, the children had an object status.⁸⁹⁹ They were often spoken of as if they were commodities, for example, when talking about importing children, or more subtly, when adoptive parents expressed preferences for the characteristics of the child they wanted to foster.

The present inventory in the Federal Archives on ten source countries provides further clues for future historical studies after the two studies on Sri Lanka and the Canton of St. Gallen.⁹⁰⁰ In the third part of this summary, we outline the research needs from our perspective. In the first two parts, we summarize the results for the ten source countries and Swiss representations as well as for federal authorities.

15.1 Results on the ten countries of origin and the Swiss representatives

The ten countries of origin—Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Korea, Lebanon, Peru, and Romania—selected for this survey experienced different trends in intercountry adoptions from the 1970s to the 1990s. In the 1970s, most entry permits to Switzerland were granted for children from Asia. In the 1980s, the total number of all entry permits nearly doubled to 6,157 compared to the 3,520 permits in the 1970s. In the 1980s, Asia continued to lead, closely followed by South America. In the 1990s, South America became the leader when the total numbers were slightly below those of the 1980s. More children now came from Eastern Europe. Among the ten selected countries of origin, the highest number of entry permits for the period from 1970 to 1999 was 2,799 for children from India, followed by Colombia with 2,122, Brazil with 1,222, and Korea with 1,065 entry permits. Guatemala had the smallest number with 130 entry permits.

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Also, entry permits for children from Bangladesh and Lebanon were below 200. When adoptions were temporarily suspended in one of the countries of origin due to illegal practices, such as in Peru, Swiss authorities tried to find solutions with the responsible authorities to enable placements in Switzerland based on adapted laws. Alternatively, the demand from Swiss couples willing to adopt shifted to another country, as seen in the case of Korea.

For this survey, only case files, not individual cases, were reviewed, which are located in the Swiss Federal Archives. The focus is on the central question for this report: what did the Swiss representatives in the ten countries of origin and the federal authorities in Bern, especially the Federal Aliens Police and its successor agency since 1979, the Federal Office for Migration, know about illegal adoptions and how did they react, as far as can be reconstructed from the documents in the case files. During the investigation period, they had indications of irregular and problematic practices in many countries of origin. Swiss representatives and federal authorities regularly exchanged information about procedural errors. When illegal incidents became known in a country, 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.

While Swiss representatives had only an overview of the respective host country, federal authorities in Bern received knowledge about illegal adoptions from various countries of origin, from which foster children entered Switzerland for later adoption. Structural problems with all procedural steps become apparent in international adoptions in Switzerland. The reactions of Swiss representatives and federal authorities to irregularities were often similar. According to their areas of responsibility, they were only responsible for part of the processes, making it difficult to consolidate the collected information on illegal adoptions into comprehensive knowledge that pointed to cross-border problems. In case of irregularities, such as incomplete documents, they sought situational solutions.

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The crucial factors for this attitude of federal authorities and Swiss representatives were, first, the complex procedures with many involved parties that were difficult to control, the numerous responsibilities, and the cross-border legal provisions. Second, there was the prevailing belief that adopted children in Switzerland would have a better life than in their home country—a view shared with future adoptive parents and intermediaries. Third, of significant importance was the pragmatic reaction to the consistently high demand pressure, where the concerns of prospective adoptive couples were generally given higher weight than the interests of the adoptive children. Moreover, out of fear of negative press, they did not want to be seen as inhumane officials who sent children back. Leniency in entry was justified with the then consideration of the child's well-being, as a country of origin would no longer take back the child in question. A child entering Switzerland with inadequate documents presented the authorities involved with a dilemma between the guarantee of the child's well-being and procedural correctness.

The well-being of the child, which served as a central legal concept in the Swiss Civil Code, was a focal point for justifications, procedures, motives, and experiences of the involved actors, reflecting vividly the societal change in values behind adoptions and the associated family ideals and concepts of intact families. In the documents we reviewed from the case files, there is a discrepancy between the postulated respect for the well-being of the child and the practice, in which often other interests than those of the adoptive children took precedence. As a result, the children had an object status. They were often spoken of as if they were commodities, for example, when talking about child imports or more subtly, when adoptive parents expressed preferences for the characteristics of the child they wanted to foster.

The present survey in the Swiss Federal Archives on ten countries of origin provides additional clues for future historical studies, following the two studies on

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Sri Lanka and the canton of St. Gallen. We outline the research needs in the third part of this summary. In the first two parts, we summarize the results regarding the ten countries of origin and Swiss representatives and federal authorities.

Swiss representatives in Bangladesh, Brazil, Chile, Guatemala, India, Colombia, Korea, Lebanon, Peru, and Romania, along with federal authorities in Bern, repeatedly addressed the fact that a majority of prospective adoptive couples sought children abroad on their own without the assistance of official placement agencies. Such couples sometimes bypassed entry formalities, bringing children into Switzerland without the authorization of the Aliens Police, without their suitability as prospective foster parents being previously assessed by the guardianship authorities, or without valid passports. Prospective adoptive parents who sought a child directly on-site sometimes came into contact with child trafficking. In Peru, for this reason, there was an adoption ban since 1993, or a reciprocal agreement with an adoption agency approved by the foreign government was required. Such an agreement did not materialize between Peru and Swiss placement agencies; however, in 1997, an agreement was reached in a similar case with Romania, involving the Romanian Adoption Committee, the Bureau Genevois d'Adoption, and Terre des hommes Lausanne.

Swiss representatives and federal authorities were also repeatedly confronted with incorrect, incomplete, or forged documents. For example, future adoptive parents were sometimes listed as biological parents in the children's birth certificates, a practice common in Brazil. Important information such as the child's birthdate, details about the biological mother, or parental consent was sometimes missing. The case files we reviewed contain incidents of illegality. Authorities sometimes excused the illegal behavior of adoptive parents by attributing it to their lack of knowledge, naivety, or youthful romanticism. However, this was a misjudgment, especially in cases where couples did everything possible to adopt a child and may have committed offenses. For Chile and Brazil, several cases are

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documented where births were fabricated, a foreign child was presented as biological, and entries in the civil registry were forged or purchased.

Authorities also dealt with intermediaries who brought children to Switzerland under unclear circumstances. The case files, for example, contain information about Margret Bucher*, a Catholic nun from the canton of Appenzell Ausserrhoden, who facilitated adoptions from India without authorization and operated in Colombia without the authorities having clarity about her collaborators. The contacts in the children's country of origin, required by federal regulations at the time of accreditation, were not thoroughly verified in the responsible cantons in other examples.

Before listing the main findings for each country of origin, we highlight commonalities in the reactions to child trafficking, illegal adoption practices, and prevalent behaviors of Swiss representatives.

Externalization of the Issue and Language Creating Distance

Firstly, Swiss representatives in host countries externalized the issue of illegal adoptions outward. They mostly did not feel responsible for illegal practices if these did not directly fall within their jurisdiction. representatives were often only concerned about what lay within their area of competence and not generally about illegal practices in the host country. Their own territory was often narrowly defined. For example, it was not the task of embassies to "investigate the material truth of foreign civil status documents concerning Swiss citizens presented to them." In cases where Swiss representatives were confronted with child trafficking, they often reacted cautiously. When directly criticized for their approach, they sometimes rejected it or emphasized that they were following instructions from Bern and could not accomplish much on-site. Sometimes, they referred the case back to the Federal Office for Migration or other federal authorities. Swiss representatives also sought instructions from Bern. When child trafficking was uncovered in the host country, they sometimes pointed out that the respective

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government was now planning legal reforms to address the abuses, which they would report to the federal authorities at the appropriate time, together with additional media reports. This happened, for example, in Brazil and Peru. Only rarely did the embassy itself research child trafficking and send corresponding reports to the relevant federal authorities, as happened in the case of India or Korea. In Korea, an inquiry from Stefan Koch, Federal Aliens Police, in the mid-1970s initiated the investigation.

Part of this reaction to child trafficking also included a language creating distance. In the face of missing or incorrect documents, Swiss representatives spoke more of a "fait accompli" than of illegal adoptions. In Colombia, for example, the sale of children was euphemistically described as "astonishing even for Colombian standards." In Peru, the embassy spoke of "difficulties," even though it explicitly concerned child trafficking. Swiss representatives also linguistically distanced themselves by putting the replacement for child trafficking in quotation marks at the beginning and end of the phrase: in Colombia, there was talk of "adoptions and 'adoptions,'" in Peru, the embassy mentioned "illegal 'export' of children" and spoke of "'specialized' lawyers." Brazilian children were "'legalized' by means of untrue registration in the birth register." Such expressions were also used by federal authorities. The Federal Office for Civil Status described an illegal adoption to the Swiss Consulate General in São Paulo in 1980 as an "informal 'adoption'." The Federal Office for Migration used "'self-help' of adoptive parents," "'wild' procurement" of children, and "'fait accompli'" in quotation marks.

Reserved Reactions to Illegal Adoptions and Media Reports Triggering Inquiries

Swiss representatives often pointed out, in cases of child trafficking, that other receiving countries were affected or that the few adoptions facilitated in Switzerland had been conducted correctly, as in the example of Peru. However, when a child trafficking network was uncovered in Colombia in 1981, 22 adoptions in that year alone were enough to prompt investigations into whether Switzerland was also affected. Nevertheless, these investigations, as far as can be gleaned

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from the documents in the case files, were not thoroughly conducted. The Federal Office for Foreigners wanted to know if Swiss couples were involved in the child trafficking of 1981. The embassy merely mentioned that the papers would now be more strictly controlled after the scandal. Swiss representatives sometimes became active only when the reputation of Switzerland was at stake. In connection with the child trafficking of 1981 in Colombia, there is an indication that the authorities wanted to avert damage to Switzerland's reputation. This was also an important motive in the case of Sri Lanka. Similar indications exist for India and Ecuador.

Often, reports in the international, local, or Swiss press were the beginning of a reaction. When Swiss media reported on child trafficking, the authorities in Bern asked the representatives abroad for documentation and investigations into whether Switzerland was involved, as was the case in Colombia, for example. If the issue of child trafficking appeared in the newspapers of the host country, Swiss representatives collected these press reports, as in Guatemala, India, Colombia, or Peru, and sent excerpts to the federal authorities in Bern. Often, documentation was limited to newspaper articles, even if media reports on child trafficking continued over an extended period, as in Brazil, Guatemala, or Peru. The case files of Swiss representatives contain many corresponding newspaper clippings.

The knowledge of Swiss representatives about child trafficking or unscrupulous intermediaries mostly came from these media reports. However, obtaining evidence was challenging because individual case-related documents from the respective representative could not be thoroughly verified. In India and Korea, Swiss representatives, however, conducted thorough investigations on-site, as is also known for Sri Lanka. They sent their findings to the federal authorities. Conversely, the ambassador in Peru drafted a report on child trafficking – he spoke of bribes and bypassing formalities – which is in the case file but was not sent to the federal authorities at his request.

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Sometimes, foreign representatives organized themselves in crisis situations on-site. In Guatemala, Canada initiated an exchange among embassies in 1995, at a time when child trafficking was particularly evident, to discuss suitable measures that could stop child trafficking, such as maintaining lists of dubious lawyers. Either the Swiss embassy soon no longer participated or the meetings no longer took place – this cannot be determined from the corresponding case files. In Romania, foreign embassies increasingly communicated after the regime was overthrown in 1989.

The examined records provide some indications that Swiss representatives suggested to the authorities in Bern to better inform cantonal authorities about the conditions and pitfalls in certain countries, for example, in Brazil, Peru, and Romania. For Swiss representatives, it was often difficult to gather suitable information about dubious lawyers, as shown in this survey, especially for countries in South and Central America. The embassies also found little information about orphanages with question marks in Lebanon but limited themselves to questioning the nuns who ran the home. Often, the research remained fragmented. In Colombia and Korea, however, Swiss representatives and federal authorities, similar to Sri Lanka, obtained a comprehensive picture of how personnel from hospitals, orphanages, law firms, notaries, and courts collaborated in child trafficking.

Focus on Adoptive Parents

Although only the case files of Swiss representatives were reviewed for this inventory and not individual cases, it can be noted that foreign adoptions sometimes did not conform to the law. During the lengthy process, in these cases, an illegally received child brought to another country gradually transformed into a legally adopted child. Sometimes, discrepancies were already present in the birth register entry, or the entry was forged, as vividly illustrated by the example of Brazil. While Swiss representatives were aware of this, they often took the

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standpoint of not being able to judge the proceedings in the host country. When it came to preventing child trafficking, the focus of the representatives was therefore misplaced. It was primarily on the adoptive parents, not on the biological parents and the child. The requirements of Swiss law, that a child must be orphaned or abandoned to be adopted, required interpretation in practice and had serious consequences in the case of foreign adoptions. Because, by the nature of things, there was insufficient documentation for a child in these cases, Swiss actors assumed that the child was abandoned. This assumption, in the corresponding cases, resulted in the origin of the children not being thoroughly investigated. Sometimes, Swiss representatives were aware that supposed orphaned children still had parents. In Korea, for example, the Swiss chargé d'affaires ad interim spoke of a trade in "pseudo-orphans."

It is also noticeable that a potentially existing extended family structure or other supportive social structure in the village or neighborhood was rarely a topic when Swiss representatives and federal authorities looked at the countries of origin of adopted children. This disregarded the fact that there might be a kinship network or an extended social environment on-site that could have raised the child with suitable economic support. Regarding acceptable family forms, there were, however, different sociocultural contexts in the countries of origin that would need to be considered, something we could not accomplish within the scope of this inventory. From various countries, there are remarks in the documents that show unmarried mothers were stigmatized and, therefore, gave their children up for adoption.

From the documents in the Swiss Federal Archives, it repeatedly emerges that the employees of Swiss representatives and authorities at the federal and cantonal levels had a picture of the nuclear family with a traditional division of roles between fathers and mothers in mind when thinking about the well-being of foreign adopted children. This prevented openness to culturally different forms of upbringing in the country of origin and thus to alternatives to adoption. Together

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with the basic assumption that children in the country of origin were abandoned, this led to a narrative that tended to close itself off to the consequences of child trafficking: disadvantaged, abandoned children could be brought to a better world, where they grew up in nuclear families, and a non-working mother devoted herself to them. This purpose favored the Swiss representatives and authorities looking away during individual procedural steps in the child's country of origin. It also reflects a Eurocentric, postcolonially influenced societal attitude in Swiss post-war society. That support on-site could be an alternative to adoption was an opinion that was rarely expressed, as Stefan Koch of the Federal Office for Foreigners did in the mid-1970s.

In the files of Swiss representatives, there is rarely any mention of the children and their needs; much more consideration was given to the adoptive parents and their burdens, the high costs associated with adoption, and the necessary patience. Swiss representatives and Swiss authorities mostly a priori assumed adoptive parents had righteous intentions and correct behavior. Execution errors were often excused with reference to the lack of knowledge of the prospective adopters. Overall, the authorities were strongly influenced by the pressure that some prospective adoptive parents exerted, and they found themselves faced with *faits accomplis*. Once a child entered Switzerland, from the perspective of federal authorities, the child could not be sent back. The fact that prospective adoptive couples, driven by their strong desire for children, also pressured the Swiss embassies can be seen, for example, in the fact that embassy staff often almost apologized for how lengthy, time-consuming, and costly the processes were. When countries of origin initiated reforms to prevent child trafficking, the process for adoptive parents became more complicated or even impossible, for which embassies and consulates again asked for their understanding. The arguments rarely focused on higher legal certainty and protection for adopted children, which were sought with reforms. Rarely did embassy and consulate staff explicitly advise against adopting a child from the respective country of residence. In Peru, the pressure from prospective adoptive parents led the Swiss embassy, from 1993

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onwards, to diplomatically advocate at the highest level to find new solutions in the face of the de facto adoption ban. The authorities in Bern supported this approach or initiated it, with the leading role played by the International Private Law Section of the Federal Office of Justice, influenced also by the stance of Federal Councillor Elisabeth Kopp, who, as head of the Federal Department of Justice and Police in 1988, favored bilateral solutions. Overall, this is surprising in that the embassy could have informed Swiss couples that adoptions from Peru were no longer possible due to child trafficking. Instead, they even tried to win back Terre des hommes Lausanne for adoption mediation in Peru, in the face of the effective adoption ban, to channel the requests of prospective adoptive couples, as the Swiss embassy candidly described its motivation. However, Terre des hommes Lausanne refused at this point and preferred to wait due to child trafficking, observing the situation in Peru first. Eventually, the Hague Convention, which came into force in Switzerland in 2003, led to a cross-border instead of just a bilateral solution.

Personal relationships sometimes played a role. Economic and scientific representatives, members of authorities, and members of other embassies and consulates sometimes turned to Swiss representatives for themselves or on behalf of adoptive acquaintances and relatives. They often received more detailed information and support than other prospective adoptive couples unknown to embassy staff. Individual ambassadors advocated for placement agencies and orphanages in the country of residence, for example, in Colombia. Placement agencies were also endorsed in Switzerland by personalities, such as Terre des hommes Lausanne, through a National Councillor of the Social Democratic Party for their adoption placements from Brazil.

Language Barriers and Knowledge Gaps

Finally, we encountered structural factors that favored illegal adoptions instead of preventing them, such as language barriers. For instance, staff at Swiss representatives in India or Korea often did not speak the local language but

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communicated with local authorities mostly in English. In Korea, this sometimes led to embassy staff relying on the statements of a translator to verify a birth certificate. Additionally, diplomatic personnel often had only rudimentary knowledge of adoption laws in the host country. Complicating matters further, in countries like India, federal structures with locally varying legal provisions prevailed, or political upheavals in Romania temporarily resulted in lawless conditions.

Another difficulty was the fact that the staff at Swiss representatives changed regularly. While this helped minimize undesirable personal entanglements, it also meant that knowledge gained about the adoption process in the host country was often lost. Adoptions were also just a small field of activity for Swiss representatives, alongside all the other matters they dealt with. Furthermore, there was no central competence center on the topic in Switzerland. As a result, there was a knowledge asymmetry between authorities and placement agencies. The latter often had a better understanding of the situation in the country of origin than Swiss authorities. At least, that's what embassy staff and federal and cantonal officials assumed, and they were therefore interested in good cooperation with placement agencies. The fact that they sometimes overlooked deficiencies shows, for example, that cantonal supervisory authorities did not always precisely check the contacts on-site before accrediting a placement agency for a specific country of origin. The federal authorities also perceived a problematic dualism. From their perspective, difficulties arose with adoptive parents who independently sought a child, less so with those who correctly turned to a placement agency in Switzerland. The fact that even with this second approach, there were sometimes serious execution flaws, and the involvement of a placement agency was not a guarantee of a correct procedure, was neglected in this perspective.

Despite rotation, the task of diplomatic representatives was to build networks on-site. While mission chiefs changed regularly, local trusted lawyers often remained the first point of contact for Swiss representatives on legal issues for

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decades and were sometimes even recommended to prospective adoptive parents, leading to a mix of interests. When Swiss representatives were asked whether an institution or person involved in adoptions was trustworthy, there were often no means of verification. This sometimes resulted in very general statements about the reputation of a mediator. This, in turn, could become a problem when embassies and consulates, through the Federal Office for Foreigners, informed cantonal supervisory authorities that the contact of the Swiss placement agency on-site was in order, and supervisory authorities granted an additional permit for adoption placement for a specific country based on this information.

Bangladesh

Under the Bangladesh Abandoned Children (Special Provision) Order of 1972, a special provision that facilitated international adoptions, abuses occurred in Bangladesh from the early 1970s, as reported in international media. Under the pressure of these reports, the Bangladeshi government revoked the special provision in 1982. The drafting of a new law was delayed beyond the end of the investigation period of this report. This legal uncertainty posed a challenge for Swiss authorities and placement agencies. By the late 1980s, the Swiss representative explicitly advised against adoptions of children from Bangladesh.

Brazil

The case of Brazil illustrates numerous problematic to illegal adoption practices, including document and birth registry entry forgeries, last-minute swaps of children and actors who, without authorization, arranged for children to be sent to Switzerland. Throughout the investigation period, the media often reported on child trafficking. The Swiss consulates in Rio de Janeiro and São Paulo were confronted with cases where Swiss adoptive parents were listed as biological parents on the birth certificates of the children. They sought guidance from federal authorities on what to do. Federal authorities saw the responsibility lying with Brazilian authorities and judges to verify the authenticity of the information.

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As a placement agency, Terre des hommes Lausanne was active in Brazil. In 1987, Terre des hommes Lausanne signed an agreement with the juvenile court in Curitiba. Only a few years earlier, this court had faced allegations of child trafficking. Other Swiss placement organizations, such as Pro Kind Adopt Inform and its later iteration Bras Kind, operated in Brazil, as did individuals like Pastor Paul Noser* in São Paulo.

There are indications that additional consular districts, whose case files were not reviewed for this inventory, were affected by child trafficking, such as Fortaleza in the state of Ceará or Recife in the state of Pernambuco.

Chile

After an initial orientation phase in which the Swiss embassy compensated for missing language and legal knowledge, the focus in Chile was on the problems of forged documents and unauthorized placement activities on-site. During Pinochet's dictatorship between 1973 and 1990, there seems to have been hardly any critical media coverage of the international adoption of Chilean children, as only a few newspaper clippings from the Swiss representative's case files are collected for this period. Other documents in the files show that embassy staff were aware of abusive procedures in the 1980s. In Sweden, a historical review is currently planned for the time during Pinochet's dictatorship.

Chilean children were popular among Swiss people due to their light skin color, as in other Western countries. Many inquiries from prospective adoptive couples reached the Swiss embassy. The embassy staff supported prospective adoptive parents in keeping the bureaucratic effort to a minimum. They helped acquaintances, employees of other embassies, or individuals more than other prospective Swiss adoptive couples. In the mid-1980s, a cantonal law enforcement authority initiated proceedings in a case where a Swiss woman had pretended to give birth and falsely claimed a Chilean child as her own.

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In 1990, a peak was reached with 52 entry permits for adoptions from Chile to Switzerland. In the same year, a Swiss newspaper reported on an agency that promised to bring children from Chile to Switzerland quickly and without bureaucracy, and for this purpose, wanted to place an advertisement in said newspaper. Chilean media reported increasingly on forged documents and illegal activities after the end of Pinochet's dictatorship from 1990 onward. In response, the Swiss embassy increasingly refrained from making recommendations, such as for the involvement of specific lawyers on-site. At the same time, it addressed the fact that Chilean legal changes aimed at better protecting the child complicated the procedures for prospective adoptive parents.

The Association for Adoption Assistance and Pro Kind Adopt Inform mediated Chilean children to Switzerland. According to their own statements, Terre des hommes Lausanne did not want to be an accomplice of the dictatorship. The Swiss embassy also recommended a Swiss woman on-site whose status was unclear to prospective adoptive parents. When the Association for Adoption Assistance requested an additional permit for the placement of children from Chile from the competent cantonal authority and indicated this Swiss woman as a contact, this authority inquired with the Swiss representative in Chile, which raised no objections. Thus, the canton granted the Association for Adoption Assistance the additional permit for Chile, even though the contacts on-site were not clearly clarified.

Guatemala

The documented child trafficking in Guatemala primarily affected adoptions to the United States, Canada, and various European countries in terms of numbers. Few Guatemalan children came to Switzerland during the investigation period. In these rare cases, it was sometimes evident that birth certificates were forged. The Swiss embassy saw federal and cantonal authorities responsible for adoption matters. For a long time, the embassy recommended specific lawyers in response to inquiries from couples, even though the issue of corrupt Guatemalan legal

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representatives was known to them. During periods when child trafficking garnered significant attention in the Guatemalan press, the embassy was cautious with recommendations.

In 1992, Swiss authorities also addressed child trafficking in Guatemala based on media reports. The youth department of the canton of Vaud was concerned about a Guatemalan lawyer who facilitated the adoption of children to Switzerland. This lawyer openly admitted to earning \$8,000 per adoption. Documents show that the Federal Office for Foreigners Affairs asked the embassy for clarification triggered by the intervention of the youth department of Vaud. The Swiss embassy reported back what it had found out about the aforementioned lawyer.

In early 1994, child trafficking was again discussed, reaching high levels of the government and forcing those responsible in Guatemala to take action. On the initiative of the relevant Guatemalan adoption authority, foreign embassies in Guatemala City, including the Swiss representative, met. They discussed possibilities for stopping abuse, corrupt lawyers, and child abduction. An essential pillar was the education of future adoptive parents. Whether the meetings continued and whether the planned measures were implemented cannot be assessed based on the documents in the case files.

The issue of Guatemalan child trafficking did not fade away. In 2000, the Swiss embassy received indications, including a detailed report from the United Nations on the rights of children in Guatemala. The authors of this report expressed concern about the high number of Guatemalan children placed abroad, a clear indication of child trafficking, given the total population.

India

In the 1970s, India was the third most important country of origin for foster children to whom an entry permit into Switzerland was granted for later adoption, following Korea and Colombia. In the 1980s, India gradually tightened the regulations for

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international adoptions. From 1984, adoptions were only allowed through adoption agencies recognized in India, and from 1989, adoptions abroad were only possible in exceptional cases.

The records of the Swiss embassy in New Delhi and the Swiss consulate in Bombay testify that they had to deal repeatedly with the issue of child trafficking on-site and were confronted with various scandalous events related to adoptions of Indian children by Swiss individuals. For example, in 1981, the Federal Office of Justice warned the Federal Office for Foreigners Affairs about child trafficking in India. The fact that Swiss representatives in India were aware of the partially commercial adoption practices is evidenced by the numerous articles from Indian newspapers on this topic that they collected. In 1978 and 1982, Switzerland itself was the target of media criticism: Indian newspapers reported that Terre des hommes brought Indian children to Switzerland for medical experiments. This coverage led to investigations by federal authorities and cantonal immigration offices.

The scandal of child trafficking in Sri Lanka made waves in nearby India in 1982. In 1982, a Catholic nun of Swiss nationality who facilitated the adoption of children from India to Switzerland was involved in child trafficking. This prompted the Swiss embassy in New Delhi to report on the situation on-site. The ambassador did not rule out a similar scandal to that in Sri Lanka occurring in India and called for better education of prospective adoptive parents by cantonal authorities. The Swiss vice-consul in Bombay also wrote a report on adoptions of Indian children, both distancing themselves from illegal adoption practices by emphasizing that Swiss representatives adhered to Indian and Swiss laws correctly and that child trafficking occurred in areas not under the jurisdiction of Swiss authorities. They also held prospective adoptive parents accountable.

Authorities repeatedly addressed couples seeking a child in India without an accredited placement agency. These couples were willing to do almost anything

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and thus potential victims of child traffickers. Irregularities in the process were also a recurring theme in the files. Swiss intermediaries and an Indian lawyer, recommended by the embassy for a long time, also came under criticism. In general, it is evident that the control and verification of placement activities were challenging.

Colombia

In 1981, a child trafficking ring was uncovered in Colombia. Swiss authorities dealt with this scandal after Neue Zürcher Zeitung published a short notice about it. They wanted to clarify whether the scandal also affected Colombian children who had entered Switzerland and whether there was a risk of damage to Switzerland's reputation. As part of their research, federal authorities gained detailed knowledge of how the involved Colombian lawyers, officials, and judges proceeded. It cannot be proven based on the documents in the relevant case file whether the original question of whether the scandal also affected placements in Switzerland was clarified; additional sources, such as individual case files, would need 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 confronted officials upon entering Switzerland when they arrived with a Colombian child for whom they did not have the necessary documents or if these documents contained inconsistencies. The Swiss representative did not advise against adoptions from Colombia, even when prospective adoptive parents expressed concerns about being involved in child trafficking.

There were problems with Swiss placement agencies operating in Colombia at different times, but these can only be fragmentarily traced based on the documents preserved in the case files. The activities of the placement agencies with additional authorization Terre des hommes Lausanne, Adoption International, and Bureau Genevois d'Adoption in Colombia could be examined based on

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additional record collections, such as by consulting adoption files from the relevant municipalities or the documentation of the placement agencies themselves.

Korea

Korea was, for a long time, the most important country of origin for international adoptions for Swiss nationals. In the 1970s, most children intended for adoption in Switzerland arrived from Korea. However, from the mid-1970s, the East Asian country largely curtailed the adoption of Korean children for various countries, including Switzerland. From 1988, the Korean government almost completely restricted international adoptions.

The collection of the Swiss embassy in Seoul is relatively small and provides only approximate answers to the questions in this report. More detailed information on irregularities in the adoptions of children from Korea can be found in the collection of the Federal Office for Foreigners Affairs, which contains a separate case file on foster care and adoptions from Korea. Correspondence between the Federal Alien Police and the Swiss embassy in Seoul addressed adopted children who were reclaimed by their biological parents. Stefan Koch from the Federal Alien Police initiated investigations. A report from the mid-1970s by an employee of the Swiss embassy in Seoul on "the Korean adopted children problem" is crucial. This report, sent to the Federal Alien Police, discussed various problematic to illegal adoption practices. Criticism was particularly directed at the Korea Social Service, which, in collaboration with Terre des hommes Lausanne, facilitated the adoption of children to Switzerland. The organization was considered to have a commercial character and viewed the adoption of children as a "lucrative business." Other Korean intermediaries working with Terre des hommes were also suspected of engaging in child trafficking around 1977. The embassy reported to Switzerland that Korean children were being presented as orphans to facilitate adoption. The Swiss chargé d'affaires ad interim spoke of "trade" with "pseudo-orphans."

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Correspondence between the Federal Office for Civil Status and the Swiss embassy addressed issues such as missing or incorrect information on names, birthplaces, and birthdates of children. Language barriers in Korea were also significant. The embassy often relied on translators on-site who did not always speak English well. The records also illustrate the difficulty of controlling and assessing intermediaries.

Lebanon

During the investigation period, only a few entry permits for children from Lebanon were granted to Switzerland for later adoption. The small collection of the Swiss representative contains few indications of child trafficking and problematic adoption practices in Lebanon. The dossier on Lebanon in the collection of the Federal Office for Foreigners Affairs provides more insight into this issue.

Adoption procedures varied depending on the religious community or, in the case of Islamic communities, were not known at all. Christian communities played a crucial role in facilitating the adoption of Lebanese children to Switzerland. For example, the Crèche St. Vincent-de-Paul, led by nuns who emphasized the religious education of children, was an important partner for the Service d'adoption du Mouvement Enfance et Foyers in Fribourg. The Crèche was involved in about half of the adoptions of children from Lebanon to Switzerland between 1976 and 1994. Many unmarried mothers gave birth to their children in the Crèche, and some of them were given up for adoption by the nuns. The origin of the children was not documented by the Crèche, as investigations by the Service d'adoption du Mouvement Enfance et Foyers in 2000 at the Swiss representative revealed during the ratification of the Hague Convention. The placement agency was at that time confronted with inquiries from adult adoptees from Lebanon seeking their origins.

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During the investigation period, a newspaper reported that in Lebanon, doctors, midwives, and nurses engaged in child trafficking with newborns. In this context, the offer of the Crèche to take care of formalities when Swiss couples independently located infants seemed questionable. Stefan Koch of the Federal Alien Police in the 1970s referred to existing procedures on a case-by-case basis, urging adherence to them.

Peru

The collection of the Swiss representative in Peru contains indications of child trafficking from various decades. Peruvian and foreign press, including in Switzerland, repeatedly reported on illegal adoption practices, irregularities in local procedures, and child trafficking. The Swiss representative in Lima collected newspaper articles and informed Swiss authorities and prospective adoptive couples about the serious deficiencies, often referring to them merely as difficulties. A detailed report on child trafficking in Peru was prepared in 1983 by the then-responsible Swiss ambassador, but the report was not sent to the relevant federal authorities.

In addition to the obvious cases of child trafficking, the involved authorities and interested Swiss couples repeatedly addressed procedural irregularities, such as exceeding competencies by Peruvian notaries or forged consent declarations. The many scandals led to a de facto halt in adoptions at the beginning of the 1990s, initiated by the responsible Peruvian authorities. However, throughout the 1990s, the Swiss embassy continued to receive inquiries from Swiss couples interested in adoption. This prompted the embassy and federal authorities to seek a bilateral solution to lift the hiatus. The Swiss embassy intervened at the highest levels within the relevant Peruvian authorities. However, the federal authorities and the embassy were unable to persuade Terre des hommes Lausanne to enter into a bilateral agreement with Peruvian adoption authorities. Such an agreement would have been a prerequisite to continue bringing children from Peru to Switzerland for adoption.

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Looking back, the Swiss embassy in Lima described the adoption possibilities for interested Swiss couples as follows: "Until 1992, it was possible, albeit with certain difficulties, to adopt children from Peru, provided one had a good (and often costly) lawyer, financial means, and enough time, patience, and the willingness to deal with the relevant authorities for several months. The circumvention of these adoption formalities became more significant, and the illegal 'export of children' took on considerable proportions. Weekly, we saw arrests of 'specialized' lawyers on television and in newspapers." After that, there was the mentioned halt. The Swiss Federal Archives hold many, sometimes extensive, individual case files in the records of the Swiss representative, which were not reviewed for this report.

Romania

Child trafficking and irregular practices in Romania were a recurring theme throughout the investigation period. When, at the end of the 1980s, the Romanian side blocked adoption procedures for political reasons, the Swiss representative and federal authorities worked to conclude these procedures. Federal Councilor Pierre Aubert personally intervened with President Nicolae Ceaușescu to complete blocked adoption procedures. Immediately after the fall of the Ceaușescu regime in 1989, the Swiss embassy quickly located the Romanian children intended to be taken in by Swiss couples in institutions and expedited their arrival in Switzerland after rapidly concluding the formalities.

After the fall of the regime, there were many media reports in the 1990s about child trafficking and corruption, which the Swiss embassy informed the federal authorities about, and about which the representatives of Western countries on-site were also in exchange. The Swiss embassy primarily saw the authorities in Bern or the Romanian authorities as responsible for doing something about child trafficking and corruption. The adoption agencies Bureau Genevois d'Adoption, Terre des hommes Lausanne, and Pro Kind Adopt Inform withdrew from their placement activities in Romania at the end of the 1990s. RomAdopt continued to

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facilitate the adoption of children from Romania to Switzerland. In 2004, an interpellation in the National Council requested information about the placement activities of RomAdopt.

15.2 Results Regarding Federal Authorities

Like the Swiss representatives on-site, the federal offices in Bern responsible for foreign adoptions were also informed early on about implementation problems, illegal adoptions, and child trafficking. Their approach to this knowledge was ambivalent. They consistently insisted on compliance with guidelines with the Swiss representatives, cantonal authorities, adoptive parents, and placement agencies. Faced with individual cases that presented them with a *fait accompli*, they were often accommodating. Adoptive parents were almost never held accountable for incorrect and sometimes illegal behavior, not even by cantonal authorities. An exception encountered in the case files is related to an adoption from Chile, where the responsible canton responded to the illegal procurement of a child with criminal investigations. Furthermore, the consulted case files make it clear that the members of the authorities already had a clear awareness of the high civil significance of the welfare of the child in the mid-1970s. However, the interests of the children often took a back seat, as those in charge in Switzerland and in the countries of origin acted under the pressure of prospective adoptive parents.

The federal offices had an ambivalent attitude towards foreign adoptions. On the one hand, the Federal Office for Foreigners' Affairs advocated supporting children locally, as evidenced in statements by Stefan Koch. On the other hand, they wanted to provide abandoned and orphaned children with a better life through adoptions in Switzerland. These two opposing attitudes were not only found at the Federal Office for Foreigners' Affairs but also early on at Terre des hommes Lausanne and other placement agencies. Terre des hommes Lausanne opposed child trafficking and engaged in on-site support through sponsorships, but was nevertheless active in adoption placement in various countries. Other

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organizations, such as Adoption International in Colombia, partially placed children from homes into Switzerland, aiming to allow the children to grow up in their familiar cultural environment in their home country.

Federal Office for Foreigners' Affairs

The extensive holdings of the Federal Office for Foreigners' Affairs, formerly the Federal Office of Immigration, are crucial for the present investigation. The Office approved entry permits from cantonal immigration authorities and was thus involved in the key moment of the arrival of a foster child in Switzerland in the adoption process. It played an expert role in foreign adoptions and served as a point of contact for questions of various origins. The Federal Office for Foreigners' Affairs was in contact with the Swiss representatives in the children's countries of origin as well as with cantonal authorities and was sometimes also directly contacted by prospective adoptive individuals. The holdings show that the Federal Office had an overview of problematic and illegal practices in adoptions of children from different countries in this way. When foreign adoptions emerged in Switzerland in the 1970s, various implementation problems in the adoption process, such as the fact that foster parents did not comply with entry formalities and brought the children to Switzerland without prior authorization, were already evident.

Although it was continuously highlighted that many prospective adoptive parents bypassed placement agencies, tighter control was not introduced. Centralizing oversight of adoption placement, as in other countries, could not establish itself against the federal structures in Switzerland during the examined period. Instead, the emphasis was on education and information. The Federal Office for Foreigners' Affairs made efforts for years to influence cantonal authorities and the public through campaigns. It repeatedly approached Swiss representatives in host countries, urging caution and warning against child trafficking. For example, Stefan Koch intervened with Swiss representatives in Brazil, Chile, India, Korea, Colombia, and Lebanon in case of discrepancies in entry permits. The Federal Office for

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Foreigners' Affairs, or the Federal Office of Immigration, was in communication with the International Private Law Section of the Federal Office of Justice, which regularly updated its overview of laws in the countries of origin of adopted children, especially during times of scandals.

A kind of centralization occurred in the person of Stefan Koch, an official at the Federal Office of Immigration, which promptly led to criticism from the cantons, asserting their sole responsibility for approval and supervision in adoption matters. They complained that Koch unjustly interfered in substantive matters, such as expressing criticism of the employment of a foster mother or the quality of a placement agency. Koch insisted repeatedly on compliance with legal requirements and the correct sequence in the process. His presentations were sent to Swiss representatives and published in the Journal of Guardianship Law, reaching a wide circle of professionals at the federal and cantonal levels.

In 1983, the Federal Office for Foreigners' Affairs specified in a circular to Swiss representatives and to the cantonal authorities responsible for adoptions the applicable regulations for the adoption of a child from abroad. This aimed to raise awareness of the problem of irregular practices and prevent abuses. The representatives were instructed to verify the validity of all documents necessary for departure and the court judgment before granting a visa, ensuring compliance with local laws. The child needed a valid passport from their home country and an entry visa. Furthermore, the Federal Office for Foreigners' Affairs urged Swiss representatives abroad to "periodically inform about everything" related to the adoption of foreign children. It requested reports on local conditions, uncovered abuses, reactions from the press and authorities, and any changes in relevant legislation requiring an adjustment to Swiss practices. It also asked the representatives to review the activities of intermediaries in the host country and report individuals who "violate local laws."

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The repeatedly mentioned issue that prospective adoptive couples sometimes brought a child to Switzerland without a recognized placement agency, prior authorization, or the required social reports was known to federal authorities and was discussed repeatedly. In 1978, the Federal Office of Immigration reported that the majority of couples chose their children abroad themselves. It is striking that, in almost all cases in the material we have reviewed, the entries were approved, even when there were concerns. In fact, the competencies of the Federal Office of Immigration, or its successor authority, the Federal Office for Foreigners' Affairs, were limited. The office had no way to reject entries for immigration reasons if the prior reports from cantonal immigration authorities and guardianship authorities were positive. The Federal Office for Foreigners' Affairs could only urge the relevant cantonal authorities to create clear guidelines in their cantons and carefully assess the parenting suitability of foster parents. Regarding the process, the Federal Office for Foreigners' Affairs, according to its own competence, kept an eye on the timing of the children's entry into Switzerland.

Federal Office of Justice and other Federal Authorities

The Federal Office of Justice played a central role when federal legal foundations for adoption were revised or when Switzerland adhered to international agreements. It formed expert groups and was responsible for consultations. Many of the relevant case files in the Federal Archives are not the focus of this survey but are nevertheless of central importance for the examination of the history of domestic and international adoptions in Switzerland. The Section for International Private Law always sought to have up-to-date knowledge of adoption laws in the countries of origin of the children and examined their compatibility with Swiss law. Swiss representatives in host countries sent newspaper reports and other information about child trafficking to Bern. Thus, the Federal Office of Justice received many indications of illegal adoption practices, for example, in India and in the countries of Central and South America. The Federal Office also knew that certain Swiss placement agencies and individuals with unclear intermediary status were involved in adoption procedures. The information about dubious

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intermediary activities was forwarded by the Federal Office of Justice to the responsible supervisory cantons.

The case files from the Secretariat of the FDJP contain responses from the consultation process on the revision of the Foster Child Ordinance. Adoptive parents and prospective adoptive couples expressed concern that international adoptions would be made more difficult by the revision. They addressed their letters, at times, to the relevant federal councillors.

The examined case files from the central EDA archive provide insight into the collaboration between federal authorities and Terre des hommes Lausanne. The central EDA and Swiss foreign representatives addressed issues raised by Terre des hommes Lausanne. In this context, they were aware of inaccuracies in official documents in the case of adoptions of children from Bangladesh. Furthermore, the case files from the central EDA archive document how the authorities supported Adoption International Kreuzlingen in expanding its placement activities in India.

Cantonal and Municipal Authorities

Regarding cantonal authorities, we can only make marginal statements as we considered files related exclusively to Swiss representatives and federal authorities for this survey. Sometimes, cantonal and municipal authorities inquired very precisely. In the archives of cantons and municipalities, it could be investigated what happened in individual cases if, for example, a required document was missing.

Some cantonal authorities seem to have been more critical than others. This included, for example, the Canton of Vaud, which fulfilled its reporting obligation by repeatedly drawing the attention of the Federal Office of Foreigners' Affairs to child trafficking and irregularities in international adoptions. The Canton of Vaud was a hotspot for international adoptions because several placement agencies

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were active there, including Terre des hommes Lausanne, with a scope covering many countries of origin of adopted children, and because individuals appeared who arranged adoptions without authorization, such as from Lebanon or Guatemala.

An important issue is the cantonal supervision of placement agencies. Additional permits were often issued, even though the contacts of intermediaries on-site in the country of origin were not precisely verified, as evidenced in the case of South American countries. In some cases, intermediaries who declared themselves as private individuals did not have the necessary permits, or their status had not been clarified by the responsible cantonal supervisory authority.

15.3 Outlook on Further Research Needs

Research on the history of international adoptions in Switzerland is still in its early stages. It is becoming apparent that there were irregularities and instances of illegal adoptions in many countries of origin. Swiss representatives and federal authorities were aware of these scandals and dealt with numerous implementation problems in international adoptions, which also affected procedures in cantons and municipalities. However, a comprehensive picture is lacking. It is necessary to investigate who acted as intermediaries in the countries of origin and in Switzerland. Furthermore, more knowledge is needed about the motives of adoptive parents, whose demand was a significant driver in international adoptions. Adoptees experienced their upbringing in Switzerland differently. Some grew up with the premise that they had a better life here than in their country of origin and were expected to be grateful, reflecting the prevalent opinion in Swiss society at the time. Others view their childhood and adolescence in retrospect as free from such challenges. It is essential to understand what the different experiences mean for their future lives, as well as the effects of irregular practices on the current search for origins by adopted individuals, which is complicated by false and incomplete documents. Finally, a comparison of international with domestic adoptions in official actions is warranted, as well as

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international comparative studies on both the countries of origin and receiving countries.

Countries of Origin of Adopted Children

For the ten countries of origin covered in this survey, irregularities in adoption procedures and evidence of illegal adoptions have been found. Moreover, in the case files, we have indications of child trafficking in additional countries, which were not further investigated within the scope of the mandate. This, in turn, means that a historical examination is necessary for all countries of origin from which children were placed for adoption in Switzerland. This research gap also applies to the period after 2003 when oversight of Swiss intermediaries shifted from the cantons to the Federal Office of Justice, and Switzerland ratified the Hague Convention. Even after 2003, there were still countries that had not joined the international agreement for the better protection of adopted children against child trafficking, and from which children were placed in Switzerland, such as Ethiopia. Furthermore, it needs to be clarified how adoption procedures were carried out after 2003 when both sides had ratified the Hague Convention. A systematic examination of all countries of origin of adopted children will reveal similarities and differences in practice. Moreover, international comparisons with countries to which children were placed for adoption would be of great interest. This would allow a better estimate of the extent of child trafficking and irregular placement activities, as well as the various official response patterns.

Different economic conditions over time should also be taken into account. For instance, adoptions of children from countries of the post-communist era likely represent a separate issue. The example of Romania shows that there were incidents of child trafficking not only during the Ceaușescu regime but also afterward during a period of political vacuum. The same applies, under different political circumstances, to Chile during and after Pinochet's dictatorship. Additionally, for this report, no African country was represented in the sample. Research on Ethiopia would be particularly important, as the Federal Office of

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Justice stopped adoptions from this country in 2016 for reasons that still need to be examined. Adoption halts are generally an interesting historical topic. For all countries of origin, it would be crucial to investigate whether and when such bans were imposed, who initiated them, and how Swiss authorities responded.

This survey could not delve into the socio-historical context in the ten countries of origin. Besides adoption procedures and responsibilities in each respective country, the influence of political conditions, including dictatorial forms of government or civil wars, religion, economic sectors, possible drug and human trafficking, poverty, family models, and forms of upbringing would also need to be examined. This country-specific knowledge would be of great importance for adoptees to better understand the circumstances of the events at the time and integrate their personal adoption experience into their own biographies. For future research projects on additional countries of origin, it will be important to scrutinize the contexts of the Cold War and the post-colonial era more closely.

It should be emphasized that we only examined the case files of Swiss representatives and federal authorities, not the documents related to individual adoption cases, which are partially present in the material. For countries like Peru with documented child trafficking, many such individual case files exist in the Federal Archives. We refer to the corresponding holdings for the ten countries of origin in the bibliography for the unpublished sources.⁹¹²

Responsible Authorities and Adoption Procedures in Cantons and Municipalities

The analysis of individual case files from the Federal Archives can be complemented by material found in the archives at the prospective adoptive parents' former place of residence and with the canton of the adoptive parents. In particular, the records of the guardianship authorities or courts, which were responsible for overseeing the required two-year foster relationship, are of great interest to historical research. It needs to be individually verified to what extent the

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prescribed procedures in Switzerland were followed, as exemplified in the report on adoptions from Sri Lanka for the cantons of Bern, St. Gallen, and Geneva, and as recently analyzed in another study on the canton of St. Gallen.⁹¹³

The files in cantons and municipalities can provide insights into a variety of issues. During suitability assessments, the so-called social reports, in particular, reveal not only the motives of prospective adoptive parents—where their documented statements played a significant role in social desirability—but also the family ideals of authorities and social work professionals. With home visits, the foster relationship was monitored and documented for at least two years. These documents show how professionals assessed the constellation and atmosphere in the prospective adoptive family and how they reacted to any difficulties. According to PAVO, a guardian or advocate was to be appointed for the foster child. Whether and in what form this was done needs to be investigated. It could be problematic, for example, if a related person represented the interests of the prospective adoptive parents rather than those of the child or if a mediator involved in the process was appointed for guardianship. In this context, it is necessary to identify the commonalities and differences between small, rural communities and large urban municipalities, whose authorities were characterized by varying degrees of professionalism.

If there were gaps or discrepancies in the documentation upon a child's entry into Switzerland, the correspondence between cantonal foreign police, the Federal Office for Foreigners, 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, it was common for municipalities and cantons to inquire with federal authorities about irregularities, triggering further investigations at Swiss representatives in the child's country of origin. To highlight different cantonal adoption policies, the opinions from cantons on consultation procedures conducted by the Federal Office of Justice during legislative revisions could also be analyzed.

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Of great relevance to historical research are the records of the authority or court that, in the respective canton, pronounced adoption after the two-year foster relationship. It reveals the information basis on which decisions about final adoption were made. Finally, relevant documents from law enforcement authorities in the cantons are present, which, in individual cases, initiated proceedings against prospective adoptive parents suspected of illegal actions. During our review of the Federal Archives material, we encountered only one such case concerning an adopted child from Chile. Incidentally, we found another example related to Brazil in the Swiss Journal of Guardianship Law, in which a Swiss couple was sentenced to imprisonment for forgery of personal status and fraudulent notarization.⁹¹⁴ Targeted legal historical research in relevant legal journals and databases on adoptions and criminal law could lead to further insights. Moreover, it is likely that civil disputes in adoption matters were appealed to cantonal higher courts and ultimately to the Federal Supreme Court. A systematic evaluation of case law on international adoptions could shed light on procedural flaws and substantive issues that needed clarification at a particular point in time.

Until the end of 2002, cantons were responsible for overseeing placement agencies. It needs to be investigated how they reviewed their activities, under what circumstances they extended approvals, and how they responded to reports that individual intermediaries were not working ethically. A central question is on what basis cantons granted additional approvals to placement agencies for specific countries of origin of adopted children. For example, the examined material has shown that their local contacts were not always adequately verified. It also happened that placement occurred at least temporarily, even though there was no corresponding approval. The extent to which and how cantonal oversight responded to indications of abusive practices must be investigated. Cantonal central authorities had the authority to withdraw approvals.

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Federal Authorities and Legal Discourse

Since 2003, the oversight of placement agencies has been under the jurisdiction of the Federal Office of Justice. This oversight also needs to be examined for the period up to the present. Until the late 1990s, the Federal Office of Justice seems to have generally limited itself to confidentially forwarding information on child trafficking and problematic procedural practices to cantonal central authorities. The records of the Federal Office of Justice also provide insight into the legislative processes concerning domestic and international adoptions in Switzerland. Another research gap would be the analysis of legal discourse or how the issues related to international adoptions were addressed in professional circles, for example, in 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 comments on adoption law in the Swiss Civil Code were guiding for practitioners, as were his contributions to professional journals. The international legislation would 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 records in the online access of the Swiss Federal Archives, the ratification and implementation in both cases seem to have taken a long time.

The Federal Office for Foreigners intervened in international adoptions in Switzerland repeatedly, attempting to bring about clarification on open questions. The interaction with other relevant authorities at the federal and cantonal levels needs to be further explored in additional research projects. For example, we could only partially shed light on the role of the Central Administration of the Federal Department of Foreign Affairs (EDA) in Bern or the General Secretariat of the Federal Department of Justice and Police (EJPD). It is also interesting to investigate how the responsible federal councilors reacted to spreading rumors of child trafficking or serious enforcement issues. In some cases, adoptive parents even seem to have directly approached the heads of the respective departments. Existing personal files could provide more detailed information, as well as a

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systematic analysis of case files from the general secretariats of the involved departments. Further research should also examine motions and debates in the federal councils on adoption practices in Switzerland, as well as the corresponding negotiations in cantonal parliaments regarding implementation in cantons and municipalities. The biggest research gap concerning authorities lies in the adoption practices at the cantonal level. It is necessary to explore the history of adoptions for all cantons.

Intermediaries in Switzerland and in the Country of Origin of Adopted Children

The adoption placement agencies require a historical analysis, but they are only indirectly mentioned in the records of the Federal Archives. The following organizations were identified 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 organizations, such as Bureau Genevois d'Adoption, Pro Kind Adopt Inform, and Terre des hommes Lausanne, were active in various countries. For analysis, the records in the Federal Archives for each placement agency, as well as the files of cantonal supervisory authorities and the agencies themselves, could be evaluated. Interviews with former intermediaries could also be considered.

Terre des hommes Lausanne was one of the most important placement organizations in Switzerland, with a diverse range of activities and country-specific policies that have not yet been fully analyzed. In Peru, there were contacts with the president's wife while Terre des hommes Lausanne was facilitating adoptions, but there was also a lawsuit filed against Terre des hommes for child trafficking. As a result, the organization refused to facilitate adoptions of Peruvian children to Switzerland, despite pressure from the embassy and federal authorities to relieve the numerous requests from prospective adoptive couples. In Colombia, a Terre

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des hommes employee had her activities prohibited by the government. In Chile, Terre des hommes did not want to be an accomplice to the dictatorship. The organization inquired in Bern in the late 1970s about the possibility of reducing flight prices for Indian children, and in 1975, a solution was found to allow Bangladeshi children to enter Switzerland despite discrepancies in documents. Terre des hommes Lausanne had proposed centralizing supervision of placement agencies in Switzerland as early as 1988.

The local impact of placement organizations should be closely examined. For example, there were many international adoptions in the Zurich Lake area because several intermediaries were active in the canton. Adoption opportunities spread within the social community through word of mouth or were advertised through local newspapers. Many children were also placed in the French-speaking part of Switzerland because several placement agencies were located there and brought children from various countries to Switzerland. Alice Honegger, with Adoptio, was licensed in St. Gallen and facilitated adoptions from India and Sri Lanka. From the consulted records, it appears that Alice Honegger also gathered information about conditions in the countries we examined. Other cantons appear less frequently in the documents from the ten countries we investigated compared to St. Gallen, Vaud, and Zurich. Whether there is a connection between this and the selection of the ten countries of origin remains open, and it's possible that children from other countries were adopted in other cantons. For an overview, statistics could be compiled based on the number of adopted children, broken down by cantons and countries of origin. The role of individuals who declared themselves as private but still supported couples in adoption procedures should also be investigated.

There is sometimes a problematic mixing of different tasks at placement agencies, and this should be examined. In some cases, one of their representatives was the guardian of the child during the foster care phase but also advised prospective adoptive parents. Such conflicts of interest are evident in initial research results on

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domestic adoptions of illegitimate children in Switzerland up to the 1970s. The bundling of tasks in a single professional was questionable for the child's welfare because there was no legal representative for the child.

An interesting field of research is the role of religious organizations and networks in international adoptions. Catholic orders, in particular, were well-established and had a long tradition in the 20th century of placing children of unmarried mothers for adoption within Switzerland and running infant and children's homes. They had a network in Switzerland, which they expanded in the 1970s as international adoptions became more common. Catholic organizations worked across borders, establishing themselves in the countries of origin of the children, especially where Catholicism had a significant presence. In the reviewed records, we encountered Ingenbohrer Sisters in Bangladesh and other Catholic nuns in India, Colombia, and Lebanon. An evangelical pastor gained importance in adoption placement to Switzerland in Brazil. Mother Teresa, with her Missionaries of Charity order, appeared in several adoptions of children from India and was personally in contact with the Swiss ambassador there. It would be interesting to explore how the rescue idea intertwined with Catholic images of family and sexuality. Notions of the impurity of unmarried mothers may have been a significant motive for Catholic-oriented adoption placement. An open question is how many of the state-recognized placement agencies in Switzerland were influenced by Catholicism, such as the Seraphic Love Work in Zug, which is currently under historical investigation.

The question also arises as to whether Swiss authorities were more reserved in criticizing Catholic and evangelical actors. Sister Hildegard* in India, Pastor Noser* in Brazil, and the nuns in Bangladesh and Lebanon seem to have had considerable autonomy. They were only questioned about child trafficking in a veiled or restrained manner. This raises the question of how Swiss authorities perceived supervision over church institutions. Another interesting point would be to investigate with whom the sisters, who ran homes in the countries of origin and,

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as a side activity, facilitated adoptions to Switzerland, collaborated locally. Were these only adoptive parents who, in this case, independently sought a child and came into contact with the sisters? Or were these sometimes placement agencies with approval for their activities in Switzerland and representatives on-site?

Adoptive Parents

In the examined case files, various issues regarding adoptive parents are evident. There are adoptive parents who sought to bypass placement agencies and procedures in Switzerland, taking it upon themselves to find a child. Many indications suggest that prospective adoptive parents often did not involve a Swiss-recognized placement agency but directly contacted local contacts to seek a child, thus avoiding long waiting times. This was known to federal authorities for years, and the working group "Third World Adoptions," established by the Federal Office of Justice, identified this as a problem in 1986. The number of adoptive parents acting independently appears to be high based on our inventory and the results of the Sri Lanka report. However, further research would be needed to explore this in more depth.

Regarding the pressure exerted by prospective adoptive parents on authorities with their demand, a comprehensive picture has not yet emerged. Additional archives need to be evaluated for this purpose. Through biographical interviews, it could also be explored whether and how conflictual the relationship is between adoptive parents who independently brought a child to Switzerland compared to adoptive parents who adopted their child through a placement agency, typically a more time-consuming process. It should be considered that even when working with a recognized placement agency, there were sometimes significant deficiencies, as shown by the example of the intermediary Alice Honegger in the report on Sri Lanka.

Regarding the social background of adoptive parents, we can say little based on the reviewed material. It was certainly demanding and costly to travel abroad,

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requiring a certain level of communication and intercultural skills. However, it appears that not only well-off couples could afford the adoption of a foreign child. Letters from prospective adopters to the representatives, in which they reported on their language problems and uncertainties about traveling to the respective country, sometimes mentioned their profession or other remarks that allowed an inference about their social status. The evaluations in Bern, Geneva, and St. Gallen in the Sri Lanka report have also shown that adoptive parents came from different social strata.

As documented in the examined records, the motives and desires of prospective adoptive parents included a preference for a very young, healthy, and sometimes a predominantly white baby. In the records related to Chile, it was mentioned that Chilean children were popular due to their white skin color. Sometimes, a specific gender, often a girl, was explicitly desired. Many prospective adopters inquired about adopting two children or considered adopting another child later on. In many inquiries to Swiss embassies and consulates, couples cited their own childlessness as a reason for adoption. Occasionally, they stated that they consciously chose not to have their biological children to provide a home for children from the Third World, as they expressed it.

In the material, there is a recurring theme of couples expressing an urgent desire for children and a certain sense of entitlement to an adopted child. Similar to contemporary issues with surrogacy and reproductive medicine, there was a socially accepted attitude that adoptive parents fundamentally had a right to a child. Our hypothesis suggests that this was based on the prevailing discourse throughout the study period, asserting that adoption was beneficial for all parties involved and that adopting a child in Switzerland would provide a better life than in the country of origin. This discourse, overwhelming for all parties involved, provided legitimacy for the pressing desire of prospective adoptive parents. In cases involving child trafficking, this discourse served as a cover for the illegal activities of intermediaries, where the charitable idea masked the desire for

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parenthood, preventing prospective adoptive parents from critically questioning excessive placement fees. However, we also found statements from prospective adoptive couples who explicitly feared being involved in child trafficking and, for this reason, abandoned their search for a child abroad. There were probably more cases like this than documented in the files. Conversely, some couples willingly exceeded legal limits to bring a child to Switzerland. Stefan Koch of the Federal Aliens Police suspected early on that the pressing desire for children was at the forefront of prospective adopters' minds, not the development aid towards the Third World or the idea of saving a child from a slum. It is necessary to examine the motives of adoptive parents in the context of the prevailing societal discourses about intact families at that time.

We found little about gender-specific motivations of adoptive fathers and mothers. A topic for further study would be to explore to what extent societal gender roles, such as the feeling of not conforming to a motherly image as a childless woman, influenced women's desire to adopt. Research in municipal archives would be important for studying the motivations of adoptive parents, especially from social reports stored there. Additionally, conducting interviews with adoptive parents to find out how their relationship with their adopted children developed after arrival in Switzerland and how this was influenced by the fact that adoptive parents in some cases suspected they had been involved in irregular processes before entering Switzerland.

Adoptees and Birth Parents

Children today have the right to their own name and to know their origin. Both were questioned in foreign adoption procedures from the 1970s to the 1990s. The effects of not knowing on the lives of children adopted during that time can be examined through biographical interviews. This includes the question of what it means for one's life when adoptees are implicitly or explicitly confronted with the requirement to be grateful for their life in Switzerland. Other adopted individuals experienced their upbringing as free from such imperatives. Even in cases where

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adoptive relationships were experienced positively by those involved, the factors contributing to this success need to be investigated.

There is a significant need for research into the life paths of adoptees and their upbringing in adoptive families. This includes examining gender, class, and culture-specific influences on educational opportunities and societal integration. Some adoptees experienced racism that influenced their life trajectories and needs to be investigated. It also had an impact on adoptive children if adoptive parents did not want to stand out in the neighborhood or harbored resentments toward adopted children because they had not processed their own childlessness. The factors that, in other cases, led adoptees to perceive their childhood and youth in Switzerland as positive should also be explored. An important issue is how adoptive parents and adoptees can jointly discuss the events leading to adoption. If adoptive parents established a taboo around the exact circumstances of adoption, it can lead, in extreme cases, to them keeping their stored documents secret even from their now-adult adopted child or not wanting to talk about it. Conversely, it is important to find out how an open, transparent approach affects the relationship between the daughter or son and adoptive parents.

The lack of support affects the search for origins. If adopted individuals as adults want to know who their birth parents are, it can be impossible in many cases because the documentation at Swiss authorities, as well as at placement agencies and in the countries of origin, is incomplete or contains falsified data. In addition to support with appropriate financial assistance from the federal and cantonal governments, social science studies are needed for origin searches. Adopted individuals have different attitudes toward this question. These attitudes and their consequences need to be explored. Not knowing one's own origin, not wanting to explore it, or, conversely, searching for birth parents for years and possibly failing in the end can have far-reaching consequences for individuals' lives. Conversely, a successful search, a first meeting with birth parents, maintaining contact, and

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experiencing the culture in the country of origin also have effects on the individuals concerned. Future research projects should also consider the motives when adopted individuals as adults do not want to explore their origin.

If birth parents are found in a minority of cases, the affected adoptees are again confronted with questions about the beginning of the adoption process many years ago. Parents in another country gave a child up for adoption. It would be important to study their motives and the possible coercion they were subjected to at that time. Similar to adoptees, it is also necessary to trace the effects that this significant step had on their subsequent lives. A comparison with the history of domestic adoptions in Switzerland could be beneficial. Sometimes, mothers in Switzerland—often single or divorced women—faced similar pressures as the mothers of children adopted abroad. However, there are also clear differences regarding the specific coercive situations of the time, which would need to be further differentiated along the respective cultural contexts. Often, it is thanks to the efforts of the respective advocacy groups that adopted individuals and birth parents find each other today. Such associations are currently being established in Switzerland. They support the processing of the consequences of adoption, provide assistance in origin searches, and give affected individuals a voice in the current discourse in Switzerland. In this debate, adopted individuals who do not organize themselves are also represented. The political process in Switzerland aiming for appropriate societal recognition of the experienced suffering in illegal adoptions is just getting started. A comprehensive historical examination of domestic and foreign adoptions in Switzerland in the 20th and 21st centuries is the basis for this.

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16.1 Unpublished Sources in the Swiss Federal Archives

The staff at the Swiss Federal Archives conducted a systematic initial search for file numbers, supplemented by a keyword search for "Adoption." Their research covered the period from 1970 to 1999 and focused on federal authorities in Bern involved in adoption procedures and the ten selected countries of origin. The results of the initial search were compiled by the Swiss Federal Archives staff into Excel tables. We use these Excel tables for the unpublished sources.

To secure the results of the initial search, we list all relevant holdings and case files in the unpublished sources, even if we did not review them. All holdings reviewed by us are highlighted in light green. Unreviewed case files are left white. This also applies to listed holdings related to individual cases; it was not part of the mandate to consult these files.

In our compilation, we use the signatures and titles of the files from the online access of the Swiss Federal Archives.

The overview is divided into Swiss representatives in the ten countries of origin and federal authorities – technically speaking, these are the so-called record creators – and follows the chapter structure of this inventory. This means that first, the files for the ten countries of origin are listed in alphabetical order, followed by those for federal authorities.

The tables with the unpublished sources or documents from the Swiss Federal Archives are located at the end of this inventory, after the appendix.

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17. Information about the Authors

Prof. Dr. Nadja Ramsauer is a historian and lecturer at the Zurich University of Applied Sciences, Department of Social Work, Institute for Childhood, Youth, and Family. She teaches and researches the history of social work and the welfare state, child and adult protection, foster placements of children and youth, and adoptions. She co-led research on administrative care practices in the Independent Expert Commission (UEK) Administrative Provisions, which investigated the history of institutional care in Switzerland until 1981 on behalf of the Federal Council. Along with Sabine Bitter and Annika Bangerter, she was

Unofficial and informal translation from German of of the Swiss Federal Council report Hinweise auf illegale Adoptionen von Kindern aus zehn Herkunftsländern in der Schweiz, 1970er- bis 1990er-Jahre Bestandesaufnahme zu Unterlagen im Schweizerischen Bundesarchiv Bericht im Auftrag des Bundesamts für Justiz, [available here](#). See also, media release "[International adoption law: Federal Council sees need for action](#)." This translation is facilitated through artificial intelligence and is subject to mistakes and inconsistencies. Do not rely on this translation as legal authority or for official purposes. Translation courtesy of [Adoptees United Inc.](#), a US-based national nonprofit organization dedicated to equality for all adult adopted people.

responsible for the report on adoptions from Sri Lanka in Switzerland between 1973 and 1997. Nadja Ramsauer currently leads a project with Dr. Susanne Businger as part of the National Research Program (NRP) 76 on coercive elements in domestic and international adoptions in Switzerland since the 1960s. She is also involved in a project on cantonal structures in the Swiss foster care system, sponsored by the Palatin Foundation.

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Unofficial and informal translation from German of the Swiss Federal Council report Hinweise auf illegale Adoptionen von Kindern aus zehn Herkunftsländern in der Schweiz, 1970er- bis 1990er-Jahre Bestandesaufnahme zu Unterlagen im Schweizerischen Bundesarchiv Bericht im Auftrag des Bundesamts für Justiz, [available here](#). See also, media release "[International adoption law: Federal Council sees need for action](#)." This translation is facilitated through artificial intelligence and is subject to mistakes and inconsistencies. Do not rely on this translation as legal authority or for official purposes. Translation courtesy of [Adoptees United Inc.](#), a US-based national nonprofit organization dedicated to equality for all adult adopted people.

18. Appendices

Appendices are in their original form, formatted as PDFs.

Appendix 1: Granted Entry Permits for Foreign Foster Children Taken in View of Later Adoption or for Other Reasons, by Nationality, 1970 to 1979

Appendix 2: Granted Entry Permits for Foreign Foster Children Taken in View of Later Adoption or for Other Reasons, by Nationality, 1980 to 1989

Appendix 3: Granted Entry Permits for Foreign Foster Children Taken in View of Later Adoption or for Other Reasons, by Nationality, 1990 to 1999

About Footnotes

The footnotes in the original report have been gathered and placed in a separate document, though they have not been translated. You can download a copy of the footnotes [here](#).

Unofficial and informal translation from German of of the Swiss Federal Council report Hinweise auf illegale Adoptionen von Kindern aus zehn Herkunftsländern in der Schweiz, 1970er- bis 1990er-Jahre Bestandesaufnahme zu Unterlagen im Schweizerischen Bundesarchiv Bericht im Auftrag des Bundesamts für Justiz, [available here](#). See also, media release "[International adoption law: Federal Council sees need for action](#)." This translation is facilitated through artificial intelligence and is subject to mistakes and inconsistencies. Do not rely on this translation as legal authority or for official purposes. Translation courtesy of [Adoptees United Inc.](#), a US-based national nonprofit organization dedicated to equality for all adult adopted people.

AFRIKA / AFRIQUE: 1)	7	3	3	3	7	17	11	11	16	20
305 Angola	-	-	-	-	-	-	-	-	-	-
302 Äthiopien / Éthiopie	-	-	-	-	-	-	1	-	-	3
307 Botswana	-	-	-	-	-	1	-	-	-	-
308 Burundi	-	-	-	-	-	-	-	-	-	-
309 Benin / Bénin	-	-	-	-	-	-	2	-	-	-
303 Djibouti	-	-	-	-	-	-	-	-	-	-
310 Elfenbeinküste / Côte d'Ivoire	-	-	-	-	-	1	-	-	1	-
311 Gabun / Gabon	-	-	-	-	-	-	-	-	-	-
312 Gambien / Gambie	-	-	-	-	-	-	-	-	-	1
313 Ghana	1	-	-	-	-	-	1	-	-	-
314 Guinea-Bissau / Guinée-Bissau	-	-	-	-	-	-	-	-	-	-
317 Kamerun / Cameroun	1	-	1	1	1	1	-	1	-	1
319 Kapverden / Iles du Cap-Vert	-	-	-	-	-	-	-	-	-	-
320 Kenia / Kenya	-	-	-	-	-	-	-	-	2	2
324 Lesotho	-	-	-	-	-	1	-	-	-	-
327 Madagaskar / 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 Sambia / Zambie	-	-	-	-	-	-	-	-	1	-
344 Sao Tomé, Príncipe	-	-	-	-	-	-	-	-	-	-
345 Senegal / Sénégal	-	-	-	-	-	3	-	-	2	-
346 Seychellen / Seychelles	-	-	-	-	-	-	-	1	2	-
347 Sierra Leone	-	-	-	-	-	-	-	-	-	-
348 Somalia / Somalie	-	-	-	-	-	-	-	-	-	-
349 Südafrika / Afrique du Sud	2	-	-	-	-	2	-	-	2	2
350 Sudan / Soudan	-	-	1	-	-	-	-	-	-	-
352 Swasiland / Swaziland	-	-	-	-	-	-	-	-	-	1
354 Togo	-	-	-	1	-	1	-	1	-	-
356 Tschad / Tchad	-	-	-	-	1	2	-	1	1	-
358 Uganda / Ouganda	-	-	-	-	-	-	-	-	-	-
323 Zaire / Zaïre	1	1	-	-	-	1	-	2	2	3
360 Zentralafrikanische Republik Rép. Centrafricaine	-	-	-	-	-	-	-	1	-	-
340 Simbabwe / Zimbabwe	-	-	-	-	-	-	-	-	-	2
ARABISCHE STAATEN (AFRIKA) / ÉTATS ARABES (AFRIQUE):	7	1	2	3	9	4	10	6	11	7
359 Ägypten / Égypte	-	-	-	-	-	-	-	-	-	-
304 Algerien / Algérie	4	-	2	3	7	1	6	4	4	5
331 Marokko / Maroc	-	-	-	-	1	1	2	-	5	2
357 Tunesien / Tunisie	3	1	-	-	1	2	2	2	2	-

1) Ohne arabische Staaten / Sans les États arabes

1011.A

Frühere Staatsangehörigkeit /
Ancienne nationalité

	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
NORDAMERIKA / AMÉRIQUE DU NORD:	-	-	-	-	-	1	3	2	3	5
423 Kanada / Canada	-	-	-	-	-	-	1	-	-	-
439 Ver.Staaten v. Amerika États-Unis d'Amérique	-	-	-	-	-	1	2	2	3	5
MITTELAMERIKA / AMÉRIQUE CENTRALE:	1	-	-	-	2	6	8	9	16	61
408 Costa Rica	-	-	-	-	1	1	1	2	6	6
409 Dominikanische Republik 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 Jamaika / Jamaïque	-	-	-	-	-	1	-	-	-	1
426 Martinique	-	-	-	-	-	-	2	-	-	-
427 Mexiko / Mexique	-	-	-	-	-	2	3	1	1	8
429 Nicaragua	-	-	-	-	-	-	-	-	-	1
430 Panama	-	-	-	-	-	-	-	1	-	-
433 Puerto Rico / Porto Rico	-	-	-	-	-	-	-	-	-	37
SÜDAMERIKA / AMÉRIQUE DU SUD:	2	-	14	31	52	66	76	85	130	147
401 Argentinien / Argentine	-	-	-	-	-	-	1	-	-	-
405 Bolivien / Bolivie	-	-	-	-	2	-	-	2	13	9
406 Brasilien / Brésil	-	-	2	1	1	1	2	1	3	6
407 Chile / Chili	-	-	-	-	-	-	1	2	3	8
410 Ecuador / Équateur	2	-	-	1	1	3	1	3	4	5
424 Kolumbien / Colombie	-	-	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

Frühere Staatsangehörigkeit / Ancienne nationalité	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
AFRIKA / AFRIQUE: 1)	20	11	13	10	12	13	15	30	32	34
302 Äthiopien / 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 Elfenbeinküste / Côte d'Ivoire	-	1	-	-	-	-	-	-	-	2
311 Gabun / Gabon	-	-	-	-	-	-	-	-	1	-
312 Gambien / Gambie	-	-	-	-	-	-	-	-	-	-
313 Ghana	-	-	-	-	-	1	-	-	-	-
314 Guinea-Bissau / Guinée-Bissau	-	-	-	-	-	-	-	1	-	-
317 Kamerun / Cameroun	-	-	-	2	-	-	1	-	-	2
319 Kapverden / Iles du Cap-Vert	-	-	-	-	1	-	-	-	-	-
320 Kenia / Kenya	1	-	-	-	1	-	-	-	1	-
324 Lesotho	-	-	-	-	-	1	1	-	-	-
327 Madagaskar / 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 Sambia / Zambie	-	-	-	-	-	-	-	-	-	-
344 Sao Tomé, Príncipe	-	-	-	-	-	-	1	-	-	-
345 Senegal / Sénégal	2	3	2	1	3	1	-	1	-	2
346 Seychellen / Seychelles	-	-	-	-	-	-	-	-	-	2
347 Sierra Leone	-	1	2	-	-	-	-	-	-	-
348 Somalia / Somalie	-	-	-	-	-	-	-	1	-	-
349 Südafrika / Afrique du Sud	3	-	-	1	-	-	-	1	2	2
350 Sudan / Soudan	-	-	-	-	-	-	-	-	-	-
352 Swasiland / Swaziland	-	-	-	-	-	-	-	-	-	-
354 Togo	1	-	-	-	-	-	-	-	4	4
356 Tschad / Tchad	-	-	-	-	-	-	1	-	-	-
358 Uganda / Ouganda	1	-	4	-	-	-	-	-	-	-
323 Zaire / Zaïre	2	1	-	-	2	-	1	-	-	-
360 Zentralafrikanische Republik République centrafricaine	1	-	-	-	-	-	-	-	-	-
340 Simbabwe / Zimbabwe	-	-	-	-	1	-	-	-	-	1
ARABISCHE STAATEN (AFRIKA) / ÉTATS ARABES (AFRIQUE):	3	8	-	-	-	1	-	1	1	3
359 Ägypten / Égypte	-	2	-	-	-	-	-	-	-	-
304 Algerien / Algérie	3	3	-	-	-	1	-	-	-	-
331 Marokko / Maroc	-	1	-	-	-	-	-	1	-	2
357 Tunesien / Tunisie	-	2	-	-	-	-	-	-	1	1

1) Ohne arabische Staaten / Sans les États arabes

Frühere Staatsangehörigkeit / Ancienne nationalité	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
NORDAMERIKA / AMÉRIQUE DU NORD:	1	2	3	1	2	1	4	3	2	1
423 Kanada / Canada	-	-	-	-	-	-	-	-	-	-
439 Ver.Staaten v. Amerika États-Unis d'Amérique	1	2	3	1	2	1	4	3	2	1
MITTELAMERIKA / AMÉRIQUE CENTRALE:	18	19	29	19	24	27	29	37	42	22
408 Costa Rica	4	5	1	-	3	4	1	3	5	-
409 Dominikanische Republik / 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 Jamaika / Jamaïque	-	-	-	2	-	-	-	-	-	-
426 Martinique	-	-	-	-	-	-	-	-	-	-
427 Mexiko / Mexique	3	4	4	4	3	10	1	7	8	1
429 Nicaragua	-	-	-	-	-	-	-	-	-	-
430 Panama	-	-	-	-	-	-	-	2	2	5
433 Puerto Rico / Porto Rico	-	-	-	-	-	-	-	-	-	-
SÜDAMERIKA / AMÉRIQUE DU SUD:	346	285	144	191	172	224	200	237	230	229
401 Argentinien / Argentine	1	-	4	-	-	-	2	-	-	3
405 Bolivien / Bolivie	11	8	3	14	5	5	9	2	6	5
406 Brasilien / Brésil	26	18	21	57	61	60	68	92	83	67
407 Chile / Chili	14	11	8	13	22	49	33	32	44	42
410 Ecuador / Équateur	3	4	1	3	1	-	1	1	1	1
424 Kolumbien / Colombie	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	-

Frühere Staatsangehörigkeit / Ancienne nationalité	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
AFRIKA / AFRIQUE:	42	39	56	50	44	49	49	46	57	67
359 Ägypten / Égypte.....	1	-	1	-	-	-	1	-	-	-
302 Äthiopien / Éthiopie.....	2	4	-	8	6	10	9	9	20	24
304 Algerien / Algérie.....	2	1	2	2	-	-	2	1	1	1
305 Angola.....	-	-	-	-	-	-	-	-	-	-
307 Botswana.....	-	-	-	-	-	-	-	-	-	-
308 Burundi.....	-	1	-	1	3	3	-	-	-	-
309 Benin / Bénin.....	-	-	-	-	-	-	1	-	-	4
303 Djibouti.....	7	5	8	5	-	2	3	1	-	-
310 Elfenbeinküste / Côte d'Ivoire.....	1	-	2	1	-	1	-	-	-	-
311 Gabun / Gabon.....	-	-	-	-	-	-	-	-	-	-
312 Gambien / Gambie.....	-	-	-	-	-	-	-	-	-	-
313 Ghana.....	-	-	2	1	-	-	-	1	1	-
314 Guinea-Bissau / Guinée-Bissau.....	-	-	-	-	-	-	-	-	-	-
317 Kamerun / Cameroun.....	1	1	2	-	3	-	-	1	3	2
319 Kapverden / Iles du Cap-Vert.....	-	-	-	-	-	-	2	-	-	1
320 Kenia / Kenya.....	-	-	-	1	2	-	1	-	2	1
322 Kongo / Congo.....	-	-	-	-	-	-	-	-	-	-
324 Lesotho.....	-	-	-	-	-	-	-	-	-	-
327 Madagaskar / Madagascar.....	4	5	6	6	9	10	13	12	10	12
329 Malawi.....	-	-	-	-	-	-	-	-	1	-
330 Mali.....	-	-	-	-	-	-	-	-	-	-
331 Marokko / 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	-	1	-	-	-	-	-	-	-
335 Niger.....	-	-	-	-	-	-	-	-	-	-
336 Nigeria.....	-	-	-	-	-	1	1	-	-	-
337 Burkina Faso.....	-	1	3	-	1	1	-	-	3	2
341 Rwanda.....	2	7	2	3	5	4	2	1	-	1
343 Sambia / Zambie.....	-	-	-	-	-	-	-	-	-	-
344 Sao Tomé, Principe.....	-	-	-	-	-	-	-	-	-	-
345 Senegal / Sénégal.....	2	1	3	-	-	-	1	1	-	1
346 Seychellen / Seychelles.....	-	1	1	-	-	-	-	-	-	-
347 Sierra Leone.....	-	-	-	-	-	-	-	-	-	-
348 Somalia / Somalie.....	-	-	-	-	1	-	-	-	-	-
349 Südafrika / Afrique du Sud.....	1	-	1	2	-	3	2	1	-	-
350 Sudan / Soudan.....	-	-	-	-	-	-	-	-	-	-
351 Namibia / Namibie.....	-	-	-	-	-	-	-	-	-	-
352 Swasiland / Swaziland.....	-	-	-	-	-	-	-	-	-	-
353 Tansania/Tanzanie.....	-	-	-	-	-	-	-	-	-	1
354 Togo.....	7	2	5	3	1	1	1	1	1	-
356 Tschad / Tchad.....	1	-	1	-	1	-	-	1	1	-
357 Tunesien / Tunisie.....	-	-	3	1	1	4	5	-	1	-
358 Uganda / Ouganda.....	-	-	-	-	-	-	-	-	1	2
323 Zaire / Zaïre.....	1	1	1	2	-	1	1	-	-	3
360 Zentralafrikanische Republik..... République centrafricaine	-	-	-	-	1	-	-	-	1	-
362 Eritrea / Érythrée.....	-	-	-	-	-	-	-	-	-	-
340 Simbabwe / Zimba- bwe.....	-	-	-	-	-	1	-	-	-	-

Frühere Staatsangehörigkeit / Ancienne nationalité	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
NORDAMERIKA / AMÉRIQUE DU NORD:	4	4	4	6	6	6	4	10	8	9
423 Kanada / Canada.....	-	-	-	1	-	-	-	-	-	-
439 Ver. Staaten v. Amerika..... États-Unis d'Amérique	4	4	4	5	6	6	4	10	8	9
MITTELAMERIKA / AMÉRIQUE CENTRALE:.....	31	57	45	47	48	45	52	29	38	39
408 Costa Rica.....	2	1	2	1	-	2	1	2	-	-
409 Dominikanische Republik..... Rép. dominicaine	2	-	2	3	2	2	-	5	4	3
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 Jamaika / Jamaïque.....	-	-	-	1	-	-	-	-	-	1
426 Martinique.....	-	-	-	-	-	-	-	-	-	-
427 Mexiko / 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	-
SÜDAMERIKA / AMÉRIQUE DU SUD:.....	304	297	208	143	142	147	135	121	101	114
401 Argentinien / Argentine.....	3	3	4	-	-	1	-	-	-	1
405 Bolivien / Bolivie.....	1	10	-	3	1	1	2	2	3	4
406 Brasilien / 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 Kolumbien / Colombie.....	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

Frühere Staatsangehörigkeit / 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 Armenien / Armé- nie.....	-	-	-	-	-	-	1	1	1	-
546 Bangladesch / Bangla- desh.....	6	-	2	-	-	2	-	-	-	-
507 China (Taiwan) / Chine (Taiwan).....	3	1	2	-	1	-	-	1	-	1
508 China VR / Rép. pop. de Chine.....	1	5	2	1	1	2	3	4	1	2
509 Hongkong.....	-	-	-	-	-	-	-	-	-	-
510 Indien / Inde.....	99	149	92	108	73	84	53	76	84	49
511 Indonesien / Indonésie.....	3	-	1	2	-	-	-	1	-	-
512 Irak.....	-	-	-	-	-	-	-	-	-	-
513 Iran.....	-	-	1	1	-	-	-	1	-	-
514 Israel / Israël.....	3	11	4	2	-	-	-	-	-	-
515 Japan / Japon.....	-	-	-	-	-	-	-	-	1	-
517 Jordanien / Jordanie.....	-	-	-	-	-	-	-	1	-	-
518 Kampuchea.....	3	-	1	2	-	-	2	-	1	1
563 Kasachstan.....	-	-	-	1	-	-	-	-	-	-
564 Kirgistan/Kirghizistan.....	-	-	-	-	-	-	-	-	1	-
530 Korea / Corée.....	-	1	-	1	-	-	1	-	-	-
521 Kuwait / Koweit.....	-	-	-	-	1	-	-	-	-	-
522 Laos.....	-	1	-	3	-	-	-	-	-	-
523 Libanon / 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 Singapur / 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 (VR China).....	-	1	-	2	2	-	-	-	-	-
Tibet (Rép. pop. d. Chine)	-	-	-	-	-	-	-	-	-	-
532 Vereinigte Arabische Emirate..... Emirats Arabes Unis	-	-	-	-	-	-	-	-	-	-
545 Vietnam.....	1	11	14	37	49	50	33	33	24	20
OZEANIEN / OCÉANIE:.....	-	-	-	-	-	-	-	1	-	-
601 Australien / Australie.....	-	-	-	-	-	-	-	-	-	-
607 Neuseeland / Nouvelle-Zélande.....	-	-	-	-	-	-	-	-	-	-
671 Französisch Polynesien / Polynésie française...	-	-	-	-	-	-	-	1	-	-