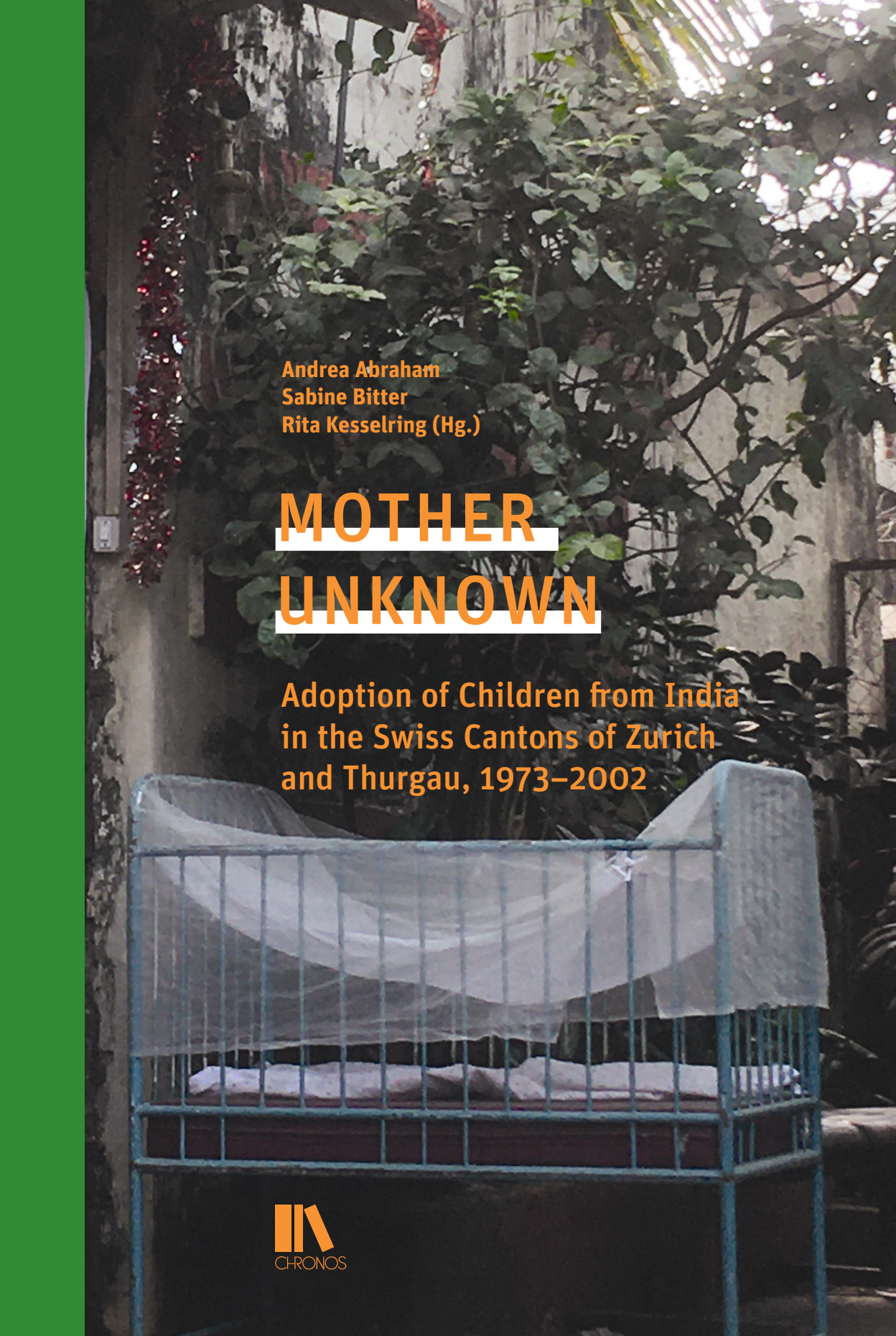




Andrea Abraham
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MOTHER UNKNOWN

Adoption of Children from India
in the Swiss Cantons of Zurich
and Thurgau, 1973–2002

Andrea Abraham, Sabine Bitter,
Rita Kesselring (ed.)

Mother Unknown

Adoption of Children from India
in the Swiss Cantons of Zurich
and Thurgau, 1973–2002

CHRONOS



Cover photo:

Asha Sadan Rescue Home. The institution was established in 1921 by an Indian women's association in Bombay. It took in girls and women who were deemed to have committed an 'offence' such as becoming pregnant out of wedlock. Children born to unmarried mothers were mostly given up for adoption. The home still has adoption agency status and places children for adoption.

Photo: Andrea Abraham/Sabine Bitter, Mumbai, 29. 1. 2023.

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Foreword

One of the hallmarks of a vibrant democracy and open society is that unlawful – or at the very least controversial – actions of the state can be openly scrutinised and debated. In the early 1980s, Switzerland began critically examining its role during the Second World War, a process that culminated in the publication of the Bergier Report decades later. The 1980s also saw the emergence of public debate surrounding the actions of the charitable organisation *Kinder der Landstrasse*, which had removed children from traveller families. This debate expanded in the 2010s to include the broader issues of coercive welfare measures and the placement of children in foster care. Another practice that came under scrutiny in this context was the testing of drugs on people in institutions. In parallel, the highly ideological debate surrounding Switzerland's national identity continued, for example over the Battle of Marignano commemorations in 2015.

Extensive academic research has now been carried out into compulsory welfare measures [*Zwangsmassnahmen*] and placement of children in foster care [*Fremdplatzierung*], both at the national level and in several cantons, including the cantons of Zurich and Thurgau. As a result, various institutions, both religious and secular, have started to critically re-examine their own treatment of minority groups, commissioning academic research.

The present study of adoption practices in the cantons of Zurich and Thurgau was commissioned by the governments of the two cantons in 2021. It too seeks to shed light on the historical actions of public authorities and examine the lawfulness of these practices. The issue of intercountry adoption covered by this volume is part of the wider debate surrounding coercive welfare measures and foster placement, since adoption also entails the placement of children outside of their families of origin. Adoption played a role in connection with the detainment [*administrative Versorgung*] of people who did not conform to socially accepted norms, as the authorities would present the unmarried (expectant) mothers with a choice – to either give up their child for adoption or see the compulsory measure extended. For decades, such children made up a large proportion of the children 'on the adoption market'.

Improvements in communications and ease of travel spurred an increase in the number of intercountry adoptions in some countries of the global

North. Conditions in their countries of origin were the main determinant of where children placed for adoption in Switzerland and other wealthy countries came from.

Whether in India, Tibet, Romania, Lebanon, Vietnam, Sri Lanka or Chile, the push factors were poverty, crises, upheavals and (civil) war. However, the availability of children for adoption by Western couples seeking to become parents was also heavily influenced by factors including legal frameworks and judicial precedents, regulatory practices of government authorities and the policies of aid organisations and adoption agencies in the children's countries of origin.

Initial studies concerning the canton of St Gallen and Switzerland as a whole have revealed failures or shortcomings in the cantons' performance of their supervisory role. This study on behalf of the cantons of Zurich and Thurgau comes to similar conclusions. In most of the cases examined here, the competent authorities failed to enforce the applicable regulations, turning a blind eye to forged or missing documentation and allowing agencies to operate without the necessary authorisation. In short, during the period from 1973 to 2002, the authorities in the cantons of Zurich and Thurgau failed to adequately carry out their supervisory responsibilities in the area of (inter-country) adoption.

An important finding, published for the first time in this study, came in the wake of an 'incidental' discovery. Not only were children from abroad being placed on the adoption market in Switzerland, children from Switzerland were also being placed abroad. A file in the Zurich cantonal archives tells the story of the daughter of an Italian migrant worker in Switzerland. Following the death of her adoptive father, the daughter was given access to the documents that revealed the circumstances of her birth and the adoption. Years later, when she went in search of her roots in Switzerland and Italy, she found out that her mother had died and that she would never meet her.

Further research within the scope of the commissioned project revealed that this was not an isolated case. In fact, the records reveal similar cases reaching well into the double digits. The agencies and individuals arranging these placements appear to have been highly 'market oriented'. Where there was demand, they endeavoured to meet it. The supply consisted of children of the right age, gender and skin colour who could be brought to Switzerland or any other wealthy country where there was a demand – if necessary, with missing or falsified birth documents. This took place with the knowledge or acquiescence of the competent authorities in the countries of origin and destination.

To develop effective policies in response to this and other research, the federal and cantonal authorities must draw the right conclusions and offer effective support to adoptees in their search for their roots. This is already happening in the cantons of Zurich and Thurgau. Since 2018, the central adoption authorities at the Office for Youth and Vocational Guidance of the Canton of Zurich and the Department of Justice and Security of the Canton of Thurgau have been responsible for origin searches, assisting around 60 people each year. In addition, the cantonal authorities of Zurich and Thurgau support civil society organisations that help people to trace their origins.

Over the last two decades, there have been many improvements in the field of adoption. In accordance with the *Hague Convention* recommendations, since 2003 each canton has had a central adoption authority. This has been accompanied by the development of national standards by the Association of Cantonal Central Adoption Authorities [*Verband der Kantonalen Zentralbehörden Adoption*]. Such measures have increased the professionalism of the responsible authorities and reduced the risk of irregularity.

Nevertheless, it is important to consider the results of the study in light of current and emerging trends. There are still childless couples who would like to have children. However, the choice of adoption is no longer as common as it once was. The number of adoptions has fallen sharply in recent years due to advances in medicine. More and more couples are choosing the path of surrogacy (with subsequent adoption). As surrogacy is prohibited under Switzerland's constitution, Swiss couples are once again turning to other countries.

Surrogacy, in vitro fertilisation and the use of anonymous sperm donors are all new possibilities that pose additional challenges for society. As with traditional adoption, they require a clear legal framework that provides the best possible protection for children and safeguards their rights. Abuse of the system and the exploitation of social disparities must be prevented in every case. In other words, there is a collective responsibility to prioritise the best interests of the children. To achieve this, political decisionmakers and civil society actors in Switzerland and in other countries of the global North, as well as the authorities in the countries of origin of the children, must all play their part.

The governments of the cantons of Zurich and Thurgau would like to thank the authors of this study for their work and the steering committee for supporting this project.

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Zurich and Frauenfeld, September 2024

Introduction

RITA KESSELRING

Actors and accountability

“A[...] was brought to a ‘home for the terminally ill’ in 1991 with her mother who was suffering from a serious illness, but may have been born there. The mother of the child had tuberculosis and died in 1991. There is no information on the child’s father. A[...] says that her father is dead and that she also has a brother or sister. After the death of the mother, A[...] was placed in a small children’s home and appears to have attended school there for about a year. A[...] was then taken to Delhi, to a home run by the Missionaries of Charity (Mother Teresa), which specifically houses children for whom adoptive parents are being sought abroad. [...] The whole family [...] travelled to Delhi in January 1994, where they collected A [...], then made another trip together to the home where A[...] is said to have lived and where they received the above information about A[...]. I am not able to judge how reliable this information may be.”¹

This quote from a 1995 letter from the guardianship authority of the Winterthur city social services department illustrates the numerous ambiguities and unknowns that are common to the life stories of people who were taken from India to the Swiss cantons of Zurich and Thurgau for adoption. Information is provided, but it is unreliable. There is a lack of supporting documentation. This scarcity of credible information is particularly striking given the number of actors who played a part in intercountry adoptions between 1973 and 2002. In addition to the ‘adoption triangle’ – adoptee, parents and adoptive parents – there were the children and families of parents and adoptive parents. Also involved were midwives, doctors and social workers, the directors and staff of children’s homes and institutions for pregnant women, adoption agencies, aid organisations, lawyers, judges, airline and airport staff, couples wanting children, foster parents, adoptive mothers and fathers and their children and families. Next came employees of municipal, cantonal and federal authorities,

1 StAZH, Z 797.3761, letter from guardianship authority of Winterthur city social services department to “Beratungsstelle für Adoption” [Adoption Counselling Service] in Zurich, 21. 4. 1995.

representatives of local child welfare boards and guardians appointed by the authorities, plus members of municipal and district councils, the heads of youth welfare offices and members of the executive bodies of cantonal governments, in addition to staff at consulates and embassies and at Interpol, and political exponents in the national parliament and the Federal Council.

Our research shows that all these groups of actors would have played some role in intercountry adoptions. While some worked to professionalise the adoption system and advocated for more effective legislation to protect children, others ignored obvious abuses. Adoption agents and lawyers established practices that did not comply with the legal requirements in Switzerland and that many actors then followed and failed to call into question. Adoption agencies in India and Switzerland played a part in concealing the children's origins and the backgrounds of their parents. By labelling the children as 'orphans', 'abandoned', 'relinquished' or 'of unknown parentage', the agencies implied that they were legally free for adoption. Dutch criminologist Elvira Loibl and US lawyer David Smolin refer to this process as "laundering".² In intercountry adoption, 'child laundering' refers to the process by which authorities, adoption agencies or adoptive parents erase a child's identity and provide new personal details, for example by falsifying the child's birth certificate or passport and passing the adoptive parents off as the biological parents. However, Loibl and Smolin argue that a child can also be 'laundered' through a formal adoption process if the documentation required for the adoption is altered or 'fabricated' and the fictitious information it contains is officially recognised by the court in the country of origin. According to Elvira Loibl, the traces of such procedures in illegal intercountry adoptions are usually no longer visible in the child's adoptive country.³ However, our research shows that Swiss authorities were aware of missing documents and inadequate compliance. Nevertheless, aside from the occasional query, this went largely unquestioned.

Between 1979 and 2002, 2,278 children from India were adopted in Switzerland. Of these, 256 were adopted in the canton of Zurich and 30 in the canton of Thurgau.⁴ The lawfulness of these adoption decisions is questionable in

2 Elvira C. Loibl, "The Aftermath of Transnational Illegal Adoptions. Redressing Human Rights Violations in the Intercountry Adoption System with Instruments of Transitional Justice", *Childhood* 28/4 (2021), p. 477–491, <https://doi.org/10.1177/09075682211064430>; David M. Smolin, "Child Laundering. How the Intercountry Adoption System Legitimizes and Incentivizes the Practices of Buying, Trafficking, Kidnapping, and Stealing Children", *Bepress Legal Series*, 29. 8. 2005, <https://law.bepress.com/expresso/eps/749>.

3 Elvira Loibl, "Child Trafficking for Adoption Purposes. A Criminological Analysis of the Illegal Adoption Market", in: John A. Winterdyk, Jackie Jones (ed.), *The Palgrave International Handbook of Human Trafficking*, Cham 2019, p. 1–17, here p. 7 f., https://doi.org/10.1007/978-3-319-63192-9_97-1.

4 "Adoptions selon le canton, le sexe et la nationalité de la personne adoptée avant l'adoption 1979–2020" [Adoptions by canton, sex and citizenship prior to adoption of the adopted person 1979–2020], table of the Federal

that there was often a lack of compliance with the provisions that had been put in place to protect foster children and adoptees. The question of whether some of the adoptions were illegal, and if so which ones, is a matter of great interest to adoptees, adoptive parents and our research team. Throughout this volume, we employ the adjective ‘illegal’ in a strict sense, that is only when a court has judged a specific action or decision to be illegal.

The fact that intercountry adoptions involve a highly complex network of actors does not prevent us from identifying those responsible. Agencies and individuals in Switzerland and India offered a service for which there was a demand from couples wanting to adopt. This led to the emergence of commercial operations and an international adoption market. In Switzerland, as in other countries, this market was plagued by tangible controversies. While the authorities addressed specific incidents, they failed to pursue any long-term action. This does not mean that every profit-making adoption agency was trafficking children. According to the *Swiss Criminal Code* and the *UN Convention on the Rights of the Child*, child trafficking refers to the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation.⁵ Child trafficking first became a criminal offence in Switzerland in 2003.⁶

Overview

In our study of the intercountry adoptions that took place between India and the cantons of Thurgau and Zurich in the years 1973–2002, we endeavour to present a balanced picture.⁷ The volume traces the trajectories of adoptees from different viewpoints. The cantons’ research mandate was formulated from a Swiss perspective. However, the structure of the book reflects the fact that the children’s lives did not begin in Switzerland, but in India. Based on empirical research and in collaboration with experts in India, the first three contributions place the focus for the first time in Swiss adoption research on mothers and the social context in which their children were born. The guest contribution *Relinquish-*

Statistical Office, obtained on request, 28. 12. 2023. This table refers to the total number of adoptions that took place in Switzerland during this period.

5 Tina Büchler, Gwendolin Mäder, Nula Frei, Julia Egenter, Janine Lüthi, Michèle Amacker, *Ausbeutung Minderjähriger in der Schweiz im Kontext von Menschenhandel*, Schweizerisches Kompetenzzentrum für Menschenrechte, Bern 2022, p. 18 f., www.news.admin.ch/news/message/attachments/74615.pdf.

6 The *Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* entered into force in Switzerland on 1. 1. 2003 “to prevent the abduction, sale, or trafficking of children in connection with intercountry adoption”, <https://www.fedlex.admin.ch/eli/cc/2003/99/de>.

7 The research project, funded by the Zurich and Thurgau cantonal authorities, was carried out under the lead of the Chair of Urban Studies (Professor Rita Kesselring) at the University of St Gallen and ran from August 2022 to October 2024. The research mandate also included the development of a website: www.adoptionresearch.ch.

ment and Adoption is based on the accounts of unmarried women during the period of the study and descriptions of their life situation, pregnancy, childbirth and relinquishment of the child. In *The Stigmatisation of Unwed Mothers*, we look at the circumstances in which the women became pregnant, the institutions where they could give birth, what motivated them to give up their child and what happened to them afterwards. *Indian Mothers Unseen* sheds light on how adoptees imagine and search for their mothers, whom they have never met, and how the adoptees, their adoptive parents and the agencies in India deal with the sparse information and unknowns. These empirical perspectives are followed by *Provisions and Practice*, a guest contribution on the legislation and practice of law in India in connection with intercountry adoptions during the period in question. It includes an interview with an Indian lawyer who was involved in cases on behalf of Indian agencies through which children were placed for adoption in the cantons of Zurich and Thurgau. This is followed by the contribution *Indian Legal Practice in Intercountry Adoptions*, which discusses findings from interviews and precedents in Indian courts relevant to adoptees in Switzerland searching for their origins.

The subsequent contributions focus on Switzerland. In the contribution *The Zurich Region as an Early Pioneer in Intercountry Adoption*, we show how the greater Zurich area became the hub for a particular type of intercountry adoption. From the 1950s onwards, adoption agencies – private individuals, businesses and associations – gained influence and established their own norms. These norms subsequently shaped intercountry adoptions including those involving children from India and Sri Lanka during the period covered by this volume. *The Role of Adoption Agencies in the Placement of Children from India in Switzerland* focuses on the actors involved in such placements. It reveals that, with one exception, women were the principal figures in this domain. Supported by Indian lawyers and authorities in both countries, they wielded significant influence and, in some instances, abusive powers over other women and children. In the contribution *Indian Adoptees in the Cantons of Zurich and Thurgau*, we present findings on the gender, age, geographical origin and social backgrounds of the children adopted in the two cantons, as well as the agencies involved in Switzerland and India. The research is based on records from the Swiss Federal Archives, the Zurich and Thurgau cantonal archives and the archives of the cities of Zurich and Winterthur. *An Analysis of 24 Cases of Adoption of Indian Children* looks at adoption decisions in the cantons of Zurich and Thurgau in light of key legislation.

The contribution *Adoptive Parents and their Responses to Racism in Switzerland* interviews adoptive parents about their experiences of racism in society and

how issues of race were approached within the family. The next contribution, *Adoption as a Pivotal Experience with Health Implications* explores the relationship between adoption and health. It begins by detailing the case of an Indian child ‘quarantined’ in a hospital upon arriving in Geneva. Three members of the research team and the founder of Back to the Roots then discuss the health effects associated with intercountry adoption. *Assisting Adoptees in their Search for Origins* gives voice to adoptees themselves. This guest contribution explains the origins of the association Back to the Roots, which advocates for adoptees from Sri Lanka. It features accounts of the resistance and successes encountered by adoptees tracing their Sri Lankan and Indian roots and provides an insight into their experiences with the Swiss authorities and political system.

The final contribution, *Intercountry Adoptions*, examines adoption practices between 1973 and 2002 through the lens of children’s experiences of their separation from families (de-kinning) and subsequent integration into adoptive families (kinning). It highlights the consequences of this radical form of separation and the challenges faced in becoming a new family, including adoptees’ need to find out where they came from and get to know their family of origin (re-kinning). The academic and political efforts to investigate and come to terms with the past in this context can be understood as part of the re-kinning process. The final contribution formulates recommendations for this process on the basis of this first publication of findings relating to the adoption of Indian children in Switzerland.

Current status of research into intercountry adoption practices and their reappraisal in Swiss society and politics

The body of research into children’s and young people’s lives in relation to welfare and state intervention in Switzerland has grown in recent years. Studies have been published on the children taken from their families by the organisation *Kinder der Landstrasse* and the *Verdingkinder*, children used as cheap labour in the early 20th century.⁸ Researchers have also provided insight into conditions in foster families and children’s homes⁹ as well as psychiatric insti-

8 Sara Galle, *Kindswegnahmen. Das ‘Hilfswerk für die Kinder der Landstrasse’ der Stiftung Pro Juventute im Kontext der schweizerischen Jugendfürsorge*, Zurich 2016; Marco Leuenberger, Loretta Seglias, *Versorgt und vergessen. Ehemalige Verdingkinder erzählen*, Zurich 2008.

9 Mirjam Janett, *Verwaltete Familien. Vormundschaft und Fremdplatzierung in der Deutschschweiz, 1945–1980*, Zurich 2022; Marlon Rusch, *Versorgt*, Zurich 2022; Gisela Hauss, Thomas Gabriel, Martin Lengwiler (ed.), *Fremdplatziert. Heimerziehung in der Schweiz, 1940–1990*, Zurich 2018; Beat Gnädinger, Verena Rothenbühler (ed.), *Menschen korrigieren. Fürsorgerische Zwangsmassnahmen und Fremdplatzierungen im Kanton Zürich bis 1981*, Zurich 2018; Urs Hafner, Mirjam Janett, *Draussen im Heim. Die Kinder der Steig, Appenzell 1945–1984. Historischer*

tutions.¹⁰ Coercive welfare measures have been another focus of interdisciplinary research, for example in the Swiss National Science Foundation's NFP76 programme on Welfare and Coercion.¹¹

By contrast, little attention has so far been paid to an equally drastic and irrevocable form of separation: adoption. Tens of thousands of people in Switzerland are bound by this particular type of legal relationship.¹² Adoption is the process by which a person, usually a child, is legally separated from their biological parents and declared the de facto child of other parents or another individual.¹³ It is only in the past decade that historians have begun to explore the role of adoption and adoption agencies in Switzerland in the 20th century, and we lack the broad knowledge base needed to fully understand this historical development.¹⁴

There has been equally little research into intercountry adoptions in Switzerland. This volume therefore focuses on the adoption of children who were born outside Europe and adopted by persons resident in Switzerland. We focus on the period from 1973 to 2002. The year 1973 was a turning point in that new provisions came into force under the *Swiss Civil Code* and the *Ordinance of 28 March 1973 on Adoption Placement*. At this time, the cantons were responsible for the adoption system and oversight of adoption agencies. In 2003, when the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* came into force in Switzerland, a new administrative structure was created. In Switzerland, the central adoption authority of each canton authorises and monitors adoptions in consultation with the competent authorities of the child's country of origin. The central authority at federal level

Bericht zuhanden der Ständekommission Appenzell Innerrhoden, Appenzell 2017; Kevin Heiniger, *Krisen, Kritik und Sexualnot. Die 'Nacherziehung' männlicher Jugendlicher in der Anstalt Aarburg (1893–1981)*, Zurich 2016; Marco Leuenberger, Lea Mani, Simone Rudin, Loretta Seglias, *Geprägt fürs Leben. Lebenswelten fremdplatzierter Kinder in der Schweiz im 20. Jahrhundert*, Zurich 2015; Sabine Jenzer, *Die 'Dirne', der Bürger und der Staat. Private Erziehungsheime für junge Frauen und die Anfänge des Sozialstaates in der Deutschschweiz, 1870er bis 1930er Jahre*, Cologne, Weimar, Vienna 2014.

10 Urs Hafner, *Kinder beobachten. Das Neuhaus in Bern und die Anfänge der Kinderpsychiatrie, 1937–1985*, Zurich 2022; Marietta Meier, Mario König, Magaly Tornay, *Testfall Münsterlingen. Klinische Versuche in der Psychiatrie, 1940–1980*, Zurich 2019.

11 <https://www.nfp76.ch/en/qIHicGNCFOnOR9UH/page/the-nrp/portrait>, 21. 2. 2024.

12 According to the Federal Statistical Office, over 20,000 people were adopted in Switzerland in the 1980–2022 period alone. Cf. <https://www.bfs.admin.ch/bfs/en/home/statistics/population/births-deaths/adoptions.asset-detail.25685767.html>, 23. 11. 2023. The figures include both minors and adults born either in Switzerland or abroad who were adopted in Switzerland.

13 Claudio Soliva, "Adoption", *Historisches Lexikon der Schweiz*, 5. 6. 2001, <https://hls-dhs-dss.ch/de/contributions/025619/2001-06-05>, 23. 11. 2023. The new adoption provisions that entered into force on 1. 4. 1973 made it possible for the first time for an unmarried person who was at least 35 years of age to adopt a child. Cf. Art. 264b and Art. 264 para. 1 CC 1973.

14 Susanne Businger, Lukas Emmenegger, Thomas Gabriel, Samuel Keller, Nicolette Seiterle, Adrian Seitz, "'Kann es nicht bei sich haben, will es aber auch nicht behalten'. Rechtliche, behördliche und biografische Perspektiven auf leibliche Mütter adoptierter Kinder in der Schweiz in der zweiten Hälfte des 20. Jahrhunderts", in: Bettina Hitzer, Benedikt Stuchtey (ed.), *In unsere Mitte genommen. Adoptionen im 20. Jahrhundert*, Göttingen 2022, p. 175–210, here p. 175.

(Federal Office of Justice) is responsible for the authorisation and oversight of private adoption agencies. It also has a general advisory and coordination function and represents Switzerland in contacts with central authorities in other countries. The timeframe for the study also coincides with the period in which there was a notable rise in the adoption of children from non-European backgrounds and in which intercountry adoption established itself as a new way of creating a family.¹⁵ Whereas in 1974 non-European children accounted for 7.8 per cent of all adoptions in Switzerland, a quarter of a century later, in 1998, they accounted for 49.7 per cent, nearly half of all adoptions.¹⁶ The rise in the number of intercountry adoptions in this period meant they played a prominent role in the overall adoption framework in Switzerland.

In Switzerland, the first research into intercountry adoptions was carried out by legal scholars from the mid-1970s onwards. The jurist Cyril Hegnauer examined the legal foundations, loopholes and practices of the adoption system. In 1975, he criticised the inadequate supervision of adoption agencies in the cantons.¹⁷ In the mid-1980s, another jurist, Robert Zuegg, addressed the issue of child protection in connection with the placement of foreign adoptees. He continued to pursue the issue in the 1990s and advocated for measures to prevent abuse of the system.¹⁸ In 1991, jurist Marie-Françoise Lückner-Babel, who worked for the Geneva-based children's rights organisation Defence for Children, drew attention to a specific problem; she discovered that not all children who had been brought to Switzerland for this purpose actually ended up being adopted by their foster family.¹⁹

These studies from a legal critical perspective were only recently followed by the first historical investigations into intercountry adoptions in Switzerland. The first historical studies centred on the placement in Switzerland of children with non-European origins, specifically Tibetan children exiled in India, and children from Algeria and Sri Lanka – in many cases under questionable or opaque circumstances and with a disregard for the applicable legal regulations.²⁰ In 2020, the Federal Council decided that the history

15 Caroline Rusterholz, *Deux enfants, c'est déjà pas mal. Famille et fécondité en Suisse (1955–1970)*, Lausanne 2017.

16 Soliva (cf. note 13).

17 Cyril Hegnauer, *Grundriss des Kindesrechts und des übrigen Verwandtschaftsrechts*, 4., revised edition, Bern 1994. Cf. also Cyril Hegnauer, *Berner Kommentar. Das Familienrecht, 2. Abteilung: Die Verwandtschaft, Sonderband: Die Adoption. Artikel 264–269c ZGB und 12a–12c SchIT*, Bern 1975.

18 Robert M. Zuegg, *Die Vermittlung ausländischer Adoptivkinder als Problem des präventiven Kinderschutzes*, Dissertation, Zurich 1986. Cf. also Robert M. Zuegg, *Adoptivkinder aus fernen Ländern. Studie zum präventiven Kinderschutz in der Schweiz*, Aachen 1996.

19 Marie-Françoise Lückner-Babel, *Auslandadoption und Kinderrechte. Was geschieht mit den Verstoßenen?* Freiburg im Üchtland 1991.

20 Sabine Bitter, Annika Bangerter, Nadja Ramsauer, *Adoptionen von Kindern aus Sri Lanka in der Schweiz 1973–1997. Zur Praxis der privaten Vermittlungsstellen und der Behörden. Historische Analyse betreffend das Postulat Ruiz*

of intercountry adoptions in Switzerland should be investigated further²¹ and instructed the cantons, which had been responsible for the oversight of adoption agencies prior to 2002, to take the necessary steps. In response, the Canton of St Gallen commissioned a study to examine adoptions of Sri Lankan children in the canton. The study concluded that the authorities had failed to comply with essential legal requirements in all 85 adoption cases between 1973 and 2002. The authors also noted that the practices had become commercialised and there was a tendency to treat children as commodities.²² For our project, the cantons of Zurich and Thurgau also decided in 2021 to investigate the issue, this time with a focus on India.

Around the same time, the Federal Office of Justice commissioned an overview of the situation with regard to ten countries of origin of children brought to Switzerland for adoption – Bangladesh, Brazil, Chile, Colombia, Guatemala, India, Korea, Lebanon, Peru and Romania. The study by Zurich University of Applied Sciences (ZHAW) points to missing details in the children's backgrounds, falsified documents, illegal practices and child trafficking.²³

In 2020, another review of existing research and available sources as part of the Swiss National Science Foundation's Welfare and Coercion National Research Programme (NRP 76) emphasised the need for academic research into both in-country and intercountry adoptions.²⁴ This was followed by the launch of the first study on adoptions in Switzerland from 1960 to the present day, which concluded that the (mostly unmarried) mothers found themselves in a variety of troubling circumstances until the end of the 1970s. They were under pressure from their families, the social environment and the authorities to adhere to societal norms. Even if the child's father was prepared to make support payments, the mother was often not in a financial position to care for

17.4181 im Auftrag des Bundesamts für Justiz, Bern 2020; Sabine Bitter, Nathalie Nad-Abonji, *Tibetische Kinder für Schweizer Familien. Die Aktion Aeschimann*, Zurich 2018; Sabine Bitter, *Die Vermittlerin. Die Kinder-Adoptionen aus Sri Lanka von Alice Honegger und die Aufsicht der Behörden (1979 bis 1997). Bericht im Auftrag des Amtes für Soziales des Departements des Innern des Kantons St. Gallen*, 2018; Fàbio Macedo, "Action humanitaire et adoption d'enfants étrangers en Suisse. Le cas de Terre des hommes (1960–1969)", *Relations internationales* 161 (2015), p. 81–94.

21 *Illegale Adoptionen von Kindern aus Sri Lanka. Historische Aufarbeitung, Herkunftssuche, Perspektiven. Bericht des Bundesrates in Erfüllung des Postulats 17.4181 Ruiz Rebecca vom 14. 12. 2017*, December 2020, p. 67.

22 Danielle Berthet, Francesca Falk, *Adoptionen von Kindern aus Sri Lanka im Kanton St. Gallen 1973–2002*, 2022.

23 Nadja Ramsauer, Rahel Bühler, Katja Girschik, *Hinweise auf illegale Adoptionen von Kindern aus zehn Herkunftsländern in der Schweiz, 1970er- bis 1990er-Jahre. Bestandsaufnahme zu Unterlagen im Schweizerischen Bundesarchiv. Bericht im Auftrag des Bundesamts für Justiz*, 2023, <https://doi.org/10.21256/zhaw-2426>.

24 Andrea Abraham, Cynthia Steiner, Joel Stalder, Kathrin Junker, *Forschungs- und Quellenstand zu Fürsorge und Zwang im Adoptions- und Pflegekinderwesen. Wissenschaftlicher Bericht im Rahmen des NFP 76 (BFH Soziale Arbeit)*, Bern 2020, p. 100.

the child on her own. In some cases, her situation was made even more difficult when the authorities denied her access to her children.²⁵

Historical studies of adoption in Switzerland published to date have tended to assume that international adoption agencies first appeared in the 1960s and became established in the 1970s, and that intercountry adoptions overtook domestic adoptions from the 1980s onwards. It is true that the number of children born in Switzerland who were given up for adoption was declining. After US approval of the contraceptive pill in 1960, it gradually became available in Switzerland and from the 1970s onwards the birthrate began to fall.²⁶ At the same time, young women were receiving more and better training than the previous generation and so were gaining a degree of economic independence, making it more likely that they would be able to raise a child on their own. Furthermore, the social upheaval after 1968 and the new women's movement helped to reduce the social stigma faced by unmarried mothers and illegitimate children. In the cities at least, assistance was increasingly available. In 1979, the first refuge for women affected by domestic violence opened in Zurich.²⁷ In the 1970s, the number of single mothers in Switzerland rose.²⁸ This social development was reflected in a change in the Swiss Civil Code. The new rights conferred on children under this legislation placed the children of unmarried parents on an equal footing with those of married couples and improved the standing of unmarried mothers. All this led to fewer children being given up for adoption in the 1970s. Meanwhile, rising infertility rates in European countries probably led to an increase in the number of couples seeking to adopt.²⁹ Increased travel opportunities also opened up new horizons for affluent couples to fulfil their desire to have children. In view of the poverty and apparent misery faced by children in some countries of the global South, prospective parents travelling to other continents may also have been encouraged by the idea of combining their desire to have children with an act of humanitarian engagement. Choosing intercountry adoption was a display of social commitment and openness to

25 Susanne Businger, Nadja Ramsauer, Rahel Bühler, Sofiane Yousfi, *Adoptionen in Zwangssituationen. Die Geschichte der nationalen und internationalen Adoptionen in der Schweiz von den 1960er-Jahren bis heute. Ergebnisse eines Forschungsprojekts des NFP 76*, https://www.nfp76.ch/media/de/2EC20KVOq88GpaND/Businger_Lay-Summary-d.pdf, 1. 2. 2023.

26 Cf. Average number of children per woman, <https://www.bfs.admin.ch/bfs/de/home/statistiken/bevoelkerung/geburten-todesfaelle/fruchtbarkeit.html>, 19. 11. 2023.

27 Elisabeth Joris, "Frauenbefreiungsbewegung (FBB)", *Historisches Lexikon der Schweiz*, 6. 12. 2022, <https://hls-dhs-dss.ch/de/contributions/016504/2022-12-06>, 1. 12. 2023.

28 Cf. Live births by mother's marital status, <https://www.bfs.admin.ch/bfs/de/home/statistiken/bevoelkerung/geburten-todesfaelle/fruchtbarkeit.html>, 19. 11. 2023.

29 Hagai Levine, Niels Jørgensen, Anderson Martino-Andrade, Jaime Mendiola, Dan Weksler-Derri, Irina Mindlis, Rachel Pinotti, Shanna H. Swan, "Temporal Trends in Sperm Count. A Systematic Review and Meta-Regression Analysis", *Human Reproduction Update* 23/6 (2017), p. 646–659, <https://academic.oup.com/humupd/article/23/6/646/4035689>, 23. 11. 2023.

other cultures and was considered socially acceptable in urban educated circles of Western industrialised societies.

While researching the topic for this study, however, documents were discovered in municipal, cantonal and federal archives which shed light on another face of intercountry adoption and cast doubt on assumptions regarding the development of the sector in Switzerland. Until now, researchers tended to assume that with intercountry adoption, children were born abroad and brought to Switzerland for adoption, whereas with domestic adoption, a child was born and adopted in Switzerland. Another assumption has been that intercountry adoption emerged in the 1960s and became established in the 1970s. We show, however, that a little known form of intercountry adoption was already prevalent in Switzerland prior to the 1960s.³⁰ In the 1950s and 60s, children of unmarried foreign parents were intentionally placed for adoption with couples far away in other countries rather than in Switzerland. Documents reveal that these were not isolated incidents. This approach was widespread among adoption agencies, was driven by xenophobic public policies and had the backing of the authorities.

Responses

Until recently, intercountry adoptions were rarely a subject of public debate in Switzerland. This is now starting to change thanks to the efforts of adoptees, political initiatives and initial research findings.³¹ Adoptees who came to Switzerland as foster children awaiting adoption during the latter part of the 20th century are now increasingly demanding information about their origins and parents.³² This trend has brought the issue to the attention of authorities and politicians in recent years both in Switzerland and internationally. In the Netherlands, adoptees from Sri Lanka and Brazil are starting to take legal action against the state,³³ while in Chile, mothers are seeking information about who took their children during the Pinochet dictatorship and where.

Adoptees in Switzerland have been instrumental in bringing the issue of abusive adoptions to the attention of politicians and authorities, and their

30 Otto Hostettler, "Schweizer Babys für die ganze Welt", *Beobachter*, no. 21, 13. 10. 2023, p. 17–21.

31 Sabine Bitter, "Switzerland Takes First Steps to Deal with Illegal Intercountry Adoptions", in: Elvira Loibl, David M. Smolin (ed.), *Facing the Past. Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, The Hague 2024.

32 Cf. contribution "Assisting Adoptees in their Search for Origins" and the association Back to the Roots, which represents the interests of adoptees from Sri Lanka and increasingly also India: <https://backtotheroots.net>, 31. 1. 2024.

33 Hanneke Sanou, "Netherlands Failed to Prevent Illegal Cross-Border Adoptions, Court Rules", *DutchNews.nl*, 12. 7. 2022, <https://www.dutchnews.nl/2022/07/netherlands-failed-to-prevent-illegal-cross-border-adoptions-court-rules>.

efforts have led to the first assistance in favour of adoptees.³⁴ In December 2020, the Federal Council stated that the matter required further attention and research and urged the cantons to take the necessary steps. Our research project, submitted in response to the call for proposals issued by the cantons of Zurich and Thurgau, now contributes additional findings to these efforts. This is the first time that two cantons have joined forces to examine intercountry adoption practices. On behalf of the Federal Department of Justice and Police (FDJP), a group of experts also analysed the current framework for intercountry adoptions with the aim of identifying and minimising shortcomings in the procedures. In 2020, Federal Councillor and FDP party member Karin Keller-Sutter, who was the head of the FDJP at the time, expressed ‘regret’ for the suffering caused to Sri Lankan adoptees and promised greater support for their efforts to trace their roots in their countries of origin.³⁵ For three years, the federal government and the cantons provided CHF 250,000 a year via the association Back to the Roots to aid the efforts of adoptees searching for their families in their countries of origin. In response to the study by Zurich University of Applied Sciences (ZHAW), in December 2023 the Federal Council once again expressed its regret at these “shortcomings on the part of the authorities” and announced that it was examining revisions to the legislation governing intercountry adoptions as a measure to reduce the potential for further abuse.³⁶ It wrote that the above-mentioned group of experts is examining two possible courses of action: a moratorium on intercountry adoptions and restricting intercountry adoptions to countries that can demonstrate adherence to verifiable minimum standards. Such ‘minimum standards’ had already existed in Switzerland since the 1970s and in India since the 1980s, yet the authorities in both Switzerland and India ignored irregularities and failed to intervene despite the evidence. In other words, before embarking on any new ‘cooperation’ of this kind, it would appear necessary to examine what went wrong in the past. These failings, prevalent also in other European countries to which children were brought for adoption and in other countries of origin, contributed to the violation of child and human rights, a fact which justifies the demands of those affected for assistance in their search for their origins and for reparation.³⁷ The UN Committee on Enforced Disappearances has called on the Swiss Federal Council to do more than simply

34 <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-88825.html>, 14. 1. 2024.

35 Cf. *Illegale Adoptionen von Kindern aus Sri Lanka. Historische Aufarbeitung, Herkunftssuche, Perspektiven. Bericht des Bundesrates in Erfüllung des Postulats 17.4181 Ruiz Rebecca vom 14. 12. 2017*, December 2020.

36 “International Adoption Law. Federal Council Sees Need for Action”, Federal Office of Justice (FDJP) press release, 8. 12. 2023, <https://www.admin.ch/gov/en/start/documentation/media-releases/media-releases-federal-council.msg-id-99228.html>

37 Cf. Loibl (cf. note 2), p. 478.

express ‘regret’. In May 2021, it both urged Switzerland to conduct thorough investigations into the failures of the authorities in relation to the Sri Lanka adoptions and reminded Switzerland of its duty as a state party to the *Convention for the Protection of All Persons from Enforced Disappearance* to guarantee the right to reparation of those who have suffered harm.³⁸

Focus and methodological considerations

Our study reflects the current state of progress in international academic research and debate on this topic.³⁹ Outside the United States, the history of adoption practices remains largely unexplored. There are several reasons for this. The reappraisal of historical practices is an interdisciplinary endeavour requiring research by historians, social scientists and legal experts. Investigating adoption practices is also a methodologically complex undertaking and necessitates a willingness to incorporate the voices of the children and their parents in both theory and practice.⁴⁰ Finally, gaining access to the archives is very time-consuming. Since they contain sensitive personal data, they are subject to a decades-long embargo and access is only possible under strict conditions that vary from archive to archive. Our study sought to overcome these challenges through an interdisciplinary approach that placed the focus on the birth mothers. By means of extensive interaction with adoptees, adoptive parents and experts in both countries, we aimed to advance international research in this field and to ensure that this book revisits not only a chapter in Swiss adoption history, but also a chapter of our “shared history” with India.⁴¹ In the following, I will outline our methodological considerations and the challenges encountered.

The study was conducted on behalf of the cantonal authorities of Thurgau and Zurich and as such focuses on adoptions of children from India in these two cantons. We focused on adoptions from India in particular because the majority of children who were brought to Switzerland for adoption during the

38 UN Committee on Enforced Disappearances, *Concluding observations on the report submitted by Switzerland under article 29 (1) of the Convention*, Article C, 5, 35. 21. 5. 2021, <https://www.ohchr.org/en/documents/concluding-observations/cedccheco-concluding-observations-report-submitted-switzerland>.

39 While a comprehensive overview of the international research landscape is beyond the scope of this introduction, the individual contributions in this volume engage with current international research on the topic.

40 Businger et al. (cf. note 14), p. 13 f., 18 f.

41 Sebastian Conrad, Shalini Randeria, “Einleitung. Geteilte Geschichten – Europa in einer postkolonialen Welt”, in: Regina Römhild (ed.), *Jenseits des Eurozentrismus. Postkoloniale Perspektiven in den Geschichts- und Kulturwissenschaften*, 2., extended edition, Campus 2013, p. 32–70.



Fig. 1: Participants at the project workshop on 14 and 15 June 2023 at the University of St Gallen. Photo: Mariia Tkachuk.

period of the study were from India.⁴² Furthermore, most intercountry adoptions in the canton of Zurich involved children from India, while in the canton of Thurgau, Sri Lanka and India were the most common countries of origin.⁴³ Several of the adoption agencies that played a key role in shaping adoption placement procedures were also based in one or the other of the two cantons during this time period.⁴⁴

It is not possible to re-examine intercountry adoption practices without the participation of the children's countries of origin, as the circumstances of the parents and children in these countries, along with significant interference in their reproductive rights and right to identity, are key factors. Critical research on adoption must become more internationally networked to understand and analyse the complexities of intercountry adoption practices.⁴⁵ Despite this need, no other academic project has yet incorporated research from countries of origin or sought collaboration with researchers from these countries. For our study, we sought to establish a collaboration with Indian research part-

42 Adoptions (cf. note 4).

43 Ibid.

44 Cf. contribution "The Placement of Indian Adoptees in Switzerland", Sabine Bitter.

45 Emily Hipchen, "Introduction. Belonging", in: Idem (ed.), *The Routledge Critical Adoption Studies Reader*, New York 2023, p. 6, <https://doi.org/10.4324/9781003203827>.

ners at an Indian university. Approaching a renowned Indian university through official channels meant that our project had to be reviewed by the institution's ethics board. Sabine Bitter's initial historical research led us to contact the renowned School of Social Work at Tata Institute of Social Sciences (TISS) in Mumbai (Bombay during the focus period for the study), as this was a major city from which children were sent for adoption in Switzerland. At the beginning of the research project in September 2022, we developed a concept for collaborative data collection in and around Mumbai with the Centre for Equity and Justice for Children and Families at TISS.⁴⁶

During two stays of several weeks in Mumbai in January–February and March–April 2023, Andrea Abraham collected data from expert practitioners. Accompanied by social worker Asha Narayan Iyer, who the institute had tasked to take part in the collaborative research project, they visited institutions and conducted interviews with professionals who were active in the field of adoption within the timeframe of the study or who had related theoretical or practical knowledge. The aim was ideally to make contact with mothers who had given or been obliged to give their children up for adoption, or at least to get as close as possible to the mothers' perspectives. However, the Institutional Review Board's examination of the application concerning this aspect of the research was delayed until autumn 2023. The board requested several amendments and clarifications, and expressed strong objections to the planned interviews with mothers even if conducted by Indian research partners. In the end, the application was rejected.⁴⁷ TISS, which has an excellent reputation for rigorous teaching and research in the social sciences, is under pressure owing to scrutiny from the increasingly authoritarian government of Narendra Modi. The amendments to the *Universities Act* of June 2023, which stipulate that the vice-chancellor of the university must be appointed by the central government, are symptomatic of this development.⁴⁸ Indeed, almost at the same time as our research application was rejected by the Institutional Review Board, the first (interim) vice-chancellor appointed by the central government assumed leadership of TISS.

In India, there has so far been no critical academic research into the practice of intercountry adoption comparable to that carried out in Switzerland and other countries. The board's decision forced the research team to recognise that the institution is not (yet) prepared to allow mothers who have given up their children for adoption to speak out and make their voices heard. This means

46 A letter of invitation from TISS and a recommendation from Swissnex in India enabled us to acquire the necessary visas.

47 Decision by TISS Institutional Review Board, 5. 9. 2023.

48 https://deemed.ugc.ac.in/Document/DTBU_regulation_2023.pdf, 29. 2. 2024.

that in our research project we do not collect our own data from mothers. It remains a dialogue 'about' them, with fragments of data used to reconstruct the unknowns. We also encounter this third-person narrative in Switzerland. For example, the reporting by the Swiss authorities governing adoption-related decisions contains second- or third-hand information or makes no mention at all of the women who gave birth to these children in difficult circumstances and often had to give them up. The contribution in which adoptive parents discuss the racism their children have experienced also talks 'about' adoptees in the third person. A chapter of this volume that allows mothers to speak for themselves is the guest contribution by Dutch cultural anthropologist Pien Bos. In 2002 and 2003, she conducted ethnographic research in southern India among unmarried pregnant women who gave up their children for adoption. During a long research stay, she was able to interview women who had been confronted with this decision. Our Indian research partner, Asha Narayan Iyer, describes the legal basis for intercountry adoption in India during the period studied. Together with Andrea Abraham, she interviewed Indian lawyer Rakesh Kapoor about legal practice in the field of intercountry adoptions. The interviews with experts and staff, which show the vulnerability, hardship and lack of real choice faced by mothers relinquishing their parental rights and highlight their invisibility, constitute an initial body of evidence on which to discuss the silencing of mothers in both countries. We hope that despite the political challenges faced by researchers in this field, our approach and the evidence provided by this volume will contribute to the debate surrounding intercountry adoptions by opening up new avenues for reflection and negotiation.

The majority of this volume was the work of the research team consisting of social anthropologist Andrea Abraham, historian Sabine Bitter, sociologist Nadine Gautschi and myself, also a social anthropologist. Two guest contributions were written by the aforementioned authors Pien Bos (cultural anthropologist) and Asha Narayan Iyer (social worker). In the course of our research, we drew on historical and social science approaches, supplementing the critical examination of historical sources with conversations with adoptees and interviews with expert practitioners. This multi-methodological approach enabled us to explore different facets of the topic and engage with various groups of actors from diverse perspectives. Each author provides a detailed account of their methodology in their individual contribution. However, some general observations are offered below for additional context.

The authors use differing terminology. For example, Pien Bos refers to 'mothers' without a qualifier such as 'first', 'birth', 'natural' or 'biological'. Sabine Bitter and I agree with this approach, but she speaks of 'biological mothers' in

direct relation to historical sources. Nadine Gautschi refers to the couples who have taken in a child for adoption as ‘adoptive parents’, whereas they refer to themselves as ‘parents’. Such reflections on self-attribution and attribution to others are of course significantly influenced by the author’s standpoint and perhaps the subject matter, but are also commonplace in both social sciences and humanities research. We have intentionally opted for diversity rather than trying to impose equivalence. There were also guidelines for anonymisation. Thanks to our public research mandate, we were granted access to otherwise restricted files, including individual case files, under strict conditions. We disclose the names of individuals and institutions relevant to contemporary history when it is necessary for transparency, while adhering to the provisions of the individual archives. In qualitative social science research, it is usual to describe participants in such a way that they cannot be identified. Social and cultural anthropology, on the other hand, do not do this as a matter of course, agreeing instead on any measures to ensure anonymity with the participants of the study.

The third guest contribution, *Assisting Adoptees in their Search for Origins*, was written by Celin Fässler, a translator and board member of the Back to the Roots association. The contribution builds on the expertise of the association. Adoptees have expertise in tracing their origins, international networking, community social work and mental health, aspects that are now central to the efforts of public authorities and society to understand and come to terms with this aspect of Switzerland’s recent history. This is also an approach that has yielded results in other processes of dealing with the past both in Switzerland and other countries.⁴⁹ In another contribution, *Adoption as a Pivotal Experience with Health Implications*, I speak to experts including Sarah Ineichen, president of the Back to the Roots association, who is a member of the FDJP’s intercountry adoption expert group and a qualified midwife.

It is our hope that this publication will contribute to a better public understanding of intercountry adoption, why it exists, the different perspectives surrounding it and its impact on those directly affected. Additionally, we hope to inspire policymakers to take further action to engage with the issue of intercountry adoption and, ideally, provide redress.

49 Elvira Loibl, David M. Smolin (ed.), *Facing the Past. Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, The Hague 2024.

Relinquishment & Adoption

The Perspective of Indian Mothers¹

PIEN BOS

Between the early 1970s and the early 2000s, thousands of children were taken from India to adoptive parents across the global North.² Prior to this usually happy event for the adoptive parents, a grave decision had been made concerning the separation of a mother and her child.³ During my study in south India in 2002 and 2003,⁴ I concentrated on ‘unmarried mothers’ for two reasons. At that time, adoption agencies⁵ communicated that adopted children from India were mainly relinquished by unmarried mothers and I thus wondered what the unmarried mothers themselves might have to say.⁶ Secondly, in India at the time of the study, ‘unmarried mothers’ was, from a cultural perspective, a contradiction. An unmarried woman did not have sex and therefore did not have a child.

Social reality is not determined merely by dominant cultural norms, however, and like any other country, India has unmarried mothers. The aim of the study was to gain insight into the decision-making processes of unmarried mothers regarding raising their children or relinquishing them for adoption. It included all agencies in and around Chennai with a licence to place children in

- 1 This article is based on my dissertation: Pien Bos, *Once a Mother. Relinquishment and Adoption from the Perspective of Unmarried Mothers in South India*, Nijmegen 2008, <https://repository.ubn.ru.nl/bitstream/handle/2066/73643/73643.pdf?sequence=1&isAllowed=y>. Parts of this have been published in Dutch: Pien Bos, “Afstand en adoptie. Het perspectief van moeders in India”, in: Sophie Withaeckx, Atamhi Cawayu, Chiara Candaele (ed.), *Voorbij Transnationale Adoptie. Een Kritische en Meerstemmige Dialoog*, Brussels 2023, p. 231–246.
- 2 Peter Selman, “International Adoption from China and India 1992–2018”, in: *Social Welfare in India and China*, Singapore 2020, p. 393–415.
- 3 In this chapter I use the terms ‘relinquishment’ and ‘surrendering’. These terms are controversial, however, because of the context of the separation. Many mothers experienced their child being taken from them.
- 4 Bos, *Once a Mother* (cf. note 1).
- 5 Agencies are children’s homes whose main activity was taking care of children. Some of these institutions also took care of the mothers.
- 6 Cf. Tamil Nadu Indian Council for Child Welfare, *Handbook on Child Adoption in India. Laws, Procedures, Guidelines and International Conventions*, Chennai 1998 (first published 1996); Indian Council for Child Welfare-Tamil Nadu, *Child Adoption and Thereafter*, Chennai 2001. The focus of this research on mothers suggests that I subscribe to the idea that only women are responsible, and I regret this side-effect. Zooming in on fathers is an important topic for further research. Different concepts prevail: biological mothers, birth mothers, natural mothers, original mothers, first mothers. Some mothers perceive these concepts as instrumental, however, which is why I use the term ‘mother’.

adoptive families in 2002 and 2003. My research focused on unmarried mothers, even though many babies were also relinquished by married couples.⁷

Research approach

My study focused on legal adoption procedures. The border between legal and illegal is not always clear, however. Illegal documents can be prepared for legal procedures. Likewise, legitimate documents can be used for illegal practices. For instance, I came across an employee of a hospital who openly described how she carried out an illegal adoption by putting the prospective adoptive parents' names on the birth certificate of an unmarried mother's baby. I did not deliberately search for these practices and instead focused on practices among people working for formally recognised institutions such as hospitals, counselling centres, short stay homes and agencies with a licence for adoption. I needed two years of fieldwork to get access and see behind the 'front stage'.⁸ Usually, in the field of adoption unmarried mothers are discussed as passive subjects, stigmatised and victimised by prevailing values, rather than as agents of cultural rules and practices. In this research, I see, and emphasise women as "active – though not always fully free – agents in reworking their reproductive interests".⁹ This is not to minimise the fact that women's decisions regarding reproduction are "simultaneously controlled and mediated by larger institutions and by structural conditions and processes".¹⁰ Hence, throughout this research, I also elaborate on the institutional context and structural conditions.

Feminist scholars from the global South have developed strong critiques concerning cross-border feminist solidarity, especially on white Western academics "giving voices to women in the South".¹¹ I do not believe that whiteness or ethnicity are in themselves obstacles to scientific validity, although reflecting on how the personal, cultural and academic background of the researcher influence the research process is a precondition for validity.¹² The reflections

7 This is because of a local policy called the 'Cradle Baby Scheme': <https://www.tnsocialwelfare.tn.gov.in/en/specialisationschild-welfare/cradle-baby-scheme>. 15. 12. 2023.

8 I also had to apply for an official research visa, which turned out to be time-consuming. For further information, cf. Pien Bos, *Once a Mother* (cf. note 1), p. 44, 53.

9 Shanmugasundaram Anandhi, "Women, Work and Abortion. A Case Study from Tamil Nadu", *Economic and Political Weekly* 42/12 (2007), p. 1054–1059, here p. 1054, <https://www.jstor.org/stable/4419389>.

10 Ibid.

11 Chandra Talpade Mohanty, *Feminism without Borders. Decolonising Theory, Practicing Solidarity*, Durham, NC, 2004.

12 Roger Sanjek (ed.), *Fieldnotes. The Makings of Anthropology*, Ithaka, NY, 1990.

resulting from my subjective interaction with the women who took part in the study thus formed the basis for my epistemological approach. I should add, however, that many of the pregnant women and mothers I met seemed not to mind to whom they were talking. It was not uncommon during the interviews for an introductory open-ended question to be followed by an almost unstoppable flow of words. Often, the opportunity to share worries and thoughts seemed to offer an emotional outlet.

I worked with an Indian research assistant, Florina, who assisted me with great sensitivity and confidentiality. When Florina left for the United States with her husband, her sister Cecilia stepped in. We interviewed 36 mothers who relinquished their children for adoption in the state of Tamil Nadu. A standard interview took approximately one and a half hours. It sometimes took less than an hour, but sessions of two hours were no exception. One mother stopped the interview after half an hour. She explained that reflecting on her situation made her feel too sad. I met the (expectant) mothers during pregnancy and/or shortly after giving birth. Some had just signed the surrender document. In a few retrospective cases, the interviews were conducted in or near the mother's private residence, but usually the mothers were admitted to an institution with an adoption licence, a short-stay home linked to such an institution or a government hospital. In those cases, to maintain confidentiality, I was able to meet the mothers in a separate room inside or near the institution.

In addition to these formal interviews, I interacted with many mothers on an informal basis. I spent hours chatting in the corridors, in the baby room or the maternity room. My observations during these hours watching and interacting with mothers taking care of their new-born babies during the decision-making process – before and after they signed the surrender documents – were of tremendous importance in gaining insight into these mothers' lives, feelings and considerations. Furthermore, I was able to meet nine unmarried mothers who decided not to surrender their children, and were instead raising their children themselves. These mothers were not and had never been admitted to an agency with a licence for adoption. I interviewed these mothers in or near their homes. I also met seven mothers who had lived with their husbands after marriage but were now raising their children as single parents since they were (officially or informally) divorced.

The life histories and experiences I discuss here all have one thing in common: the mothers relinquished their child to an institution. By signing a legal document, they gave up their child for adoption. This act, while juridical in nature, extends far beyond mere legalities. What makes a mother decide

to sign a surrender document? What does it mean for a mother to relinquish her child to an institution? Basically, the mothers who participated in this research shared deep sorrow and distress. However, each interview revealed a unique and complex set of circumstances and dilemmas. As a result, I prefer to focus on individuals rather than 'categories' of women. Grounded in these personal narratives, various elements, aspects and mechanisms surrounding the decision to surrender a child for adoption become visible.

Sundari

Sundari,¹³ the protagonist of this chapter, is an unmarried pregnant woman when I meet her. For nine months, from the discovery of her pregnancy until she relinquishes her child, she hides in an institution with a licence for adoption. Sundari is intelligent and very able to reflect upon her situation.

While staying at the institution, she agrees to take part in three formal interviews: two during her pregnancy and one after giving birth to her daughter. Over the course of these interviews, she gradually reveals her decision-making process. In addition to the formal interviews, we have regular informal chats and I observe her while she interacts with others and, after she gives birth, in the presence of her baby.

A few weeks after her admission to the institution, I feel it is time to invite her for the first interview. Florina and I walk through the institution and find Sundari playing with the babies in the baby section. She usually spends her days helping the caregivers to care for a group of older babies. Today we find her with a baby on her lap. The ten-month old girl child sitting on her lap starts crying in protest when Sundari puts her down and gets up to join us. Through others, Sundari has already been informed about the purpose of my stay and agrees to participate in my research. The three of us settle on a mat on the floor in a separate room. After my introduction, Sundari starts describing her life. She is hesitant at first, but soon overcomes her shyness. For more than an hour, she reveals what has happened in her life, every now and then interrupted by a question from Florina or myself.

Sundari is 22 years old and belongs to the Christian Nadar community from the deep south of Tamil Nadu. Although her family currently resides in Chennai, most of their relatives still live in the southern part of the state. Sun-

13 The names of the women, institutions and people working in or for the institutions have been changed or omitted.

dari's father also remains in his native village, taking care of some property. Sundari's parents' marriage did not work out well, so Sundari's mother took on the responsibility of managing the family as she saw fit. At school, Sundari was a bright pupil, but the day she passed her 10th standard exams, her mother decided that her education was complete. Believing it time to see her daughter settled in marriage, Sundari's mother started searching for a suitable groom. Through advertisements, she heard about a man from the right community. He was a Christian Nadar with a 'good family background'. The man's M.Phil. degree appeared a good match for Sundari's education. The match also met other significant criteria, such as property. Since dowry is important in Sundari's community, her mother started negotiating the wedding arrangements and settlements with the young man's parents. Sundari's mother was excited about what she considered successful negotiations and about finding her daughter a suitable groom.

Falling in love

In the meantime, Sundari had found herself a job in an export company on the outskirts of Chennai, which employed her as a tailor. There, she met a 25-year-old mechanic. They worked side by side and closer than appropriate for Tamil customs, where boys and girls, men and women are usually separated from the opposite sex in schools, on public transport and in queues. But foreign-owned export companies did not necessarily observe these norms and restrictions. Sundari and her male colleague were spending working hours together. After some time, he started to walk her home after work. Not all the way of course; she had to be careful since nobody should see her in the company of a strange man. In this period, they also planned to start dating. Sundari started lying to her mother, saying the company had asked her to work overtime on Sundays. These were the days when Sundari and her lover were able to meet on the beach. For one year, they were romantically involved and had sex on a regular basis.

They discussed marriage and dreamt of a future together. The man said he would be able to marry her after his sister's wedding. This was acceptable and understandable for Sundari, since a good brother should see his sister settled before pursuing his own dreams of marriage. According to Sundari, his parents knew about his love for her and approved of the marriage. However, Sundari was also aware of the fact that she was not supposed to select her own groom and moreover, the man she was in love with would never be

acceptable to her mother because he belonged to an unacceptable community: he was Scheduled Caste (SC).¹⁴ Sundari explains:

“All my family members marry within our caste. People from my caste are very particular about that. Throughout, we have married within the caste. Besides, he is a low caste boy.”

In addition to his caste background, as a Hindu, he was from the ‘wrong religion’. Conversion to Christianity through marriage was not a hindrance among Tamils in the case of desirable marriage alliances. However, for Sundari’s lover, this was not an option since the caste issue would be insurmountable for Sundari’s family.

Falling pregnant

As time passed, Sundari realised that she had missed her period. Thinking she may be pregnant, she visited the doctor affiliated with her employer. This doctor comforted her and sent her away with a prescription for de-worming tablets. Still her period did not come. Sundari revealed her worries about the secret love affair and delayed menstruation to her elder sister. Her sister immediately informed their mother, and from this moment onwards, Sundari’s life turned to chaos.

Sundari’s mother was extremely upset. She shouted, cried and physically ill-treated her daughter. After these first emotional outbursts, she inquired about the father of the child. Sundari described his merits and tried to present an acceptable background for her lover on the basis of his education and social class. Her mother was far from impressed. The man’s SC background turned out to be an insurmountable problem. Her mother decided to continue negotiations with the groom selected from the advertisements. She informed this family that she needed some more time to arrange money for the dowry by selling some land. Sundari’s mother planned for an abortion and prepared a bag to visit the government hospital in their native area. There, two doctors confirmed that it was too late for a legal abortion. In addition, both reacted

14 India has thousands of castes. Castes are locally ranked communities. People from a Scheduled Caste belong to a low-ranked and officially designated socially and economically disadvantaged group. Chakravarti (2005) demonstrated that the traditional marriage system is inextricably linked to caste communities since “the entire structure of caste and its reproduction, as a system, was contingent upon endogamy, carefully controlled marriages within certain bounded groups”. Uma Chakravarti, “From Fathers to Husbands. Of Love, Death and Marriage in North India”, in: Lynn Welchman, Sara Hossain (ed.), *‘Honour’: Crimes, Paradigms, and Violence Against Women*, Melbourne 2005, p. 309–331.

angrily to the delay and blamed Sundari's mother: "Look what kind of daughter you have given birth to!"

The women then remembered an NGO which provided shelter for unwed mothers in an area where the family once lived. They returned to Chennai and Sundari's mother took her daughter to this institution the same night. Sundari describes the admission procedure as an exchange between her mother and the counsellor. Sundari's mother requested that the institution hide her daughter. The counsellor advised Sundari's mother to relinquish the child for adoption and Sundari's mother felt this was an appropriate solution, since time was running out and the groom was waiting. Although Sundari had listened submissively to the discussions, nobody could stop her from thinking.

Our interview offers her the first opportunity to present her view. She expresses her doubts about the prudence of her mother's decision:

"My mother thinks that once the child is born everything will be over. But I am not so sure about this. I will have stretch marks on my skin. Only mothers have these stretch marks caused by pregnancy. [...] My mother will not inform my future in-laws about what happened in my life. But I think that is not good. What will happen if they suspect something after marriage, and what will I say to them? I am afraid. [...] I do not believe in this marriage, but my mother is forcing me."

Sundari feels it inappropriate and impossible to raise her voice against her mother. She feels extremely guilty bringing shame upon her, and she strives desperately to make up for it:

"It is because I did not listen to my mother that I am in deep trouble now. She always instructed me not to talk with boys. Since I ignored her advice, I ended up in this situation. I think it is a waste that I live. It would be better if I were dead. My mother cries all the time. But she always says that she will stand by me."

To keep or to relinquish the child?

After having her five-month pregnant daughter admitted to the institution, the mother left and did not return for more than two months. During her visit in the eighth month of her daughter's pregnancy, the mother spent all her time talking to the counsellor. The only attention that Sundari received from her mother was a thrashing, "She did not speak much to me. She only shouted at me for giving the family a bad name. She was beating me."

In the first hour of this interview, I see Sundari trying very hard to accept her mother's decision to relinquish the child. However, her attitude changes when I offer her an opportunity to ask me some questions. She visibly perks up and takes on the role of the questioner. The first question she asks is, "Will they raise my child here, or will it go to any other place?" I answer that the baby will stay in the institution for at least two months since this is the time available to her as a mother to reclaim her child. She continues, "How long will my baby stay here before it will be given to adoptive parents? What will happen if I reclaim my child? Do I need to pay to get my child back? Can I visit my child after adoption?" The leading core of her questions is her fear that her child will be neglected: "Sometimes people who should give care to somebody else's children do not care for the children properly. They may ill-treat my baby. That is the reason that I prefer to keep in touch with my child."

Since baby rooms are near the section where she resides, Sundari is able to observe how babies are taken care of by the employees. She is convinced that there is a difference between the quality of her personal care as a mother and the care given by others. She is worried about the well-being of her child once it is placed in an adoptive family. From her perspective as a mother, she prefers to be in control of the care her baby receives.

In answer to her questions, I provide Sundari with formal information about adoption procedures. I know of the procedures from having been at this and similar institutions for more than a year. Sundari is especially interested in hearing about possibilities to maintain contact with her child, so I explain that she has a legal right to keep her child since she has not signed any legal document yet. I also share information about her right to reclaim her child within 60 days of signing a legal document.¹⁵ As Sundari listens to my answers, I can see something happening in her mind. I observe that her submissive and obedient attitude is vanishing. It is only in the second interview that I become aware of the role I possibly had in her decision-making process. A few weeks later, in the second interview during her pregnancy, Sundari explicitly says that she is in two minds:

"Sometimes I feel like keeping the child with me. But at other moments,

I think it is better to leave it here and continue my life without the baby." She explains that she is scared she will be expelled from her family. Even after the relinquishment, she is not confident her family will welcome her:

¹⁵ Cf. contribution "Provisions and Practice. International Adoptions and the Law in India" and the appendix to this contribution.

Sundari (S): "If they keep the child here for six months, I have a chance to ask for my child back. [...] I can go back to the Export Company. The company has a crèche for children. I can leave my child there in the day-time and at work. [...]"

Pien Bos (PB): "Do you know any other woman who is having a child without having been married?"

S: "There is a woman living next door to our house. She gave birth to a child before she got married. She looks after it herself. [...] Back then, I felt sorry for her and I thought 'why did she do it like this?' But right now, I think in the same way as her. If there is a fight in my house and they expel me, I can also take my child and raise it myself in my own place."

PB: "How is the woman managing?"

S: "Her baby is two years old. She is leaving her child in the crèche and goes for her job in the Export Company. She has rented a house and stays alone. Nobody speaks badly about her. [...]"

PB: "If this is really what you prefer to do, what makes you listen to your mother?"

S: "It will embarrass my mother if I take my child. My mother has told the people in our neighbourhood that I went back to our village. If I come back with a child, everybody will talk badly about us. But even if I go home without my child, there are chances that problems will come up in my house. If the fights start, I will come back [to this institution]. I will collect my child and stay somewhere else where people do not know about me."

Sundari has made up her mind. She expects to be expelled by her cheated husband-to-be and wants to reclaim her baby when that happens. With her baby, she will settle independently. Her major concern for this latter scenario is time. Formally, she has two months to reclaim her baby, but she thinks she may need six months to reconsider. She just hopes that the child will stay in the institution for an adequate period: until her life is stabilised either at her mother's place or in the household of her husband-to-be.

Remarkably, Sundari never considers raising her child with her SC boyfriend, the father of her child. When I ask her about this unmentioned option, she explains that she feels insecure about him. He is not aware of her situation, which changed rapidly after her mother's involvement. She thinks that he will feel she must have ditched him. Initially, Sundari had informed him about her pregnancy. He told her then not to worry and assured her that he would share the responsibility. But since she has left him uninformed, he has lost all participation in the decision-making. Sundari thinks that he must have excluded her from his future.

Giving birth

The decisive factor in Sundari's decision-making process is essentially the importance of her relationship with her mother and, stemming from this relationship, the caste issue. A marriage with the father of the child is not an option for Sundari's mother, and Sundari's feelings of guilt about bringing shame upon her family urge her to obey her mother. Financially, Sundari is confident that she can manage as a single parent. But socially and emotionally, she depends on her family. Sundari prioritises her rehabilitation within her family but considers the possibility of being expelled. With this scenario in mind, she calculates and hopes to be in time to reclaim her child. She will then opt for second best, life as a single mother. "I predict that the gossip and people's bad talk will hurt me less with my baby in my arms."

After this second interview, we occasionally meet informally. Sometimes we chat while playing with the babies. She is integrated in the daily routine of the institutional community and develops several friendships with caregivers and other resident women. At times, I catch her staring into space.

Sundari has a quick, natural delivery. For three days, she needs to recover in the hospital. On the day she returns to the institution, I drop in. I find her in the room with the other resident women. She is lying on her mat. Next to her, under the sheet, I notice a small uneven bundle of slightly moving cloths. She is staring at it. She offers me a pale smile when I settle on the floor next to her mat. Immediately, she turns her baby over to show her to me. The girl is extremely tiny, barely two kilos in weight, and has slightly yellowish skin. The child looks vulnerable, and I can see Sundari is worried.

Two weeks after Sundari's delivery, her mother came to visit. She was informed by telephone that her daughter had delivered a female child. Again, Sundari's mother locked herself in with the counsellor. The counsellor advised Sundari's mother to be transparent about Sundari's past when it came to wedding arrangements. Eventually, Sundari's mother took the advice and decided to inform the alliance of her withdrawal. Sundari felt incredibly relieved by this action and obliged to the counsellor and her mother for sparing her this awkward marriage.

Despite this withdrawal, Sundari's mother was still pre-occupied with her daughter's future and her aim was to get her married. Sundari's present state did not matter to her. Nor was the mother's attention directed to the child, who was part of current predicament. The counsellor invited Sundari's mother to have a look at the baby, but she was not interested in this grandchild. She seemed averse to any confusing emotions that a glimpse of the baby might

entail. Sundari's mother was initially determined to take her daughter home the same day, but Sundari said she was not ready to leave. With the support of the counsellor, Sundari got her mother's permission to stay in the institution for some more time.

“I decided to give it up”

It is after this visit of her mother that I observe Sundari being ambivalent in her attitude towards her child. She is keeping more distance from the child. The baby is not sleeping with her on the same mat anymore and has been moved to the baby room. During the third interview, soon after her mother's visit, I mention this observation. Sundari explains, “I am willing to relinquish the baby. I have informed them [the institution authorities] about this and asked them to place the baby for adoption.”

Sundari is short in her answers this time. She has just delivered a child and the labour has taken its toll:

“Before delivery, I was in two minds. Only after delivery did I decide to relinquish the baby and to marry the person my mother tells me to marry. [...] At first, I thought I could keep the baby with me. But when I sat down and thought of the baby's future, I decided to give it up. Also here they advised me, “How can you stay alone and survive? Your people will not allow you and your neighbours will ask questions.” The caregivers advised me, “Think of what happened as a bad dream. Leave the child, get married and be happy. The baby will get a good future when she is adopted.”

Nobody in this institutional setting supports her initial plans to eventually reclaim the child. In addition to this one-way counselling, her future scenario has changed since her mother cancelled the wedding. With this, she is more confident about her rehabilitation within her family. Following the delivery, she is also too tired to resist the authority figures and decides to act according to their advice. This is what induces her to distance herself from her baby:

“I stopped sitting with her in the daytime. Only in the night do I sit a while with her. Since my mother visited me, I have stopped feeding her. [...] I am not happy with feeding the baby. My mother told me to stop feeding since my breast will be lowered. This will be discovered in future and may reveal my secret history. I personally do not want to feed the baby since it will depress me too much to leave the child behind. Breastfeeding will attach me to my baby.”



Fig. 1: A mother holds her baby in her arms shortly before signing the surrender document. Photo: Pien Bos, Chennai 2003.



Fig. 2: A mother signs the surrender document. Photo: Pien Bos, Chennai 2003.

A few days after Sundari stops breastfeeding her baby, the child starts suffering from diarrhoea and is admitted to hospital. The disease turns out to be septicaemia, a life-threatening condition. The baby is only three weeks old and weighs hardly two kilos. I can see Sundari is in great distress. Her eyes are dull. When I meet her in the corridors, inquiring how the baby is and how she is doing, she keeps the answers short. She knows that her child's life is in danger, but she is not informed of the details. She hears snatches of information about the condition of her child from caregivers who have stayed with the baby inside the hospital. The baby has to stay in the hospital for weeks and is returned to the institution in a poorly state.

Three months after giving birth, Sundari packs her bag to leave the institution. The formalities have been completed, the surrender deed signed and the festival season is bringing families together. On that day, I see her climbing into the autorickshaw with her mother. The strain left by the recent months is visible on her face. Her initial worries about handing her baby over to the care of strangers were well-founded, and her wish to monitor the care of her baby after surrendering her has not been fulfilled. Her baby has been admitted to hospital with septicaemia in a critical condition for a second time. Soon after Sundari returns home, her baby will pass away. But for Sundari, the child is lost in any case. Usually, after relinquishing her child, a mother does receive any

more information. Sundari remains uncertain to this day about her daughter's survival.¹⁶

Abortion

Sundari is as unique in her personal experience and process as any other woman I met for this research. Yet the assumptions she made and her decisions are relevant to understanding other unmarried mothers. With Sundari's case as a starting point, I add stories of other mothers. The first question that inevitably arises is why did she not prevent this pregnancy?

Sundari is, to some extent, aware of the possibilities to prevent a pregnancy. However, she does not know about important details about reproductive health in general and her personal reproduction specifically. She mentioned that she thought that sex with her boyfriend, which was only occasional, was safe. At the time, from a cultural perspective, contraception was out of the question for an unmarried girl or woman. One informant said, "If an unmarried girl uses contraceptives, men will think otherwise." Contraceptives are associated with an active sex life and the use of contraceptives by unmarried women is associated with loose sexual morals. These two reasons, lack of information about reproduction and taboos against pre-marital contraception, prevented Sundari from using contraceptives.

Initially Sundari did not consider her delayed menstruation a sign of pregnancy. She blamed her weak body and lack of energy. But as time passed, she started admitting her suppressed thoughts about the possibility of being pregnant. The first solution she thought of was an abortion.¹⁷

"Many people speak openly about abortion. Especially married women. They discuss this and if they have an unwanted pregnancy, they will abort."

In most interviews, abortion was mentioned as the first consideration. However, for women who ended up relinquishing their children, an abortion evidently did not work out. The main reason for this was that most women visited the doctor when the pregnancy was already beyond 20 weeks.¹⁸ The women were generally very aware of their menstrual cycle. However, many

16 I know more than Sundari because I continued to visit this institution.

17 The word 'abortion' stands for MTP: medical termination of pregnancy. The women whom I met used the English word 'abortion' or the Tamil word 'kalaittal' for MTP.

18 Under the *Medical Termination of Pregnancy Act* (1971), a pregnancy may be terminated up to the 20th week.

women with whom I spoke mentioned an irregular cycle due to under-nourishment and physical weakness.

Termination of an unwanted pregnancy is often considered an option for unmarried women. Thangamma [41], for instance, is a widow who had a one-night stand just after her husband passed away, and conceived twins. While pregnancy is considered shameful at her age, it had proceeded beyond the time limit for a legal abortion. Together with her adult son and daughter, she decided to relinquish the twins instead of having an illegal abortion for financial reasons:

“When I was five months pregnant, I went for an abortion. But they asked me for INR 5000. I could not afford that much money. My daughter suggested that we already had enough debts. We cannot afford to borrow more money. So we decided that it is better to go to this place and give the children away.”¹⁹

Thangamma tells me that her twins will always be in her mind and heart. But she is confident about her decision and believes that adoption is a good option to give her children and herself a fair chance.

Another reason against abortion is mentioned by Kanni [24]. She was raped by a ‘family friend’. Kanni’s uncle advised her not to terminate the pregnancy, since the community was already aware of her pregnancy. Her name had already been ruined along with that of her family. He considered restoring the family’s reputation by arranging a marriage between his niece and this man. Eventually, Kanni and her family got involved in protracted court processes which they could not afford, and which they would almost certainly lose since the accused man had influential connections in political circles. In the meantime, the deadline for an abortion came and went. The family decided that Kanni should give birth to the child because only marriage could repair the damage done, not abortion nor relinquishment. Kanni is one of the women who never stayed in an institution. Her family decided to raise the child. During the interview, the seven-month-old baby woke up, and after being breastfed I noticed it enthusiastically handed over from mother to grandmother to uncle, while being cuddled and cared for. The proud comments of the family members indicated to me that the baby girl was not blamed for being born.

Many unwed mothers I met also considered marriage with the biological father as an appropriate, and sometimes, preferred solution. Abirami [17] explained:

19 During the period of my fieldwork, the salary of the teachers working in the nearby private school was around INR 2,000 per month. Caregivers working in the institutions earned between INR 1,000 and INR 1,500 per month.

“They [my father’s sisters] wanted to get me married to this boy. So we went to the police station and there they ordered the boy to come over. After confronting him, the police requested he marry me and he agreed. But his mother was not happy with this. Hence, my aunts became very anxious. His mother’s attitude created doubts. My aunts explained their worries to me and advised me not to marry him. They explained to me that if I was still going to marry this man, they would reject any responsibility. They were scared about what might happen to me in my future-in-law’s house. My aunts are the only persons I can rely on, so I decided to give in and did not marry him.”

Abirami’s situation was not uncommon. Like many pregnant women and their families, awareness of the dangers of a forced marriage led to the withdrawal of a proposal. Conversely, I also frequently encountered cases where the man and his family stalled or rejected the marriage arrangements.

Rape was regularly mentioned by the mothers I met. Ponni [18], for instance, explicitly disclosed that she had been raped. She was from a SC community and lived with her mother, grandmother and mother’s younger sister. One day, when she was home alone, her cousin walked in. The only thing he said before raping her was, “if you shout, I will kill you and your mother”. Ponni’s mother learned of what had happened to her daughter only eight months into the pregnancy, saying, “Why didn’t you tell me earlier? Then we could have done something.”

Ponni replied that the man had threatened to kill them. Her mother was extremely upset and angry with the rapist. She blamed him completely and recognised Ponni indisputably as the victim of his crime. The option suggested by the government hospital to surrender the baby for adoption was chosen as the best solution. As far as the notions of ‘blame’ and ‘guilt’ are concerned, Ponni and her family firmly insisted on the man’s accountability. However, this resoluteness was uncommon among the interviewees. One woman who lived in her rapist’s (her uncle’s) household was blamed for her pregnancy by her aunts. Listening to the woman’s story, it seemed to me that she felt guilty too.

Changing one’s mind

Upon admission to an institution in a pregnant state, many women I encountered were constantly confronted with the prevailing opinion that keeping the child was not an option. However, for some women, this perception changed after giving birth, leading to a change of mind.

Sumathi [18], for instance, gave birth by caesarean in a hospital in the city. The social worker of the institution did not allow us to talk to her since ‘some problems’ had come up. The matron explained that Sumathi conceived as an unmarried woman and was referred to this institution by the family planning unit of the government hospital. With her stepmother, she applied for admission and immediately agreed to relinquish her unborn child once it was born. But the delivery came with complications, as the matron explained:

“After delivery, the baby boy was kept in the glass box for two days, since his eyes were yellow. The stepmother cared for the baby for these two days and now she wants to take the child home.”

Sumathi’s stepmother initially supported the surrender process but later changed her mind when she found out the baby was a boy. When she expressed her desire to keep the child, the social worker disagreed and explained to the stepmother that reclaiming him was out of the question. If she continued with the reclaiming process, she would have to pay a substantial amount of money to cover the maintenance charge, the surgery and the medical care of mother and child. The stepmother filed a complaint with the police. The matron and the social worker were not worried, though, stating that “if the baby [had] been a girl, she would never have reclaimed the child and the police [would] recognise gender-discrimination as an inappropriate motivation to reclaim a baby”.

Eager to hear the story from Sumathi herself, I interview her. Despite the painful wound and short nights due to her demanding baby, she welcomes us and is in a talkative mood. While the stepmother still wants to keep the baby, Sumathi disagrees:

“I cannot care for the child. People will speak badly about me since I conceived the child in a bad way. Also, the social worker told me: ‘how can you face society as an unmarried mother?’”

In the end, Sumathi relinquishes her son to the institution and signs the surrender document. In our conversation, she adds a new reason for relinquishment: she owes it to the institution since they took care of her during pregnancy and delivery.

This is different for Chellam [21]. Chellam is also an unmarried mother admitted during pregnancy. Chellam’s mother’s lifestyle is not conform to dominant middle-class cultural norms, but she wants her daughter to have a different life from hers. This does not include falling pregnant at a young age.

C: “My mother just fainted when she heard about my pregnancy.

I used to laugh and play like a child, so she did not expect this. We thought of an abortion, but this was impossible since I had entered the

8th month. So we went to the lady doctor who said that she could do it if we paid INR 4,000. But we could not afford this. The lady doctor in the government hospital asked us to go to this hostel [licensed NGO]. [...]"

PB: "You say you want to keep the child. Would that be possible?"

C: "Anyway people will come to know about what happened. People in our neighbourhood are already suspicious. I want to give the child away. How can I keep it? Practically, I can bring up the child. I can work. But my parents will get a bad name. [...] If I take the child, my elder sister's husband's family will speak badly; my sister's life will also be ruined. Even now they are not so good to her, and this matter may affect my sister."

The fact that the child turns out to be a boy changes her decision-making significantly. In the interview after giving birth, she says:

C: "My baby is a beautiful and lucky boy. In my old age, he will look after me – but not if I give him up. When I see him now, I feel very sad about losing him. [...]"

PB: "What makes the difference between a boy and a girl?"

C: "A girl is like me. She needs to be taken care of. There are too many expenses. A boy is an asset. If we bring him up, he will look after us in old age. I think my mother will also change her mind once she sees the child because he is very beautiful. I am least worried about my family. If they [the institution staff] give the child to me, I will take him. I will bring him up alone by doing domestic work. For six months I can feed him and keep him with me. After that I can leave him with somebody to take care of him and go to work. I can bring him up, but I am upset about having signed the papers."

Chellam's main hindrance to her new plans is the institution, and she thinks that she has already signed the surrender documents. I explain to her that she has only signed an agreement in which the institutional rules and responsibilities are explained. Chellam is clear in her wish to keep the child, but practically it does not work out. On the day that her mother, aunt and stepfather arrive – I am able to observe the process – Chellam loses control of the situation. She is not invited to participate in discussions. The formalities are settled by the authorities of the institution and Chellam's mother and aunt. The surrender document is read to her, including the possibility of reclaiming the child within two months. Orally, she is told to bring her husband if she aims to reclaim her child.

For Chellam, her baby's gender made a significant difference. For many mothers, married or unmarried, the gender of the child is significant and even decisive. But, like Sundari, other unwed mothers also expressed or showed deep sorrow at leaving a female baby.

Conclusion

I have outlined the decision-making processes of unmarried mothers who fell pregnant in the early 2000s in south India, revealing several underlying factors. A significant consideration was the fact that access to contraception was culturally inappropriate since unmarried women were not presumed to have sex. Abortion emerged as a missed opportunity, since the legal deadlines were often exceeded or – as news about the pregnancy spread in the community – an abortion could not restore the family name. Against this background, the expecting mothers entered the next stage, in which marriage with the biological father was considered. Marriage with the biological father was often the preferred solution, but not if there were caste differences and serious doubts about the man's personality or his family. Rape was not always perceived as a valid reason for rejecting marriage.

Giving birth is life-changing and having a baby profoundly changes a mother's lived experience. After giving birth, various contradicting emotions surface. In other words, the transition from being unmarried and pregnant to being unmarried and mother is important. After the birth, the positive cultural aspects attached to motherhood suddenly offer a foundation upon which mothers might regain self-respect, strength and an ability to influence or shape their social identity. In addition to these cultural components, the personal and emotional effects of having a baby in their arms influence mothers' perceptions about their prospects if they decide not to relinquish.

Many women described circumstances in which a lack of money was a daily reality and a hindrance for free decisions, for instance in relation to illegal abortions. Once settled in an institution, it was financially impossible for mothers to refuse to relinquish or to reclaim their baby, since leaving their baby was considered compensation for medical and physical care. In addition, many mothers perceived a refusal to relinquish as a breach of agreement because of the care they had received.

Since pregnancy takes just 40 weeks, considerable time pressure stood in the way of well-considered decision-making. For most women, the discovery of a pregnancy was accompanied by panic and deep feelings of shame. Abortion is only possible within a limited timeframe, so time becomes a complicating factor if the pregnancy must be kept secret and a long absence will raise questions. There is also a limited window of opportunity to reclaim a child after signing the surrender document.

A significant factor for the women concerned was the family's perspective. A mother's individual wish, deep longings and priorities do not always align

with those of her relatives. In taking her decision, she had to weigh her personal concerns against various loyalties, while simultaneously contending with unequal relationships of power.

The relatives involved in the decision-making usually maintained a physical and emotional distance from the mother and her child. Apart from some occasional visits, they avoided their newborn kin and maintained a distance, either by choice or as directed by institutional policy. Consequently, the loss of the child was not directly experienced and felt by these informal decisionmakers. In contrast, the mother, who carried, gave birth to and nurtured the baby after delivery, experienced significant grief.²⁰

20 Cf. Pien Bos, "Relinquishment and Adoption in Tamil Society. Mothers' Experiences with De-Kinning", in: Yasmine Ergas, Jane Jenson, Sonya Michel (ed.), *Reassembling Motherhood. Procreation and Care in a Globalized World*, New York, Chichester, West Sussex, 2017, p. 162–184.

Appendix: Surrender Document

Sundari's surrender document (2003), translated from Tamil into English by Florina.

On this day, [date] I [name], aged [age], c/o [address] submit with my whole heart the undertaking/assurance to [name and address of organisation].

I unfortunately happened to have an illegal relationship with a man [name not to be mentioned] and became pregnant and delivered a female child on [date of birth of child] at [name and address of hospital], and named the child [name of child].

As I gave birth to the child illegally, I was not accepted by my family and society. In these difficult circumstances, I cannot keep the child with me and bring it up properly. Taking into consideration the future benefits and betterment of the child and also my own future prospects, I leave the child in the care of the abovementioned organisation. I hereby agree to give the child up for adoption either in India or abroad via the above organisation in accordance with the applicable laws.

The abovesaid organisation has informed me of all the rules and regulations for the rehabilitation of abandoned children. I consider this the best and preferred option among the various plans of the organisation for the adoption of the abandoned child (according to law an adoption family is formed). For my child's rehabilitation and betterment I therefore ask the organisation to take my child. I have made this decision of my own will and am not under any duress. I have not requested or received any money for giving up the child. This decision is taken for the betterment and rehabilitation of my child.

The organisation has advised me that should I change my mind, I have the right to reclaim my child within 60 days from this date. If I fail to do so within 60 days, I permanently forgo any right to reclaim my child. Having fully understood the abovesaid conditions and rules, I willingly relinquish my child on this day [date] to the organisation for adoption.

Yours faithfully,
(signature)
(name, place)

Witness:
(signature)
(name + address witness 1)

(signature)
(name + address witness 2)

In the presence of:
(signature)

(name + district of head of youth welfare association)

The Stigmatisation of Unwed Mothers

Ethnographic Research in India

ANDREA ABRAHAM, ASHA NARAYAN IYER

An ethnographic journey in the steps of unwed mothers

“We had this little camera, and I took the first pictures of the mothers. They would scream, and shout, ‘no way’ and ‘you can’t do that’. Sometimes the only way to take a photo was from behind. I would get the mothers to hold the baby, so the baby was on the photo and its mother had her back to the camera. We dressed them in decent clothes because they were often so poor in those days that a child would be shocked to see the poor background their mother came from. But we took a picture and kept it. And, of course, we often shared this picture with the child.”

This excerpt from a dialogue describes a mother’s separation from her child, who she hands over to Kinjal Sethi,¹ the former head of an Indian adoption agency. By photographing the child in its mother’s arms, Kinjal Sethi choreographs and documents the separation. The photograph conveys a feeling of unity, closeness and dignity, and lends an aesthetic quality to the scene despite the coming separation. It is the ritualised production of a first and perhaps last family photograph. Kinjal Sethi creates the Polaroid photo as a keepsake for the child. In so doing, she presents herself as an intermediary – the link between past, present and future. Her intention is to prevent the mother from becoming a void in the child’s life. But the mother refuses to be photographed. As a compromise, Kinjal Sethi photographs her from behind, documenting a physical proximity between mother and child, but rendering invisible the mother’s identity. The scene in the photograph encapsulates the theme of this contribution, which explores the simultaneous existence and facelessness of

1 All of our interview partners received written assurance that their names would be altered to ensure their anonymity, in line with ethical standards for social science research. Aglaja Przyborski, Monika Wohlrab-Sahr, *Qualitative Sozialforschung. Ein Arbeitsbuch*, 5., revised and extended edition (Lehr- und Handbücher der Soziologie), Berlin, Boston 2021. We acknowledge that the use of pseudonyms can contribute to making research participants invisible to a certain extent and is thus debated in ethnographic circles. Martyn Hammersley, “Ethics of Ethnography”, in: Ron Iphofen (ed.), *Handbook of Research Ethics and Scientific Integrity*, Cham 2020, p. 445–457.

Indian mothers who gave their children up for adoption between the 1970s and 2000s. The contribution asks: Who were the mothers whose children left India for adoption by foreign couples? What were the circumstances surrounding their pregnancies? How and for what reasons did they decide to give up their children? How did they feel about it? Where and in what manner did they part with their children? And what kind of lives did they go on to lead?

We approached this complex set of questions in India as co-researchers on the basis of interviews and an ethnographic approach. Our vision was to include the subjective voices of mothers in our research project. Because of the ethical, political and practical challenges, we attempted to gain insight into their perspectives through the testimony of experts and practitioners.² We identified institutions and professionals in and around Mumbai with whom women who accidentally became pregnant or mothers separated from a child may have come into contact during the focus period of the study. We spoke to people who were familiar with the situations faced by the women. These included the employees and directors of 'agencies'³ (children's homes whose main activities were caring for the children and sometimes also the mothers, in addition to arranging adoptions). We also spoke to staff at shelters⁴ (centres for women in need). In addition, we received assistance and information from a gynaecologist who had worked with such women during their pregnancy and childbirth. A lawyer, who had worked as a liaison between parents, the agencies and the Bombay High Court, was also among those who provided information about mothers. Also included in our research project were researchers studying gender-based violence, feminist activists and adoption and children's rights advocates. This resulted in a sample of 20 people, who we interviewed in India between January and April 2023.

In Switzerland, three people who were adopted from India also told us their life stories. Ethnographic research is characterised by an approach that extends beyond interviews and interweaves different empirical methods. Thus, during two separate two-month research stays in Mumbai, we sought to gain insights into the realities of the mothers' lives through visits to institutions and libraries, walks and taxi rides, invitations, informal conversations in corridors and offices, workshops, documentary and fictional films, photographs, video record-

2 Cf. "Introduction", Rita Kesselring, p. 24 ff.

3 'Specialised adoption agencies' (hereafter 'agencies') were licensed to arrange adoptions. For a more detailed description, cf. contribution "Provisions and Practice. International Adoptions and the Law in India", Asha Narayan Iyer.

4 Such shelters emerged in the 19th century during the social reform movements in India that campaigned for a better life for women. Neela Dabir, *A Study of a Shelter Home for Women in Distress*, SNDT Women's University, 1994, <https://shodhganga.inflibnet.ac.in:8443/jspui/handle/10603/161291>, 8 6. 2023.

ings and artefacts such as paintings and poems. These multi-sensory pathways allowed us to peel back the layers of anonymity surrounding the mothers in our study and gain a better understanding of their realities.⁵

The approach adopted by our research strategy proved useful. Agencies and shelters turned out to be the crucial link in the adoption process on the Indian side and some of the employees had had extensive contact with the mothers over long periods of time. Given the ethical considerations surrounding the research, it had also become essential to gain access to the mothers through institutions capable of providing support, since it is hard to predict how mothers would be affected by sharing their experiences. We considered it unethical to give mothers a voice without also offering them support, because other processes of dealing with the past have shown that when marginalised groups tell their stories it can have profound impacts on individuals and communities. Over the months, the opportunity arose through a specific agency to gather direct accounts from the mothers. In considering this opportunity, we were mindful of the ethical research considerations involved in contacting the mothers through institutions that received their children and put them up for adoption. This opportunity was, however, vetoed by the ethics board in India that assessed our project.⁶ As a result of this setback, we decided to reconstruct the circumstances and motives for a mother's separation from her child with the help of experts and to refrain from directly involving the mothers. This means we are speaking 'about mothers', an issue reflected upon in the third contribution of this volume. In light of this change of plans, this contribution only refers to mothers who gave up their child in an agency, shelter or hospital, because this is where they were in contact with professionals. It does not cover adoption situations where children were found in public places or abducted.

'Unwed mothers' as a central narrative

During the period that is the focus of our study, we found that parents were separated from their children for a variety of interconnected reasons. These included poverty in large families, health issues affecting either the parents (such as AIDS) or the child, parental imprisonment, or the fact that the child

5 The findings presented in this contribution are informed by these interviews and ethnographic field notes, supplemented or framed by pertinent academic literature.

6 Cf. "Introduction", Rita Kesselring.

was a girl.⁷ However, the dominant narrative repeatedly encountered among the data we collected was that of the ‘unwed mother’ – the unmarried pregnant women who are the main focus of this contribution.

All of our interviewees in India and the literature we consulted described being a mother out of wedlock as almost impossible during the period researched. Rashmi Parmar, who had been a volunteer in the feminist movement since her school days in the 1950s and had been active in a secular and politically independent women’s organisation for many years, told us:

“Unwed mothers in the 1970s, 80s, 90s [...]: There was no support system for them. And it wasn’t just the system – the family itself didn’t support them. There was a lot of violence. No emotional support. No empathy. Very cruel. There was a lot of moral judgement. Unwed mothers couldn’t become mothers on their own.”

This moral judgement mentioned by Rashmi Parmar can be seen, for example, in the discriminatory special provisions that applied to unwed pregnant women in the Shraddhanand Mahilashram shelter until 1991.⁸ They were referred to as ‘fallen women’⁹ and deemed to have committed an ‘offence against society’, which meant they had to pay a fine upon entering the institution. This fee rose steadily between 1979 and 1991,¹⁰ and was only abolished in 1999.¹¹ Furthermore, access to support from the shelter was very high threshold. The women had to provide information about their family and the father of the child and cover the costs of their stay and childbirth. A lawyer who has been working in Mumbai since the 1980s told us that, not wishing to reveal their identity, many women gave false names and addresses when relinquishing a child.¹² Rashmi Parmar portrays unwed pregnancy as a problem with severe repercussions for both mothers and their children, which are deemed illegitimate. Other discussions highlighted the broader consequences of women becoming pregnant out of wedlock for families as a whole. The interviewees described how pregnancy out of wedlock could damage a family’s reputation, limiting marriage opportunities for siblings, for example, or forcing

7 In the Indian literature, reasons given for son preference include inheritance concerns, the fact that daughters typically left the family home and went to live in their husband’s community upon marriage, and the hope that a son and his family would support the parents in their old age. Cf. e. g. Monica Das Gupta, Jiang Zhenghua, Li Bohua, Xie Zhenming, Woojin Chung, Bae Hwa-Ok, “Why is Son Preference so Persistent in East and South Asia? A Cross-Country Study of China, India and the Republic of Korea”, *The Journal of Development Studies* 40/2 (2003), p. 153–187.

8 Dabir (cf. note 4), p. 93 f.

9 Cf. institutions for ‘fallen girls’ in Switzerland until the second half of the 20th century.

10 Increase in the monthly fee for a stay in the institution from INR 15 to INR 90. Dabir (cf. note 4), p. 94.

11 We do not know whether the penalty was specific to this shelter or whether it was also applied in the other shelters during the period of our investigation.

12 Cf. contribution “Provisions and Practice. International Adoptions and the Law in India”, Asha Narayan Iyer.

the family to relocate. The stigma of a pregnancy out of wedlock was therefore experienced by both the individual and the family.

To understand this stigmatisation, it is important to consider the prevailing patriarchal norms surrounding female sexuality, marriage and motherhood in the Indian context. The patriarchal structures in India are interwoven with the caste system,¹³ which is detailed in the *Manusmriti*,¹⁴ a collection of ancient Indian Hindu writings. These structures are heavily shaped by gender stereotypes.¹⁵ The female body bears a great responsibility. It is seen as an instrument for reproduction and the continuation of the male line – and thus has the capacity either to aid or disrupt the survival of the family. Because of this ambivalent role, women's behaviour must be restricted and monitored, for example through physical segregation or early marriage.¹⁶ The *Manusmriti* suggests that female sexuality should only exist within marriage and primarily for the purpose of procreation.¹⁷ While India's independence in 1947 had led to significant feminist gains in the area of women's rights in India, these ancient Indian principles continued to shape people's domestic lives and intimate relationships.¹⁸ During the focus period of the study, patriarchal norms including those of patrilineal descent, inheritance, and patrilocality¹⁹ remained prevalent. Women were seen to exist only in relation to men: as daughters, wives or mothers.²⁰ Within this family structure, motherhood in

- 13 Uma Chakravarti, "Conceptualizing Brahminical Patriarchy in Early India. Gender, Caste, Class and State", in: Manoranjan Mohanty (ed.), *Class, Caste, Gender. Readings in Indian Politics*, Delhi 2004, p. 271–295.
- 14 The *Manusmriti* is one of the most widely used and quoted ancient Indian texts setting out rules in relation to religious practice, rites, political governance and everyday life. It contains provisions on inheritance, adoption, taxes, punishments, legal process and atonement, and takes a position on women's role and status in society, the hierarchical caste system with the Brahmins at the top, purity, and punishments for failing to follow the rules. The *Manusmriti* is believed to have been written between 100 BC and 200 AD. *Manusmriti. Manus Gesetz-buch, aus dem Sanskrit übersetzt und hg. von Axel Michaels unter Mitarbeit von Anand Mishra*, Berlin 2010.
- 15 Kochurani Abraham, *Persisting Patriarchy. Intersectionalities, Negotiations, Subversions (New Approaches to Religion and Power)*, Cham 2019. With reference to Sekhar Bandyopadhyay, *Caste, Culture and Hegemony. Social Dominance in Colonial Bengal*, New Delhi 2004.
- 16 Karuna Chanana, "Hinduism and Female Sexuality. Social Control and Education of Girls in India", *Sociological Bulletin* 50/1 (2001), p. 37–63.
- 17 Abraham (cf. note 15); Virginie Chasles, "Entre sacralité et impureté, l'ambivalence de la maternité en Inde", *Espace, populations, sociétés* 20/3 (2002), p. 387–396; Prodipto Roy, Sarojini Kumtatar Tewatia, *Mother Child Health. The Impact of Womens' Work*, Uppal 1999; Marcia C. Inhorn, "Defining Women's Health. A Dozen Messages from More than 150 Ethnographies", *Medical Anthropology Quarterly* 20/3 (2006), p. 345–378; Veena Poonacha, "Rites de Passage of Matrescence and Social Construction of Motherhood. Coorgs in South India", *Economic and Political Weekly* 32/3 (1997), p. 101–110; Sukumari Bhattacharji, "Motherhood in Ancient India", *Economic and Political Weekly* 25/42–43 (1990), p. WS-50 to WS-57.
- 18 Kalpana Bardhan, "Women and Feminism in a Stratified Society. Recent Developments in India", in: Sally M. Sutherland (ed.), *Bridging Worlds. Studies on Women in South Asia*, Berkeley 1991, p. 163–201.
- 19 Patrilocality is when women move in with their husbands after marriage and are integrated into his family structures. Certain population groups in India, like the Nair caste in Kerala, have historically exhibited egalitarian or even matriarchal gender relations.
- 20 Rama Mehta, *Socio-Legal Status of Women in India*, Delhi 1987. The extent to which women's identity was determined by male-dominated structures during this time period is illustrated by the example of widowed women. Upon marriage, a woman in certain respects became the property of her husband. If he died, she was considered

particular was not merely a personal experience but also an ideological construct used to establish dominance over women's lives.²¹ Motherhood was characterised by a normative cascade, which has been described by Indian feminist authors as follows:²²

- Motherhood is an Indian woman's primary identity.
- Motherhood occurs within marriage.
- Within marriage, a woman must become a mother.
- Within marriage, a woman must become the mother of a son.

This "moral landscape"²³ is the backdrop against which motherhood out of wedlock must be understood during the focus period for the study. It stood in stark contrast to the established norms and expectations that determined a woman's existence.²⁴ So how was it that women became pregnant outside marriage? The following chapters focus on the two scenarios of 'impossible love' and pregnancy resulting from sexual violence.

Stories of impossible love

Michael Dupon²⁵ was adopted by a French couple from a Missionaries of Charity home at the end of the 1960s and grew up on the Swiss border. As a young adult, he set out in search of his mother and was able to piece together the following fragments of his story. Michael's parents Amba and Daniyal were both working in a northern Indian hospital when they fell in love in the late 1960s. Amba was training to be a nurse, Daniyal was a doctor. Their relationship became complicated when Amba fell pregnant. As soon as she became pregnant, the social expectations of the two young people's families began to interfere with their love story. Amba came from a Brahmin family and was therefore a member of

a 'socially dead entity' and her physical existence was shunned by society. She was referred to as a 'prani' (creature) because she was only accorded the status of 'woman' for as long as her husband was alive. Meera Khanna, "Widowhood in India. Trauma of Taboos and Tribulations", in: Mohini Giri (ed.), *Living Death. Trauma of Widowhood in India*, Delhi 2012, p. 19–49, here p. 28.

21 Abraham (cf. note 15), p. 66.

22 Tutun Mukherjee, "Mother. Archetype and beyond", in: Zinia Mitra (ed.), *The Concept of Motherhood in India. Myths, Theories and Realities*, Cambridge 2020, p. 13–25; Manisha Gupte, "The Social Trap", in: Shakti (ed.), *In Search of Our Bodies. A Feminist View on Women, Health and Reproduction in India*, Bombay 1987, p. 6–12; H. Apte, L. Mali, M. Navle, S. Revle, "Womanhood First. Sex Workers & Infertility in Pune City", *Journal of Reproductive and Infant Psychology* 22/4 (2004), p. 271–277; Shalini Bharat, *Child Adoption in India. Trends and Emerging Issues. A Study of Adoption Agencies*, Bombay 1993.

23 Inhorn (cf. note 17), p. 365.

24 Pien Bos, *Once a mother. Relinquishment and Adoption from the Perspective of Unmarried Mothers in South India*, Nijmegen 2008.

25 We came across the love story of Michael Dupon's parents through a Swiss-Indian filmmaker, who has used Michael Dupon's biography to gain insights into the field of adoption for his film. Michael Dupon met Andrea Abraham for an interview in Switzerland in May 2023.



Fig. 1: A painting by Shrishti Maharaj Singh, which was displayed in an adoption agency in the state of Maharashtra. The painting illustrates the contradictory role and status of mothers in India: on the one hand, there is a pronounced ideal of motherhood in society and on the other, this ideal can only be achieved within marriage. This contradiction is particularly glaring in the context of adoption agencies, whose business was to place the children of unwed mothers primarily with childless mothers. Photo: Andrea Abraham, 1. 4. 2023.

the highest Hindu caste. Like in other castes, there were strict rules regarding marriage. By falling in love with Daniyal, Amba had thus made a decision – the choice of husband – that should have been made by her parents. Although Daniyal worked in a high status profession, his Muslim background made it impossible for Amba's family to accept their life together.²⁶

Amba was forced by her parents to leave her place of study and move to a larger north Indian city until she gave birth and relinquished her child. After she gave birth to her son in 1969, she handed him over to the Missionaries of Charity.²⁷ Then she returned to the village of her own family and was married to a man chosen for her, with whom she later had three children. The Missionaries of Charity gave her son the Christian name Michael, and she never saw him again.

In other cases, women chose to end their love story without telling their partner they were pregnant. Kinjal Sethi, who had headed an agency in the state of Maharashtra since the 1970s, remembers these women. We met her and her long-time colleague at the beginning of April 2023 for a conversation that was to be the start of a dialogue that lasted for months. Kinjal Sethi had compiled various origin stories she encountered in an unpublished booklet. One of the stories she tells is from the perspective of a mother who handed her daughter over to the agency in the 1970s.

“I was only 15 years old [...]. I went to the village school. After school, I went to the home of my maths teacher for extra tuition. We fell in love and I conceived a child. [...] I knew he was married, so I didn't tell him I was pregnant. In the early days of my pregnancy, he was transferred to another village. I kept my secret to myself.”

In a subsequent conversation, she provided more details about the mother's story. Many years later, she had reunited this mother with her daughter when the latter came searching for her roots.

“When we first contacted her birth mother through a discreetly worded message, she was overcome with fear and shock, and was almost suicidal. She worked for a farmer in the village who cultivated large fields of jasmine. The farmer saw her shock and asked her to tell her story. He was a great support to her and actively encouraged her to face her past. She had never married after her relationship with a local schoolteacher.

26 On the challenges of Hindu-Muslim relationships in India, cf. Rohit Chopra, Jyoti Punwani, “Discovering the Other, Discovering the Self. Inter-Religious Marriage among Muslims in the Greater Bombay Area, India”, in: Abdullahi Allah Ahmad Naim, Rohit Chopra (ed.), *Inter-religious Marriages Among Muslims. Negotiating Religious and Social Identity in Family and Community*, New Delhi 2005, p. 45–162.

27 Cf. contribution “The Role of Adoption Agencies in the Placement of Children from India in Switzerland”, Sabine Bitter.

[...] She came to the city anonymously to give birth and shortly afterwards decided to give up her newborn daughter, asking that the daughter be adopted by a family who could give her the love and security she would have given her in happier circumstances.”²⁸

In addition to the relationships deemed impossible owing to different religions or castes or an existing marriage, there were also women who fell pregnant at the ‘wrong’ time. These were pregnancies that did in fact adhere to societal norms, but which didn’t follow the socially accepted sequence of events (marriage, sex, pregnancy).

Pregnancies resulting from rape

The history of adoption is not only a history of impossible love. It is also a history involving sexual violence against girls who had reached sexual maturity and women.²⁹ In these cases, the causes of the pregnancy were extramarital and incestuous rapes. In some instances, the perpetrators were individuals within the victim’s social circle, such as relatives, friends of the family and neighbours. In other cases they were men with high social status, such as the employers of domestic staff or plantation and factory workers, or spiritual leaders.³⁰

At the end of March 2023, Pritha Somnath agreed to give us an insight into one such pregnancy brought about by an act of violence. She has worked as a liaison between the social services and the police since the 1990s and in this position has accompanied many women who were victims of violence. In this difficult role, she says she found two phenomena especially challenging. First, she remembers that the more mature the girl appeared in her physical development, the more she was blamed for having been raped and the greater the social stigma she experienced. Second, she recalls that many underage girls stood in a relationship of loyalty to the perpetrator, which made it difficult to investigate the offence. Pritha Somnath recalls a case in point. A twelve-year-old girl is raped and impregnated by her uncle in a milk storage room. Since he is a relative, the girl is slow to come forward about what has happened. By the time she does, she is already over 20-weeks pregnant, which

28 Email from Kinjal Sethi, 12.10.2023.

29 On the history of sexual violence against women in India, cf. Priyanka Dubey, *No Nation for Women*, London 2018; Flavia Agnes, Amy Rayner, “From Victim to Survivor. Then and Now Interviews with Flavia Agnes”, in: Purusottama Bilimoria, Amy Rayner (ed.), *The Routledge Companion to Indian Ethics. Women, Justice, Bioethics and Ecology*, London 2024.

30 Dabir (cf. note 4).

is the limit³¹ for an abortion at the time. She has no other option than to give birth. However, even though rape has been a criminal offence in Indian law since 1860,³² the fact that the perpetrator is her uncle also gets in the way of the prosecution process. In the end, with Pritha Somnath's support, the girl's parents press charges. Nevertheless, unable to stay at home, she is taken to a shelter in another village for the remainder of her pregnancy and childbirth. After giving birth, she relinquishes her child. Speaking to Pritha Somnath, the girl's mother describes the idea that her child has borne a child as a result of rape as too shameful and stigmatising for her to bear and asks for discreet support. The child, now an expectant mother, goes through a series of highly stressful experiences: she is raped and then either conceals her pregnancy or doesn't realise she is pregnant, she faces conflicting loyalties, has to leave home and move to a shelter, give birth and thus become a mother at the age of 13, give up the baby and then return to the home of her parents to continue her teenagehood. This case highlights how when women were raped outside of marriage and subsequently became pregnant, the stigma of having been raped was compounded by the stigma of the unwed mother. This double stigma was experienced by both the woman and those close to her.

Other women became pregnant as a result of sexual violence in the workplace. Working women in low-wage sectors such as field and factory work, domestic work or prostitution³³ earned income for entire families. This collective dependence on women's and girl's wages created a corresponding vulnerability. While in the informal sector, such as among street vendors, traders and cigarette rollers, women had organised themselves into cooperatives and trade unions from the 1980s onward, many women working in large companies still faced exploitative working conditions, including sexual harassment and violence from their superiors. In addition, because they were paid by the day, their jobs were insecure and there was no statutory minimum pay.³⁴ On this topic, in early April 2023 gynaecologist Anand Ghosh shared some insights from his 40 years of professional experience. In the 1980s and 90s, he was in contact with women who worked as day labourers alongside their families in tobacco factories:

31 <https://mohfw.gov.in/?q=acts-rules-and-standards-health-sector/acts/mtp-act-1971>, 29. 1. 2024.

32 The Indian feminist 'anti-rape movement' that had been spreading since the 1980s (cf. Vibhuti Patel, "Campaign against Rape by Women's Movement in India", *Deportate, esuli, profughe* 24 [2014], p. 36–47) also worked successively to destigmatise the affected women and bring perpetrators to justice. Cf. also Dipa Dube, *Rape Laws in India (Women & Law)*, New Delhi 2008.

33 Gupte (cf. note 22), p. 7.

34 Bardhan (cf. note 18), p. 181, 189.

“At the time, there was a huge tobacco industry in Mangalore. [...] All the women and their daughters and the whole families worked there. The fathers were in the fields harvesting the tobacco and the mothers and daughters were in the factory rolling the tobacco. [...] At the end of the day, they [the supervisors and managers] simply pointed at them and the women had to go home with them. [...] If they didn’t agree [to sexual intercourse], they lost their jobs. They were all day labourers. They were paid 15 to 20 rupees to roll 300 bidis [cigarettes] in a day. And they took that money and bought food for themselves with it at the end of the day. [...] They continued with the pregnancies because they had no time to go to the hospital for an abortion. So they were admitted and gave birth to their child. They went away during the night and left the baby behind. [...] The police couldn’t really intervene, because if these people don’t come and make a complaint, they can’t take it any further.”

In many cases, employers demanded sexual availability as a condition of employment.³⁵ Women workers who belonged to a lower caste were often regarded as the “sexual property” of their employer.³⁶

Institutions for unwed pregnant girls and women

Our examination of these two scenarios, impossible love and rape, shows that pregnancy out of wedlock often resulted in circumstances in which women were unable or unwilling to continue their pregnancies. During the period with which our study is concerned, this resulted in women relinquishing or being separated from their children, whether by means of abortion,³⁷ infanticide,³⁸ abandonment or adoption placement. In this chapter we have focused on women who gave up a child for adoption. Because of the consequential stigma

35 Anil Avachat, “Bidi Workers of Nipani”, *Economic and Political Weekly* 13/30 (1978), p. 1203–1205.

36 Abraham (cf. note 15), p. 63.

37 In the case of an unwanted pregnancy, abortion was the first choice according to our interviewees. The *Medical Termination of Pregnancy Act* (1971) made it possible for married women in India to undergo an abortion up to the 12th week of pregnancy (with the agreement of a doctor) or up to the 20th (with the agreement of two doctors). Despite the liberalisation and widespread use of abortion, it remained subject to social norms and cultural stigma, particularly for women who became pregnant out of wedlock. Not all doctors were prepared to perform abortions on unwed pregnant women. There was a fear of social repercussions if they helped women whose pregnancies were considered illegitimate. Sunita Bandewar, “Abortion Services and Providers’ Perceptions. Gender Dimensions”, *Economic and Political Weekly* 38/21 (2003), p. 2075–2081. This forced many women to have an illegal abortion or to carry their baby to term. Gupte (cf. note 22).

38 The Cradle Baby Scheme was introduced in Tamil Nadu in 1991 in response to the high rate of infanticide, especially of female babies, and was later adopted by other Indian states. This was a prevention programme that allowed parents to hand over their children anonymously to institutions, which then placed the children for adoption.



Fig. 2, 3: Still from the 1991 Indian documentary film *Something Like a War*. In this film, feminist filmmaker Deepa Dhanraj addresses the dilemmas faced by Indian women in connection with their reproductive rights. Production: D & N Productions, India & Equal Media Pvt. Ltd., London for Channel 4 Television, UK, 1991, Camera: Navroze Contractor.

associated with an illegitimate pregnancy for the individual and their family, attempts were made to conceal the circumstances of conception, pregnancy and birth.³⁹ There was less risk of the pregnancy out of wedlock becoming known if the girls or women were taken or fled to distant cities during their pregnancy and childbirth. Gynaecologist Anand Ghosh remembers the following:

“We had a special ward in the hospital for this type of patient. They came and were admitted for nine months. If they had stayed in their local community, in their own home, the neighbours would have known they were pregnant and they would be stigmatised. They gave birth, the baby was sent somewhere else, and they went in the other direction.”

Moving to a different location and a different community meant that the women could not rely on familiar structures, practices or people during their pregnancy. For example, they could not turn to older women in their family or community, and there was no announcement or celebration of their pregnancy. The institutions to which unwed pregnant women could turn were private agencies and shelters, state funded and operated ‘reception centres’ and hospitals.

In the early 1990s, Bombay had 25 shelters for girls and women in need. Of these, nine offered support for unwed pregnant women.⁴⁰ Agencies limited their activities to the placement of children for adoption and some also provided

39 Dabir (cf. note 4), p. 130.

40 Sukh Shanti, Bapnu Ghar, Bal Asha, Bal Anand, Salvation Army, Asha Sadan, Shishu Bhavan (Mother Teresa Missionaries of Charity), St Catherine's Home and Shraddhanand Mahilashram. The last four of these shelters also feature in the adoption files that Sabine Bitter analysed in her archival research. This is very plausible since these were the shelters that provided assistance to women who were willing to give babies born out of wedlock up for adoption and that arranged the placement of the children.

shelter for the pregnant women until they gave birth and relinquished their babies. A shelter was mainly a contact point for girls and women in need, but also operated as an adoption agency when it took in unwed pregnant women. Alongside these institutions, most of which relied on donations and followed religious precepts, there were also state-funded and state-run reception centres. In addition, hospitals sometimes had wards where pregnant women could stay until the birth and worked together with shelters and agencies for the care of children who were to be given up for adoption. The children placed by both types of institution – agencies and shelters – were either handed over directly by their mothers or collected from hospitals.⁴¹ The funding mechanisms of the agencies and shelters relied on local government subsidies, general donations, adoption fees and donations by adoptive parents.⁴²

The women who gave up their children for adoption were in contact with staff at shelters, agencies and hospitals⁴³ at different times, in different ways and for different lengths of time. Pregnant women living in these institutions would (if necessary) receive legal advice and medical care. The institutions had documented knowledge about the women's personal situation. They were places that offered the women temporary refuge from social stigmatisation in their communities of origin, but they also served as a place for the separation of mothers and children.⁴⁴ In these liminal spaces, the women no longer occupied the position and roles that had structured the everyday routines and responsibilities of family life. Within the institutions, the women experienced a daily existence marked by social isolation and adherence to institutional rules and regulations. Thus there were also women who fled the institutions. From a feminist critical perspective, Rashmi Parmar describes the shelters available during the focus period for our research as a kind of prison where the women's daily lives were governed by strict regulations and lacked both meaningful occupation and personal autonomy. Khushi Sequeira told us what a stay in such an institution could mean. When we met her in early April

41 Dabir (cf. note 4), p. 342. For many women living in rural areas in the 1980s and 1990s, it was difficult to access a hospital or health centre. Gupte (cf. note 22), p. 10; Roy/Tewatia (cf. note 17). Dabir's study also shows that women in cities were not certain to receive care either. The shelter she investigated, for example, did not admit prostitutes, women with a child over six years old, women with a communicable disease or women with physical or mental disabilities. Dabir (cf. note 4), p. 105 f.

42 Dabir (cf. note 4), p. 332 f. These various sources of funding also feature in investigations into other agencies and shelters in the Indian state of Maharashtra. Bharat (cf. note 22), p. 155.

43 These included public hospitals, private clinics, and Christian, Hindu, Buddhist, Parsi and Jain missionary hospitals. Ann Schwoebel, "Traditional Practices of Neonatal Care in India", *Home Health Care Management & Practice* 11/1 (1998), p. 28–32.

44 Vinita Bhargava, *Adoption in India. Policies and Experiences*, Los Angeles, London, New Delhi 2005, p. 56; Amita Dhanda, Gita Ramaswamy, *On Their Own. A Socio-Legal Investigation of Inter-Country Adoption in India*, Hyderabad 2005.



Fig. 4: The Shraddhanand Mahilashram shelter in Mumbai. Established in 1927, the institution seeks to help women in need. Of 25 shelters in Bombay, it was one of nine used by unwed pregnant women during the focus period of the study. Women received assistance on the condition that they gave their baby up for adoption.
Photo: Andrea Abraham, Mumbai, 29. 1. 2023.

2023 at a noisy branch of the Chaayos tea chain in a shopping centre in Navi Mumbai, she described her experiences of working with pregnant women. She had worked in an agency in various functions for 37 years starting in 1984. She stresses that she has always viewed herself as dedicated to the children and only had a minimal level of involvement with the mothers. This was also the main mission of her employer. At the same time, the agency provided accommodation for pregnant women until they gave birth. However, this policy led to marked tensions between the agency employees and the pregnant women. The quarters of the pregnant women were not separated from the children's area and, according to Khushi Sequeira, the women disrupted the work processes and dynamics between the children and the childcare staff. As a result, this service was abolished, and the women only got in touch with the agency for a second time to hand over their children.

The various institutions offered the women protection, food and health and antenatal care, but they were a microcosm that reflected societal dynamics and prejudices. The fines incurred by pregnant women at the Shraddhanand Mahilashram shelter are an example of the discriminatory attitude towards pregnancy out of wedlock on the part of the institution's management. Although they were all in the institution because they were facing difficult situations, their caste and the circumstances in which the women had become pregnant were a source of tension. In the everyday life of Shraddhanand Mahilashram, unwed pregnant women had the lowest status. For this reason, women entering the institution were advised to be cautious about revealing their history. However, living together in close proximity, the women did share their stories and the circumstances of their pregnancies.⁴⁵ While these discussions are criticised in Neela Dabir's study, our interviewees pointed out the community-building dynamics that could go hand in hand with this temporary cohabitation.

Circumstances of the separation of mother and child

During our focus period, women were able to give birth to their babies in a public hospital without having to pay a fee. They came to the hospital for the birth on their own or accompanied by a family member or a person from the agency or shelter. In the interviews, the postnatal separation was often described as abrupt and hectic. In some cases, such a separation was initiated by the woman herself, often to be able to continue to assume social or employ-

45 Dabir (cf. note 4), p. 303, 312 f.

ment obligations. Sometimes it was requested by the family. In other cases, swift separation also appeared to have been an established medical practice. Anand Ghosh remembers that the newborns were taken away immediately with the aim of preventing a bond from forming between mother and child:

“As soon as the child was born, we sent it away. Straight away. We had it checked by the paediatrician, made sure it was OK, and sent it away. This meant that the mothers could only catch a glimpse of the child. They didn’t even hold the child. So the bond couldn’t really develop. Because they wanted nothing to do with the child. So they said, ‘Please give it away, we don’t even want to see it.’”

As Anand Ghosh explained, in such cases the mothers were given lactation-inhibiting drugs to stop their milk from coming in. Mothers who only separated from their children later would return to their families or to the shelter with the newborn. A period then ensued that is described in very ambivalent terms. Dabir writes that the final separation from the child at the end of this period could be “a trauma as well as a relief” for the mothers.⁴⁶ In the Shraddhanand Mahilashram shelter in Bombay that was the object of her study, until 1991 mothers were obliged to stay in the shelter for six months after the birth. The reason given for this was to protect them from being married off too early by their parents. The woman should be given enough time to recover physically and to allow the physical signs of pregnancy and childbirth to disappear,⁴⁷ whereby caesarean section scars and stretch marks never disappear entirely. It could happen that the child was placed with a family for adoption before the end of the six months or that the mother left the shelter before the child. Regardless of the order in which this took place, mother and child were separated from one another during their time at the shelter. Shelter staff provided most of the care, while the mother came in contact with her child primarily to breastfeed.⁴⁸ The shelter wanted the children to be breastfed for health reasons, but this was difficult for the mothers for bonding reasons.⁴⁹ In other cases, there was a period between birth and separation in which the mothers spent time alone with their child, only going later to hand over their child to the agency. The agency employees interviewed by us generally describe the circumstances of these separations as emotionally painful. The family is often described as having an important influence over the circumstances of the separation. According to agency employee Khushi Sequeira, there were “heart-

46 *Idem*, p. 301.

47 *Idem*, p. 210 f.

48 *Idem*, p. 309.

49 *Idem*, p. 249 f.

breaking situations” in which the young mothers felt a bond with their child, but their parents did not.⁵⁰ The parents of the woman and grandparents of the child refused to recognise the newborn baby as their grandchild, seeing it as a burden that they wanted to get rid of as quickly as possible. In these cases, the parents also had a say in the way in which their daughter was to say goodbye to her child. The agency staff members also reported that some of the mothers signed the consent form in stressful circumstances under social pressure from their families or the agency. For this reason, Kinjal Sethi’s agency has been trying to establish farewell rituals since the 1970s in an attempt to prevent such ‘shushu affairs’. Kinjal Sethi says that they were pioneers in using this approach and were not understood by their agency’s management or social workers either at the time or subsequently. In introducing this handover ritual, they were criticised for ‘honouring’ the unwed mothers and promoting single motherhood and promiscuous behaviours. The photo mentioned at the beginning of the chapter was one of several mementos given to the child by its mother, which could include a gift, a handprint or a lock of her hair. Another ritual was the writing of farewell letters. These were written by the staff at Kinjal Sethi’s agency, sometimes together with the mothers, many of whom were illiterate.⁵¹ The letters contained information about the circumstances that had led to the child being given away, but also good wishes and parental advice for the future (“Behave well in your new home, don’t make trouble for your parents. Be a good boy or a good girl.”). “That’s what they were,” says Kinjal Sethi, “their parents”. Kinjal Sethi believes that the ritualised farewells were important for parents and children to remember, process and later understand what had happened. This could also include the child keeping their original name, if they had been given one. Kinjal Sethi says that she “always encouraged and honoured a name chosen by the mother”. However, this practice could also be a cause of great stress for the mothers, as Pramila Gandhi, who had also worked in the adoption sector since the 1970s, shared with us. Her invitation to birth mothers to name their child in order to give them a link to their past sometimes met with resistance. She remembers a mother saying, “I won’t be able to live with that name and the memory connected with it.”

During our focus period, mothers or parents had a statutory period of 60 days in which to revoke their decision to relinquish their child for adoption. In all the interviews, only one person mentioned such a case. However, it was

50 Cf. contribution “Relinquishment & Adoption. The Perspective of Indian Mothers”, Pien Bos.

51 According to 2011 Indian census data, literacy among Indian women in 1971 was 21.97 per cent. By 2001 it had increased to 53.67 per cent, <https://censusindia.gov.in/census.website>, 15. 2. 2024.

also reported that there were always mothers who struggled with the decision before and after.

If the mother was unsure or hoped to marry the child's father soon, Shweta Purandare's agency tried not to give the child up for adoption. There were time limits for this, however: "We can't wait forever." Whether the child was returned after the 60 days or not depended on how far the adoption process had progressed. An observation by Dabir from the Shraddhanand Mahilashram shelter shows that in some institutions and cases the 60-day period was not always respected.⁵²

Options for social rehabilitation

The shelter is described as an "interim arrangement" for the unwed mothers intended to facilitate a return to society from a stressful situation not supported by the parental home.⁵³ In our interviews, we learned that there were two favoured solutions for women leaving the shelter. They would return to their parental home and/or be married off by the institution or their family. In both cases, the practitioners interviewed reported that "She just had to be like a normal girl. [There was] nothing about what happened in the institution ... It was as if [that part of their life] was cut off" (Kinjal Sethi). Pramila Gandhi describes this as a lifelong secret that the women carried with them: "The girl couldn't tell anyone about it and carried the secret of her lost motherhood around with her all her life." To support women carrying this burdensome secret, some agencies and shelters organised annual meetings for mothers who had given up their children for adoption. Shilpi Alagh, the former director of an adoption agency, says that the Indian festival of Durga Puja was a difficult time for the mothers. Durga Puja is an Indian festival held over several days to honour the Hindu goddess Durga during which daughters traditionally visit their mothers. Mothers who had given up their children were able to spend this time together at the agency.

"They were all dressed up and doing henna. [...] And they connected with each other. We talked with them and they shared their feelings. Were they able to get over it? Do they remember their child? What feelings do they have and what do they want for their child? We discussed all of this with them so that they could clear their heads, because they

52 Dabir (cf. note 4), p. 213 f.

53 Idem, p. 217.

couldn't talk to anyone else about it. [...] We did that a lot, and it was a very helpful network for them, because people only think of networks of adoptive parents or adoptive children. They don't think about the birth mothers."

Marriage was the most common form of 'social rehabilitation' for mothers wanting to leave the shelter or agency. The women were pressured into a marriage arranged by the family. As Pramila Gandhi told us, the goal was to get married as quickly as possible. The agencies and shelters also helped the women to find their way back to family life. However, as mentioned above, some agencies and shelters made attempts to prevent such hasty marriages. The Shraddhanand Mahilashram shelter ran a marriage bureau that arranged marriages for the women staying there, including unwed mothers, thus enabling them to leave the shelter. According to Dabir, the bureau was popular in the community. As a rule, the men who came forward were unable to marry in any other way because, for example, they had grown up in an institution, had no family, had a disability, were divorced, widowed or unemployed, or had parents who had married outside their castes.

Marriage enabled women to reintegrate into society, but they paid a high price: separation from their child. There has been little research to investigate what life held for a woman upon leaving such an institution in the Indian context.

Between vulnerability, autonomy and invisibility

Our findings show that unwed pregnant women in particular faced severe structural limitations that made it difficult to terminate a pregnancy or to keep a child as an unwed woman. This predicament of unwed mothers was a product of the intersection of patriarchal structures, social and religious beliefs and norms about family and reproduction, the large population, children's and women's rights (or lack thereof), the economics of the adoption business and high foreign demand for Indian children. It is important to emphasise that despite the circumstances and structural constraints they faced, the women still managed to make tough decisions about their life and that of their child. In an interview, feminist Ranjani Krishna, who is the head of a women's organisation, put it like this:

"I feel we tend to impose a certain victimhood on women's narratives, especially when they engage in behaviours that are not normative. But there are many levels of agency in these stories. If you want to make

sense of behaviours such as giving up or relinquishing a child for adoption ... The women have to make many decisions and compromises about what they want to do and why.”

In her contribution, Pien Bos approached the topic of adoption from this perspective, describing individual decisions and actions from the subjective perspective of the Indian mothers. In our contribution, we have drawn on the experience of people working in the field to reconstruct the circumstances that led to the separation of mothers and children. Our two research projects represent steps towards remedying the facelessness of mothers. Pien Bos in the early 2000s and we twenty years later have created an additional knowledge base upon which to trace the early stages of Indian children’s adoptive trajectories, with a focus on the birth mothers. In the Indian context, with the exception of the two studies that formed the basis for our contribution, this knowledge base is completely lacking. Despite their obvious role in the adoption process, there is a gap where the mothers should be. There is neither a professional nor a scientific discourse in their regard in the Indian context. The next contribution in this volume explores how this gap has come to be, what perpetuates it and the steps adoptees, adoptive parents and practitioners in the field are taking to address it.

Indian Mothers Unseen

Gaps, Guesswork and Ambiguities: on the Origins of Adoptees¹

ANDREA ABRAHAM

Savita

Savita² may have been born on 15 February 1979 in Calcutta. This is the date on her adoption papers, but it is just a guess. It is something Savita, who was adopted by a Swiss couple, was never able to understand as a child. “How can you have a birthday,” she asked her adoptive mother, “if you don’t know?” On the basis of a few pieces of information, her mother then went on to tell her a story that turned out to be incorrect. She told Savita that she was found on the dirty streets of Calcutta and taken to a children’s home. X-ray examinations led to the conclusion that Savita’s birthday must have been “around 15 February”. While Savita and her adoptive family celebrated this date for several years, the family later attached greater importance to 15 October 1980. This was the day Savita was picked up by her adoptive family after a three-day quarantine in Geneva – and therefore a “reliable” date. What Savita had experienced in the previous twenty months in India remained uncertain for many years. She remembers her childhood confusion at not having grown in her Swiss mother’s tummy. Her adoptive mother then offered her two images of motherhood, presenting herself as “heart mum” and Savita’s birth mother as “tummy mum”. “I’m the one raising you,” she said, “and your tummy mum is in India. She’s the one who parted with you.”

While Savita’s adoptive father repeatedly mentioned the possibility of going together to India, her adoptive mother categorically ruled this out. In conversation with me, Savita recalls being afraid that she would want to stay in India and “be more interested in the mother there”. To limit Savi-

1 The names of all participants in this contribution, including the people mentioned by interviewees, have been anonymised. For an explanation of the reasons for this anonymisation, cf. contribution “The Stigmatisation of Unmarried Mothers. Ethnographic Research in India, Andrea Abraham and Asha Narayan Iyer, p. 49.

2 Savita Meier is one of three adoptees from India who offered to tell me their life story in an interview in early summer 2023. In this chapter, I summarise part of the interview with Savita Meier, which I conducted on 7. 5. 2023, and illustrate it with quotes.

ta's interest in India, her adoptive mother painted a picture of a country in which there were great poverty, dangers and bad people. She presented Savita's adoption as a rescue, and along with her husband, encouraged her to be grateful, fit in and do well. While this narrative shaped Savita's approach to her adoption for many years, India remained present in her imagination, especially during quarrels with her Swiss parents. In her mind, she says "I'm standing at the window and an elephant is coming with my [birth] parents on its back and they're coming to pick me up". Although her family did not often talk about her origins, this image of India, characterised by stereotypes and longing, remained in Savita's imagination. "I always had the feeling that I shouldn't be interested", she says. It was many years before she was able to look for answers to her questions. The death of her Swiss parents had freed her from the moral dilemma of hurting them by searching for her origins. Furthermore, the children's aid organisation Terre des Hommes in Lausanne, which had placed her in Switzerland, had given her access to her files. Savita had been thinking over the idea of travelling to India for years, but for a long time, strong fears had prevented her from doing so. A sad experience was the turning point. After breaking up with her boyfriend, Savita realised that she was pregnant. After a period of intensive reflection about the notion of becoming a single mother, she decided to keep the child. Unfortunately, she suffered a miscarriage. She experienced this as a serious crisis that led to a blurring of past and present:

"When in that moment my life was over, I just really couldn't see anything ahead of me. Before me was only fog. And then I had the feeling I had to do something to break free of it. [...] For the sake of my future, I needed to go back to the past."

It was at this moment that Savita finally decided to make her first trip to India. After a guided tour of northern India, she travelled alone to Calcutta to visit places from her childhood. Through Terre des Hommes, she obtained information that contradicted what she and her parents had previously believed. Savita now learned that she had been handed over to a children's hospital in Calcutta in April 1980 at the age of 14 months, "by a mother who was not married". She never found out whether this woman was really her mother, and whether Savita had been ill or if she had simply not been picked up from the hospital. As the hospital had only retained files for around ten years, there was no further information to be had. Savita had been taken from the hospital to a children's home, where she stayed for six months until she left the country. She wasn't able to discover which children's home it was. There was (no longer) a home at the address listed in her adoption documents. She had come

to a dead end. Unable to obtain any additional information, she tried to recall inner impressions of places she might have been as a child. She succeeded in reconstructing an image of the monumental Howrah Bridge, for example, which crosses the Hooghly River. At the eastern end of the bridge is the Malik Ghat flower market and a large square by the river. Savita saw herself “playing with pebbles on the ground with women washing clothes nearby”. Her local companion confirmed that this place used to be a laundry site. A feeling of familiarity with Hindi over other Indian languages also became part of Savita’s reconnection with her origins.

Savita says of her trip to India: “It gave me peace” and “closed some gaps”. “And so that little bit [about my parents], I don’t need to close. It’s okay for me.” Savita uses a spiritual explanation to integrate this parental absence into her life:

“I always say that we’ll all meet again. I always have the feeling that it doesn’t have to be resolved now. At some point, I’ll know for myself how it was. Or maybe there will still be a memory when I die. But the gap has kind of been filled in any case ... what I needed to know. Whether I look Indian or not, my home is here.”

At the same time, there is evidence in her narrative of a struggle with this gap where her parents should be.

“I’d love to find her. I’d maybe like to tell her ‘It’s all okay. You did the right thing. I’m fine.’ [...] There are just two things: I don’t want to see her, because I have an image of what my mum looks like. And then I might later find myself standing in front of a woman in whom I see nothing of myself and with whom I might feel zero connection. I don’t know what that would do to me. That’s the first thing. And the second is: I am so grateful to her [...] that she had me for 14 months. That means she loved me, otherwise she wouldn’t have had me for so long. And grateful that she decided to give me up so I could have a better life. Because that’s what I have today. And I hope that she might have been able to have a good life again after me.”

Savita imagines that she had a close relationship with her mother:

“It’s a gut feeling. I always had the feeling that me and my mother were very, very close. So it was a painful separation on both sides. [...] She’s not just my birth mother. She’s my tummy mum.”

Missing or inaccurate information from adoptive families

What adoptees know about their origins and how they interpret and construct the story of their early lives depends on their adoptive parents, at least during their childhood. In the focus period for our study, this again depended on the information provided by the Swiss and Indian agencies, lawyers and courts and the quality and completeness of the documentation. In addition, the adoptive parents' view of the importance of their child's origins was an important factor in whether and how this was discussed in the family. The adoptive parents that Nadine Gautschi interviewed as part of our research project between November 2022 and April 2023 know very little about their children's origins.³ This is clearly illustrated by an interview passage in which the Engels talk about their adoptive daughter's origins. Bhanu was born in 1997 and travelled to Switzerland two years later. The passage begins after Meinhard Engel (adoptive father, AF) tells us that Bhanu was "picked up" in a malnourished state in India. Senta Engel (adoptive mother, AM) adds a clarification:

AM: "Now I would like to add something, or ... You said 'picked up'. Her parents ..."

AF: "She was handed over."

AM: "She was handed over. There's a difference there. And [the parents] then basically said that they couldn't look after this child because they had other children and because this child had such a heavy impairment, they wanted to give her up for intercountry adoption. That's how I remember it."

AF: "So it's not that the parents [took a decision] about intercountry adoption ... I don't think so. They just handed her over to the Mother Teresas [Missionaries of Charity]. You know, it's not them who take the decision. This [adoption placement] only came much later."

AM: "Okay, but in any case, she seems to have been with her parents for the first year or two, with her biological parents."

AF: "Ah. One to two years, hmm [nods]."

AM: "A suburb or some ... in Calcutta, or something."

AF: "In Calcutta. They even gave us the name of some neighbourhood."

AM: "The name of some place ... Yes, exactly."

³ Nadine Gautschi conducted eleven interviews with adoptive parents from the canton of Zurich and two interviews with adoptive parents from the canton of Thurgau between November 2022 and April 2023 (cf. contribution "Adoptive Parents and their Responses to Racism in Switzerland"). The recordings were transcribed and open-coded in a first analysis step on the basis of Grounded Theory Methodology. In this chapter, I refer to the interview passages that deal with the origins of the adopted children.

Terre Des Hommes (India) Society

Regd. Office :
 "VENUS APARTMENTS"
 FLAT NO. 3D
 9, MAYFAIR ROAD,
 CALCUTTA-700 019



Our Ref. : -
 Your Ref. : -
 Date : 23. 4. 1980.

Regd. No. S/18810 of 1976-77, West Bengal Act XXVI of 1961

MEDICAL & ACCOUNTS
 DEPTTS.:
 "TRIMURTI"
 FLAT NO. 12
 4, LOWER RAWDON
 STREET,
 CALCUTTA-700 020

PROGRAMMES :
 CRECHES
 (DAY-CARE CENTRE)

NUTRITION
 PROGRAMMES :
 MID-DAY-MEAL
 MILK
 BREAD

OPTIONS

EDUCATIONAL
 &
 VOCATIONAL
 TRAINING CENTRES

SPONSORSHIPS :
 EDUCATIONAL
 MEDICAL
 FAMILY

HOSPITAL
 &
 SPECIAL MEDICAL
 AID

Terre des hommes.
 Route du signal 27.
 1018 Lausanne.
Switzerland.

- Baby girl born on [REDACTED] '99. Was left abandoned in the B.C.Roy Government hospital by her mother, possibly being illegitimate. She is quite a healthy child, and very reserved. She likes to eat.

Fig. 1: Terre des Hommes (India) Society informs Terre des Hommes in Lausanne that a child is available for adoption, 23 April 1980. Private archive.

AF: “But the sisters at Mother Teresa gave her the name and fixed a date of birth and nursed her back to health. Because the people there had no idea when the child was born.”

AM: “Yes, something like that.”

In this interview excerpt, we see how the couple tries to piece together fragments of information into a coherent story. Some of the memories and interpretations are contradictory. In a back-and-forth, the couple tries to come to a common understanding of what happened and repeatedly sum up what they are saying with the words “something”, “some kind of”, “some place”, or “something like that”. In this way, the narrative of the child’s origin remains vague and conjectural. The only fact that is undisputed is that Bhanu was placed with Mr and Mrs Engel by the Missionaries of Charity in Calcutta.

All the other adoptive parents interviewed also only had fragments of information about the circumstances that had led to the separation of parents and child. The reasons they give are poverty, inter-religious relationships or the fact that the mother was unmarried. Their lack of certainty about this information is typical of the way in which the adoptive parents we interviewed spoke of the circumstances in which the child was given up. This was also the case with adoptive parents Gerodetti and Meister.

Alma Gerodetti: “And we don’t really know anything about Gabriel’s family. Only what they told us. He is a child of an unmarried mother. And that’s all.”

Nathalie Meister: “We only heard that it was a mother who had to go into hiding because she was pregnant and unmarried. So that’s apparently what happened.”

It appears that the parents only received minimal and vague information from the adoption agency (“we only heard that ...”) and this has led to a certain helplessness and to the decision that this information will now have to suffice as the story of Gabriel’s origins (“that’s apparently what happened”). Although the advice to adoptive parents in Switzerland during the focus period for our study attempted to raise awareness of the importance of helping the child to learn about their origins,⁴ parents had little information at their disposal because of the reluctance or inability of stakeholders in the adoption process to provide more details.

4 For example, Marie Meierhofer Institut für das Kind, Schweizerische Fachstelle für Adoption, Internationaler Sozialdienst Schweiz (SSI), *L'adoption d'enfants de cultures étrangères. Des réponses aux questions que se posent les futurs parents adoptifs*, Zurich, Geneva 2004; Irmela Wiemann, *Pflege- und Adoptivkinder. Familienbeispiele, Informationen, Konfliktlösungen*, Reinbek bei Hamburg 1991.

Subsequent enquiries

Some of the adoptive parents interviewed requested more specific details about the child's origins from the agency in Switzerland or India at the time or a few years after the child's arrival. In some cases, information learned through subsequent enquiries differed from that which the parents had initially received. This was the case for the Krämer family, who adopted two girls from Sri Lanka and one from India through Adoption International in the canton of Thurgau. Simone was born in the mid-1980s and came to Switzerland when she was around three years old. According to the initial information she was "found at a railway station and taken to a children's home". When the adoptive parents later enquired at the Indian agency, they learned "that the parents or the mother [...] left her there at the home". The agency excused these two different versions as a "mix-up", as Melanie Krämer explained. There was also a 'mix-up' in the Amsler family, which was revealed after Lisbeth Amsler's husband "insisted on finding out more about Tanja's story" two years after her arrival. Terre des Hommes went back to the archives and showed the Amsler family "a paper with a completely different story than the first time. The first time it was kind of like she was left on the doorstep and no one knew where she was from. And the second time it was clear that her parents had both died at work, in a fire. And her mother's brother had brought her to the home. They also said that Tanja has seven siblings, but that they are living somewhere, with some family members or something."

We see in both cases that children and adoptive parents lived for years with the idea that the child had been anonymously given away or abandoned. The gap in the child's biography changed dramatically in the second version. Simone's invisible parents now appeared to be the ones who had handed her over to the institution in India. In the second version of the story, Tanja had become an orphan with numerous siblings who grew up in unknown locations. The interviews reveal little about how adoptive families handled these new stories, but it is clear that having to base one's life story on unknowns, uncertainties and misleading or false information is highly stressful. There is broad international evidence of this, particularly concerning adoptees and children growing up in foster homes.⁵ These examples also show that fami-

5 For example Roy Baumeister, Mark Leary, "The Need to Belong. Desire for Interpersonal Attachments as a Fundamental Human Motivation", *Psychological Bulletin* 117/3 (1995), p. 497–529; Nathalie Chapon (ed.), *Parentalité d'accueil et mémoire*, Aix-en-Provence 2016; Joanna Pfaff-Czarnecka, "Multiple Belonging and the Challenges to Biographic Navigation", *isa.e-Forum*, 2013, https://www.uni-bielefeld.de/fakultaeten/soziologie/fakultaet/personen/pfaff/downloads/PfaffCzarnecka_ISA_eSymposium.pdf; Irmela Wiemann, Birgit Lattschar, *Mädchen und Jungen entdecken ihre Geschichte. Grundlagen und Praxis der Biografiearbeit*, Weinheim, Basel 2013.

lies only found out more if they insisted, which suggests there were agencies that deliberately withheld information, kept careless records or even falsified details about the children's origins.

While preparing for my first research stay in India in autumn 2022, I met Paula Smith. I came across her story on an American internet platform launched by American birth mothers, where she shared her perspective as the adoptive mother of an Indian girl, whom she had taken in as a single woman in the early 1980s. In 2000, she accompanied her now grown-up daughter on her search for her origins in India. During a visit to the agency International Mission of Hope, Paula Smith and her daughter were unexpectedly introduced to the supposed birth mother, who after two emotionally and financially draining years, turned out not to be the mother after all. While Paula's daughter turned her back on India, Paula decided to set up a home in a large Indian city for children and young people with disabilities, which she still runs today. Although her institution does not work in the field of adoption placement, she has gained an insight into the work of the agencies and has met many adoptees who were looking for traces of their early years in India and were given information that turned out to be false. As she recalls in the interview I conducted with her via Zoom at the end of November 2022:

"I've seen so many of these stories because the agency – the monster in the middle – can decide it's better to say that the mother has died. This has consequences [for the adopted child]: 'Did I cause her to die? How did she die? Was it violent? Was it a peaceful death?' They think that an answer would solve the problem. And it's painful to be told: 'We just don't know.' But that is the truth. In the end, I came to the following conclusion: We have to give these people truths. [...] The truth is important, even the hard truth. [...] Don't invent another story. It plays on their minds."

Paula Smith expands the adoption triangle (child, birth parents, adoptive parents)⁶ by adding the figure of the foreign and Indian agencies, which she described in an earlier phase of her life as an additional corner (the adoption square), but here describes as the "monster" in the middle of the triangle. Paula Smith bases this on her personal experience that some agencies lied to adoptees who were searching for their origins, made money from them or

6 The 'adoption triangle' is conceptualised differently depending on the normative framework. Diana Marre, in dialogue with Laura Briggs, points out that the triangle often excludes the birth mother, focusing instead on the child, adoptive mother and placement agency. Laura Briggs, "Feminism and Transnational Adoption. Poverty, Precarity, and the Politics of Raising (Other People's?) Children", *Feminist Theory* 13/1 (2012), p. 81–100, here p. 91, <https://doi.org/10.1177/1464700111430177>.

withheld facts. While the first two represent morally reprehensible or criminal acts, in the Indian literature on adoptions from the period of study, the withholding of facts was also justified as a way of protecting the mother, who needed protection from stigmatisation and social rehabilitation.⁷ 'Protection' of the mother meant that after separation she was no longer part of the adoption process. The Indian literature tends to explicitly focus on the child.⁸

Employees of the institutions saw it as their mission not to support the mother and child together, but to support them separately – whereby the main focus was on the child and its future in an adoptive family.⁹ They emphasised that the details shared by the agencies depended on what they had been told by the mothers, and that many of them chose to remain anonymous (by abandoning their child in a public space or by supplying false details when they handed over the child).¹⁰ Indian psychologist Bharat describes unmarried mothers' circumstances as being so difficult that it was a social necessity for them to disappear from the adoption process.¹¹ According to Bharat, unmarried mothers were in a socially precarious situation and were regarded as sinful by both

7 Nilima Mehta, *Ours By Choice. Parenting Through Adoption*, Bombay 1992, <https://www.healthlibrary.com/reading-room.php?action=view&id=68&cid=563>. Cf. also contributions "The Stigmatisation of Unwed Mothers. Ethnographic Research in India", Andrea Abraham and Asha Narayan Iyer, and "Provisions and Practice. International Adoptions and the Law in India", Asha Narayan Iyer. Bhargava also highlights the rationale behind withholding information about the child's origin in cases of adoption by Indian couples, suggesting that this practice aims to downplay any differences between adopted and non-adopted children. Vinita Bhargava, *Adoption in India. Policies and Experiences*, Los Angeles, London, New Delhi 2005, p. 66.

8 During the focus period of our study, a wave of Indian feminist movements campaigned for women's rights and autonomy. These included in particular the right to one's own body, to sexual integrity and to reproductive self-determination with regard to contraception and abortion. However they did not mention adoption. Shakti (ed.), *In Search of Our Bodies. A Feminist View on Women, Health and Reproduction in India*, Bombay 1987. According to my interview partner Dharti Malik, the decision to exclude this topic was rooted in the emancipation movement's desire to avoid reducing women to the role of mother and to promote women's autonomy. Other theories on the absence of adoption in feminist discourse can be found in Briggs (cf. note 6). The key point here is that the debate on adoption, both in India and globally, was happening in the field of child welfare. This meant that birth mothers became secondary to the child's wellbeing. It has also been hypothesised that feminists (in addition to professionals involved in adoption procedures) are much more likely to become adoptive mothers than to give up their child for adoption and are also more likely to be surrounded by adoptive mothers than birth mothers who give up their child. Furthermore, it has been argued that owing to their social position feminist academics find it difficult to identify and show solidarity with resource-poor birth mothers. I find these hypotheses particularly interesting given that many of the Indian feminists I have met have, in fact, adopted a child.

9 This is evident, for example, in the interviews with former agency employees Khushi Sequeira, Kinjal Sethi, Shilpi Alagh, institution director Paula Smith and the lawyer Abhinav Shukla. It is also reflected in the booklet by Deenaz Damania, which is aimed at adoptive parents: Deenaz Damania, *Counselling for Adoption. The Setting Up of an Indian Adoption Programme (TISS Monograph Series 6)*, Mumbai 1998. Birth parents are absent from these works, which focus solely on the children's situation. The fading out of birth parents continues in the Indian adoption system to this day. For example, none of the websites of the Indian adoption agencies known to me that were already active during the period of our research listed any information or services for birth parents.

10 In her study of adoption agencies in the Indian state of Maharashtra between 1977 and 1986, Bharat writes that the majority of the children were found in public places, a small proportion were given up anonymously by their mothers and only in rare cases did the mothers supply correct personal details. Shalini Bharat, *Child Adoption in India. Trends and Emerging Issues. A Study of Adoption Agencies*, Bombay 1993, p. 55, 105.

11 The sociocultural context behind this reasoning is discussed further in the article "The Stigmatisation of Unwed Mothers. Ethnographic Research in India", Andrea Abraham and Asha Narayan Iyer.

their families and society. “The fear of social ostracism, family rejection and a dark future that awaits the biological mother force her to sever all ties with the child and erase her past altogether.”¹² The birth mother is portrayed here as being very defenceless, a woman who has been pressured to leave motherhood behind her.¹³ Adoption activist Nilima Mehta expresses the reasons for the mothers’ disappearance in even more certain terms:

“With the social stigma attached to unwed motherhood in India, the single mother who gives up her child prefers to do so in total anonymity so that later no one can trace her. She would like to leave the past behind her, get married and settle into a new life. [...] She often needs assurance about her identity being kept completely confidential. She sometimes does not even want the three month reconsideration period that is offered to her for thinking over her decision. If, 20 years later, in the light of all this, the adopted child goes back to trace her, this might totally disrupt her new life.”¹⁴

Mehta thus assumes that it is the mother herself who wants to erase her identity and forget her experience of motherhood. This is based on a static understanding of how such decisions are made. It does not take into account the dilemmas people face and the fact that the personal judgement on which a decision is based can change over time as women gain more life experience or as society changes.¹⁵

There were gaps in the documentation surrounding the adoption process, where details of the birth parents are missing or have been omitted, for example in the ‘child study report’, medical reports, hospital records, birth certificates and deeds of surrender.¹⁶ In some cases, entire documents were missing from the adoption procedures.¹⁷ The wording used to make birth parents dis-

12 Bharat (cf. note 10), p. 105 f.

13 Fonseca uses North American adoptions to show that from the 1960s onwards, anonymity was presented as something that was desired by the mothers themselves. Claudia Fonseca, “The De-Kinning of Birthmothers. Reflections on Maternity and Being Human”, *Vibrant. Virtual Brazilian Anthropology* 8/2 (2011), p. 307–339, here p. 315, <https://doi.org/10.1590/S1809-43412011000200014>. There is hardly any evidence for this assumption, at least in the global North. To demonstrate this she cites the founding of large North American associations of birth mothers, such as Concerned United Birthmothers, which has existed since the 1960s to rehabilitate the image of birth mothers and facilitate information about or contact with their children.

14 Mehta (cf. note 7).

15 The French jurist Pierre Murat criticised the fact that maternal consent or the desire for anonymity is presented as irrevocable in adoption discourses, even though women’s lives have evolved and “the law adheres to the frozen effects of past circumstances that no longer exist”. Fonseca (cf. note 13), p. 316 f.

16 Cf. also Mehta (cf. note 7); Anja Sunhyun Michaelsen, “Vom Verschwinden im postkolonialen Adoptionsarchiv. Südkorea – Westdeutschland, 1964/1979”, in: Bettina Hitzer, Benedikt Stuchey (ed.), *In unsere Mitte genommen. Adoption im 20. Jahrhundert*, Göttingen 2022, p. 109–120, here p. 119.

17 Cf. contribution “An Analysis of 24 Cases of Adoption of Indian Children in the Cantons of Zurich and Thurgau”, Sabine Bitter.

appear includes ‘mother unknown’ or ‘orphan’.¹⁸ The use of such terms also disguises the fact that the child had a life before they were separated from their parents. The frequently used terms ‘unwed mother’ and ‘illegitimate pregnancy’ had the rhetorical effect of erasing the mother’s identity because so much social stigma was attached to these terms that no further description was needed. Such gaps could even lead to the adoptive parents imagining the adoption agencies as the “womb” from which they “got the baby”, as Deenaz Damania, who works in the adoption sector, observed.¹⁹ As I have described above and as studies have shown,²⁰ some adoptive parents maintained these gaps in their children’s biography because they hoped that this would make it easier for them to adjust to their new role as parents.

Constructing, imagining and visualising

In early April 2023, a few months after my interview with Paula Smith, I am on my second research visit to the Indian state of Maharashtra. Following a taxi journey of several hours, Kinjal Sethi and Shilpi Alagh welcome my research partner Asha Narayan Iyer and I with mango lassi and sandwiches. It is Saturday and the offices shared by various companies are deserted. Kinjal Sethi and Shilpi Alagh have been working in the field of adoption since the 1970s as the founders and directors of an adoption agency that worked together with a hospital and provided counselling for birth parents, adoptive parents and adoptees in search of their origins. We were put in touch with them by a feminist Indian author who adopted her second child with the support of Kinjal Sethi and Shilpi Alagh. They present themselves as “pioneers” of the documented handover of children to agencies.²¹ They contrast this with the “shushu affair”, the swift handover. Looking back, they describe how they both encouraged the birth mothers to write a farewell letter.

After handing over the child, they continued a biographical ‘storytelling’ on behalf of the birth mothers, thus establishing a narrative foundation for

18 In her article on adoptions of South Korean children in Germany, Michaelsen writes (cf. note 16), p. 109 that one of the “significant gaps [...] is the disappearance of the parents from the adoption process”. This happens, for example, through the presentation of adopted children as ‘orphans’. By disguising the existence of the parents, the “legal condition of parentlessness is established” and the child is made “adoptable”. Idem, p. 119.

19 Damania (cf. note 9), p. 34.

20 Bharat (cf. note 10), p. 105; Fonseca (cf. note 13), p. 314.

21 Cf. also contribution “The Stigmatisation of Unwed Mothers. Ethnographic Research in India”, Andrea Abraham and Asha Narayan Iyer.

the adoptive family.²² Kinjal Sethi took the circumstances of the separation as a starting point and, building on this, wrote origin stories for the children that from her point of view were understandable and age-appropriate and did not reproduce social taboos. In these letters, she struggles to find the right balance between truth, completeness, clarity and empathy. This challenge was all the more difficult when the circumstances surrounding the pregnancy were unknown or not entirely clear to her either.²³ In one of the letters Kinjal Sethi wrote to a child for whom she had arranged a placement in 2010, this wavering is evident.

“I understand how important it is for our children to know the story of their birth. Unfortunately, we have only a little information from the adoptions which took place 30 years ago, but even that much information is important. [...] Your birth mother’s name was [name]. Her family belonged to the Christian faith. They lived in [place]. [Name] lived with her parents. She did not have the opportunity to go to school (thirty years ago many girl children from low income families did not go to school). When she was about 18 yrs. old she started working in housework for a family. She then met your birth father (we do not have his name) and from their relationship she conceived a baby. On the [exact date] 1979, [name], 19 years old, gave birth to a little boy at [name] hospital. And that was how you came into this world, dear [name]. Your father and she did not marry (perhaps because they belonged to different religions). [Name] was a single unmarried mother which is not acceptable in this social environment. She did not have the resources to give you a good life, so on [date] 1979 [at the age of four days] she relinquished your custody to [name agency], requesting that you be adopted by a family who could give you the care you needed. Parting from you was really sad for [name]. But she knew you were in safe and caring hands. The rest of your story you already know. I hope this helps you to fill in some of the blanks.”

While Kinjal Sethi is able to provide information about the mother’s age, origin and family circumstances and to name the date and place of the birth and the separation of mother and child, the circumstances surrounding the

22 For Brookfield, Brown and Reavey, memory and biography work in adoptive families is essential in creating a sense of belonging. By (re)constructing memories on the basis of information and artefacts, adopted children should be able to develop a “coherent narrative between the past and the present”. Creating a coherent story is particularly challenging when information and artefacts are uncertain and missing. Helen Brookfield, Steven D. Brown, Paula Reavey, “Vicarious and Post-Memory Practices in Adopting Families. The Re-Production of the Past through Photography and Narrative”, *Journal of Community & Applied Social Psychology* 18/5 (2008), p. 474–491, <https://doi.org/10.1002/casp.960>.

23 Cf. Bharat (cf. note 10), p. 55, 105.

2 APRIL 2010

DEAR [REDACTED],

THIS LETTER COMES TO YOU FROM [REDACTED], INDIA, WHERE YOUR LIFE BEGAN. RECENTLY YOUR SISTER [REDACTED] WAS HERE SEARCHING FOR HER ROOTS. I UNDERSTAND HOW IMPORTANT IT IS FOR OUR CHILDREN TO KNOW THE STORY OF THEIR BIRTH. UNFORTUNATELY WE HAVE ONLY A LITTLE INFORMATION FROM THE ADOPTIONS WHICH TOOK PLACE 30 YEARS AGO, BUT EVEN THAT MUCH INFORMATION IS IMPORTANT. IN MARCH 2006 I SENT YOUR ^{OLD} FILE FROM [REDACTED] TO YOU, I HOPE YOU RECEIVED IT. I DON'T REMEMBER IF I TOLD YOU WHAT INFORMATION WE HAVE ABOUT YOUR BIRTH. SO I AM SHARING IT AGAIN:

[REDACTED]

YOUR BIRTH MOTHER'S NAME WAS [REDACTED]. HER FAMILY BELONGED TO THE CHRISTIAN FAITH. THEY LIVED IN [REDACTED]. [REDACTED] LIVED WITH HER PARENTS. SHE DID NOT HAVE THE OPPORTUNITY TO GO TO SCHOOL (THIRTY YEARS AGO

Fig. 2: Excerpt from a letter from a former Indian adoption agent in the state of Maharashtra to an adoptee in another country who is interested in her origins. Private archive.

conception and pregnancy remain unclear. She therefore endeavours to use a neutral formulation by referring vaguely to a “relationship”, but also offers a ready interpretation by formulating the possibility that the parents did not marry because of their different religious affiliations. Kinjal Sethi offers the young addressee of her letter various strands of narrative, some of which are fact-based and some of which are conjectural. At the same time, she emphasises the importance of exploring these gaps in the story of the child’s origins.

The adoptive parents that Nadine Gautschi interviewed in Switzerland expanded on the narratives passed on to them by the agencies and connected them with their own ideas and assumptions. I have selected two interview passages that illustrate the different directions taken by these narratives. The first is taken from an interview with Mr and Mrs Hagenbuch, who adopted Meret, around one year old at the time, in the early 1980s through *Terre des Hommes* Lausanne. Silvan Hagenbuch describes a situation in which his daughter asked questions about her birth mother. He told her that her mother had acted responsibly when she handed Meret over to the police. He goes on to recall the following:

“And I also explained to her that in India it was impossible to find out who her mother was. You could of course try, and a mother would be found, but it would definitely not be hers. The people willing to help her search would just be after her money. And she did actually accept that, and I always told her that when she was a bit older, we could go to India and she could see what it was like there.”

Silvan Hagenbuch responds to his daughter’s question with two messages. First, he closes off the possibility of a search for her origins by saying it is likely she would be tricked. Second, he portrays India as an economically deprived country. Other adoptive parents tried to convey a positive image of India by going together to visit India, listening to Indian music or enjoying Indian cuisine. Especially if there had been no shared experiences or exploration of India, the stories often perpetuated stereotypes of India and Indian people, potentially shaping how the children imagined their birth parents. This is the case with the story told by Senta Engel, who adopted two-year-old Bhanu with her husband through *Terre des Hommes* in the late 1990s:

“And we actually always spoke positively about India and her birth parents. That was actually very important to us, that we ... yes, always said: ‘You know, I’m sure your mother would have loved to keep you, but there was just no other way’.”

The last sentence conveys a positive image of the mother, using a combination of subjunctive and indicative (“would have loved to” and “there was simply no

other way”) that is built on an assumption and refers to a set of suppositions intended to legitimise the relinquishment of the child. Some adoptive parents developed these assumptions into origin stories that became perceived as fact.

I have shown in the above explanations that for adoptees, their biological parents were “imaginary figures” “about whom neither the adoption agency nor the adoptive parents had sufficient information”.²⁴ The scarcity or unreliability of fact-based information about the past led to “missing”²⁵ or “possible pasts”²⁶ that some adoptive parents and adoptees sought to reconstruct through visualisation or by spiritual or metaphysical means. Like Savita, there were other adoptees who tried to access fragments of memory through visualisation and reactions to places, light, sounds, music or smells.²⁷

Many-faceted mothers

It is Friday evening when Asha Narayan Iyer and I drive through Mumbai’s heavy evening traffic and arrive at an adoption agency in north-east Mumbai that has existed since the early 1980s. We are expected by its director, Shweta Purandare. She has been running the institution for five years and can look back on 30 years of experience in the adoption sector. A small road leads us to a building that is protected by a gate with a security guard. As we enter the building, we arrive in a small, yellow-painted entrance area. There is a reception desk, some seating and numerous Hindu knick-knacks. On one wall there is a blackboard listing various foods and utensils. As my co-researcher knows, it is a list of items that can be donated to the home. Financial or in-kind donations to children’s homes are customary for visitors. While we wait for our interview, I notice a framed poem hanging on the wall next to the reception. I later also find the poem online on American adoption websites.²⁸ It is about a child’s two mothers – the birth mother and the adoptive mother. The author ascribes to each certain roles in the child’s life. The poem also ends with the statement that the child does not have to choose between these two mothers, but that they both shape its sense of belonging. Does this poem in the reception area of the institution reflect how the staff see birth mothers and adoptive mothers? After a short wait, we are led by an employee of the institution down

24 Idem, p. 105.

25 Margaret Homans, *The Imprint of Another Life. Adoption Narratives and Human Possibility*, Ann Arbor 2016, p. 4.

26 Brookfield/Brown/Reavey (cf. note 22), p. 488.

27 Cf. contribution “Assisting Adoptees in their Search for Origins”, Celin Fässler.

28 For example <https://bpar.org/poem-legacy-of-an-adopted-child>, 8. 2. 2024.

the narrow corridor to the director's office. Halfway along the corridor we are met by an older and a younger man. I assume they are an adoptive father and his son, which Shweta Purandare confirms shortly afterwards. She tells us that the young man was adopted as a child by a Dutch couple and is interested in his origins, so has travelled to Mumbai with his adoptive father. Based on this encounter, Shweta Purandare describes a field of tension: on the one hand, it is the right of an adopted child to know who their mother is, on the other, it is the mother's right to remain anonymous because of the ways in which contact could impact her life. Shweta Purandare had explained to the young man that the agency upheld the mother's right to remain anonymous. She sees her task as providing adoptees with information about the cultural background of Indian mothers who separated from their children. This does not include the details of the young man's mother, even if the agency's records might contain specific information.²⁹

In my follow-up to this conversation with Shweta Purandare, I take a closer look at the agency's website and come across another statement on this issue of the child's origins. The website uses the slogan "It is not the Origin that matters ... but the Destination". I try to understand how the poem in the reception area and the slogan on the agency's website represent birth mothers and what connects the concepts. The poem in the reception area acknowledges the role of the birth mother as being complementary to that of the adoptive mother. In the slogan on the website, however, birth mothers are described as insignificant if we interpret 'origin' as a synonym for 'birth mother' in the sentence "It is not the origin that matters." In these representations, I see ambiguity with regard to the importance attributed to them in the child's life. This ambiguity and the struggle to reconcile biological or cultural origins with factors of socialisation is one that I encounter repeatedly in Indian publications on adoption.³⁰ Explicit or implicit understandings of the relationship between birth and adoptive origins are central to the formation of adoptive families and to the adoptee's understanding of their identity. In the interviews, one of the ways in which adoptees and adoptive parents expressed this in their

29 While adoption secrecy was statutory in Switzerland during our focus period, India lacked similar regulations. The adoption process was instead governed by individual agreements between the agency and the mother. For more detail, cf. contribution "Provisions and Practice. International Adoptions and the Law in India", Asha Narayan Iyer.

30 The adoption guide by Indian adoption activist Nilima Mehta also begins with a poem that draws on this dual image: "To me you are special. / Special because you belong / to me and you are mine. / The fact that I didn't give birth / to you doesn't make me less / of a mother / Or you my daughter. / For mothering is far more / than birth." Mehta (cf. note 7). This approach, which downplays the importance of biological origins, stands in contrast to an essentialist position as described by Homans (cf. note 25), who emphasises the genetic basis of identity.

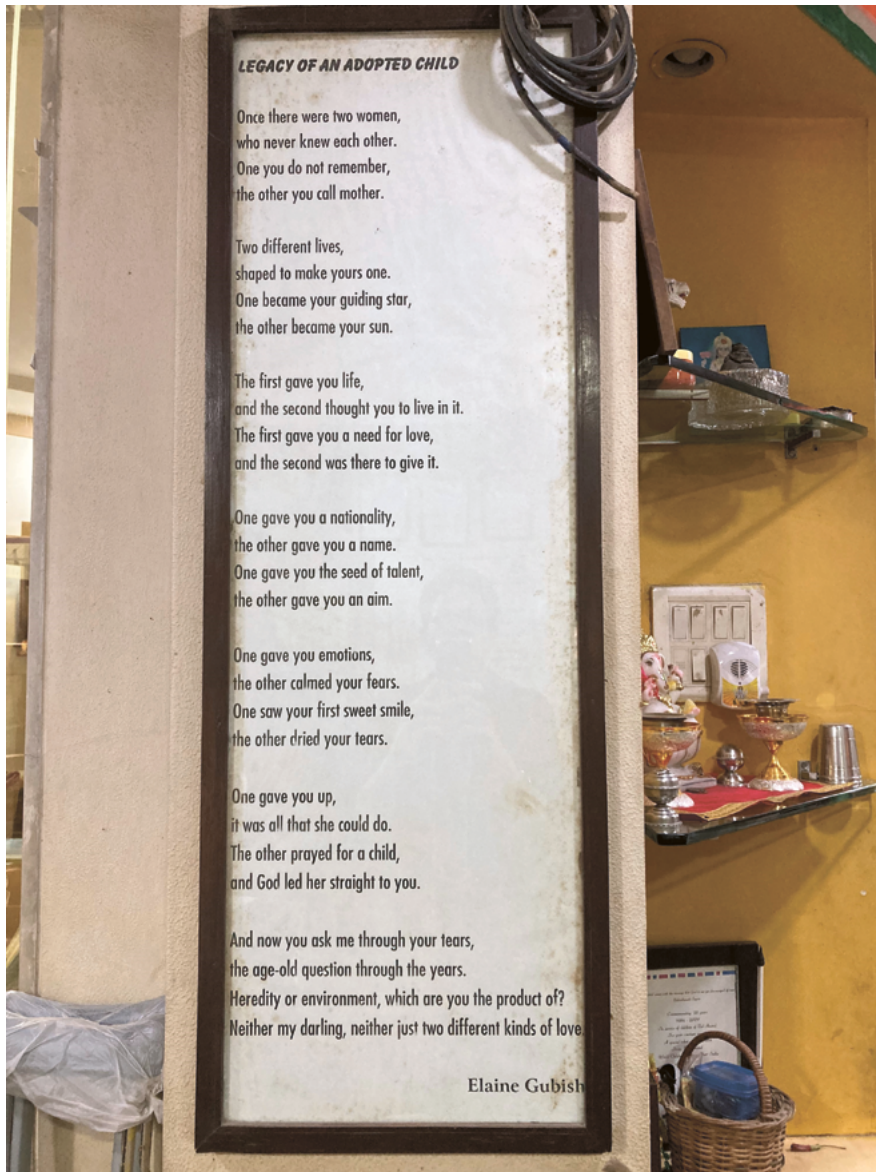


Fig. 3: Poem by Elaine Gubish on the roles of birth mothers and adoptive mothers in the lives of adoptees, displayed in an adoption agency in the state of Maharashtra. Photo: Andrea Abraham, 3. 2. 2023.

narratives was by imagining mothers not as a single figure, but as a figure with different forms. Savita's adoptive mother offered her one such image of motherhood by using the complementary categories of 'tummy mum' and 'heart mum'. Nathalie Faber, who adopted a girl from India with her husband in the early 1990s, also presents herself in this way: "Well we are like two mothers who are complementary." Such a concept of motherhood could also extend to three mothers. This is how Senta Engel remembers something her daughter Bhanu said. "She said she had the biological mother who gave birth to her, then she had Mother Teresa who took her in, and then she had me as her mum." Michael Dupon, a man adopted from India at the end of the 1960s, also imagines his mother today in three forms: his biological mother, Mother Teresa and his motherland, India. He tells me in an interview how he had felt distant from his adoptive mother, who died when he was 14 years old. He describes the painful process he went through to arrive at this threefold mother-image. A feeling of "I'm not real" has followed him throughout his life. His photo album, which he created while coming to terms with his identity and showed me during the interview, begins with a drawing of a question mark.³¹ As his adoptive parents did not talk to him about his history as an adoptee, he tried to reconstruct it secretly using photos and documents from their drawers. Later, after his adoptive father had passed away and Michael had himself become a father for the first time, he began researching his roots in earnest and travelled to India to look for his mother. He refrained from making contact, however, after the person he tasked with finding his mother successfully located her, revealing a complicated family situation. Amidst his search and inner turmoil, he formed a symbolic image of India as an overall mother figure. In conversation with me, he recalls something a friend in India once said to him:

"'Michael, don't worry about your mother. Your mother is India.' It was a nice proposition. 'Don't worry about your mother, your mother is India.' And from that day I was free. With one sentence. So I said: 'Yes, he's right.' And he just said: 'Come to India as often as you can. Every year. All the time. Come and live in India. Let's say your mother is *India*. That means your mother is everywhere when you're in India.'"

31 Jeanette Winterson describes this in almost the same terms in her autobiographical retracing of her adoption, which is described in Homans. Homans (cf. note 25), p. 3 f.

Shedding light on the absence of what could be there

Throughout this chapter, I have demonstrated how birth parents, especially mothers, become invisible in adoption processes. I have explored the reasons for this erasure and examined the efforts of adoptees to address the resulting gaps in their biographies. Just as the adoption process is shaped by multiple stakeholders ('adoption triangle', 'adoption square'), these different stakeholders also increase or reduce the visibility of each 'corner' by presenting them in a certain way. During the focus period for the study, the perspectives of adoption agencies, authorities and adoptive parents overshadowed other voices. In recent years, the voices of adoptees have been added to the debate on adoption, as have those of birth mothers³² – at least in the Global North and particularly in the United States,³³ although this is not the case with regard to the birth mothers of Indian children.

I found addressing the gap in representation of the subjective experiences of birth mothers in India methodologically challenging because the invisibility of mothers is justified by various stakeholders and maintained to this day. While I was collecting the data, it became clear that there (as yet) remained a lack of willingness in the Indian adoption discourse to listen to the voices of the mothers. There would have been a way to include the voices of birth mothers with the help of specific agencies, but this avenue was closed owing to political constraints and ethical research considerations.³⁴ Although a fundamental aim of feminist research around the world is to allow women to speak in their own voices and language instead of talking about them,³⁵ it is important not to consider silence as an absence of communication.³⁶ Communication scholar Sakina Jangbar criticises the fact that Western feminist authors equate silence with powerlessness, oppression and victim status, whereas

32 For example, the First Mother Forum, "where first/birth/natural/real mothers share news & opinions. and vent", <https://www.firstmotherforum.com>, 22. 10. 2022.

33 In Briggs (cf. note 6), p. 86, Fonseca writes that there is a unique network of birth mothers in the United States, who since the 1970s have come together in 'a collective voice'. While small organisations with similar objectives exist in the global South (e. g. Argentina), a comparable collective movement of birth mothers has not been observed anywhere else in the world.

34 Cf. "Introduction" by Rita Kesselring and the contribution "The Stigmatisation of Unwed Mothers. Ethnographic Research in India", by Andrea Abraham and Asha Narayan Iyer.

35 Marcia C. Inhorn, "Defining Women's Health. A Dozen Messages from More than 150 Ethnographies", *Medical Anthropology Quarterly* 20/3 (2006), p. 345–378, <https://doi.org/10.1525/maq.2006.20.3.345>; Gayatri Chakravorty Spivak, *Can the Subaltern Speak? Postcoloniality and Subaltern Articulation*, translated by Ari Joskowicz and Stefan Nowotny, reprint, Vienna, Berlin 2020.

36 Cf. Aleida Assmann, Jan Assmann (ed.), *Schweigen. Archäologie der literarischen Kommunikation XI*, Paderborn 2013; Nadine Gautschi, "Wie Nachkommen das Schweigen ihrer Eltern erleben. Eine qualitative Studie im Kontext fürsorglicher Zwangsmassnahmen in der Schweiz", *Soziale Welt* 73/2 (2022), p. 353–376, <https://doi.org/10.5771/0038-6073-2022-2-353>.

speaking is synonymous with empowerment. She shows in the South Asian context that silence can be considered both “polyphonic”³⁷ and an expression of a form of agency. Applied to the focus group of my study, this raises the question as to what opportunities society’s silence may have created for mothers. One possible answer is that this silence enabled the social rehabilitation of women who became pregnant outside of marriage.³⁸

Finding it difficult to reconcile this ambiguous silence and the political and ethical research concerns that limited our access to mothers with the aims of our research project, I contacted Dharti Malik in April 2023. Dharti Malik is a lawyer, feminist researcher and activist and a single adoptive mother. I discussed my research dilemma with her at her apartment, which is located in a compound in north-west Mumbai:

Andrea Abraham: “We have to talk *about* these women, because we are not in a position to enable them to speak directly. So we are speaking on their behalf, even though we are trying to get as close as possible to their reality. Do you think this is problematic from a feminist perspective?”

Dharti Malik: “It is completely unfeminist to be the voice of the so-called ‘research subjects’. It is not completely ethical. But how can you get round this, in such situations? [...] Because otherwise we have no voice at all. Perhaps [...] in some years adoption in this country will be more open. Birth mothers might get together and talk about it, but it’s a process.”

In this way, Dharti Malik implies that my approach can be seen as an intermediate methodological step. By highlighting the absence of mothers and the erasure of their subjectivity, this approach challenges the prevailing discourse surrounding adoption, paving the way for future studies. Their absence from the adoption discourse thus remains a key finding. As Anja Sunhyun Michaelsen³⁹ writes, “What is missing is at least as important as what can be structurally remembered.”⁴⁰ She continues:

“Thus the absences in the archive can also and especially be understood as significant. Presence and absence would have to be considered in relation to each other and the empty space would be meaningful in

37 Sakina Jangbar, “Silence of a Pakistani Muslim Woman. The Influence of Culture on the Meaning of Silence”, *Journal of Reproductive and Infant Psychology* 15/2 (2022), p. 132–147, here p. 135, <https://doi.org/10.1080/17513057.2021.1897153>.

38 Cf. also contribution “The Stigmatisation of Unwed Mothers. Ethnographic Research in India”, by Andrea Abraham and Asha Narayan Iyer.

39 Michaelsen (cf. note 16), p. 110.

40 Cf. Rosa Maria Perez, Lina M. Fruzzetti (ed.), *Transdisciplinary Ethnography in India. Women in the Field*, London 2022, p. 6.

of itself, not just as an indication that something is missing, but as a reminder of the moment of disappearance and a fragment of what has disappeared.”⁴¹

As authors of adoption-related texts such as scientific publications, we share in the responsibility for these presences and absences; we quote and give voice to some people and drown out or silence others. Through the chosen methodological approach, or that which is possible under certain circumstances, we reconstitute the maternal or parental voices, and “imagine” to a certain extent “what *could* be there”.⁴² But we have nonetheless contributed to an evidence base about the struggles, vulnerabilities and actions of birth mothers that can help to initiate a dialogue about them in Swiss and Indian society. This study constitutes an intermediate step that highlights what can be said within the current discourse on adoption in India and Switzerland but also critically examines and paves the way for a shared discussion of the gaps where the mothers should be.

41 Michaelsen (cf. note 16), p. 120. Cf. also Rosa Maria Perez, Lina M. Fruzzetti (ed.), *Transdisciplinary Ethnography in India. Women in the Field*, London 2022, p. 6.

42 Michaelsen (cf. note 16), p. 120.

Provisions and Practice

International Adoptions and the Law in India

ASHA NARAYAN IYER

“We are working in an area which is 100 per cent human nature. Nothing is black and white. Nothing is fixed. You may think differently on the same subject. [...] That doesn’t make you right or wrong. [...] But if you go with it in a very cold-blooded manner [...], you will never understand it.”¹

This opening is illustrative of the practice of law in the field of adoption, situated at the intersection of legal framework, jurisprudence and professional experience. Indian advocate Rakesh Kapoor,² the author of this quote, is talking about the delicate balance sought by people practicing law in a complex field that significantly impacts the life trajectories and personal wellbeing of children, biological parents, and adoptive parents.

Rakesh Kapoor joined the firm of his father, Kishori Lal Kapoor, who was also working in the field of adoptions, in the early 1980s. They were involved in numerous cases in which children were placed with couples in the Swiss cantons of Zurich and Thurgau. Since then, Rakesh Kapoor has worked as the appointed advocate for adoption agencies³ in Mumbai and other parts of Maharashtra. My Swiss co-researcher Andrea Abraham and I interviewed him at his office, located at Churchgate in southern Mumbai, in late March 2023. In the interview, Rakesh Kapoor looked back over four decades of adoption law and legal practice, sharing his knowledge, experience and thoughts on the legal framework that governed international adoptions in our period of study, between 1973 and 2002. The second part of this chapter presents extracts of the interview with a specific focus on legal practice, while the first part pro-

1 This statement by Rakesh Kapoor is from an interview that Andrea Abraham and Asha Narayan Iyer conducted with him in Mumbai on 27. 3. 2023.

2 Rakesh Kapoor agreed to be mentioned by his real name.

3 Agencies are children’s homes whose main activity was taking care of children who were to be given up for adoption. Some of the agencies were also institutions caring for the mothers. If the focus was on caring for mothers, the facilities were referred to as shelters. In this article, I use the term agencies to refer to facilities with an adoption licence focusing on children and/or mothers.

vides an overview of major developments and key elements in the legal framework surrounding adoption during this period.

Prior to the 1970s, not many Indians wanted to adopt an unrelated child whose parentage was unknown. Parents who adopted kept it a family secret⁴ to avoid the social stigma associated with not being able to conceive a biological child. This stigma, combined with the prevailing caste system⁵ and subsequent reluctance of Indian families to adopt, made it difficult to find placements. Between the 1960s and the mid-1980s, intercountry adoptions progressively increased in number.⁶ Foreign parents had the financial means to adopt, making intercountry adoptions an attractive prospect for Indian adoption agencies.⁷ The absence of a uniform adoption law in India may also have supported this trend.⁸ Agencies acted as key points of contact within the adoption framework.⁹ In these agencies, children to be placed in adoption were received from hospitals, private maternity homes and from child welfare institutions, other adoption agencies, or private persons. The services offered ranged from adoption to sponsorship and foster care services to rehabilitation schemes for destitute women, children and disabled people. Some agencies received funding from the Department of Social Welfare in the form of a grant on a per-child cost basis. Foreign funding was received by some of the agencies in the form of donations from foreign adoptive parents and overseas agencies such as Oxfam, Caritas and World's Children. In some of these agen-

4 Mahtani, Rajshree, *A Study of the 3 year old Publicity Campaign Implemented by the Indian Association for Promotion of Adoption and Child Welfare (Documentation and Assessment of Impact)*, Mumbai 1994.

5 The Indian caste system ranked people hierarchically into four castes according to occupation and determined access to wealth, power, and privilege. In the hierarchy, the Brahmins, usually priests and scholars, were at the top. Next were the Kshatriyas, or political rulers and soldiers. They were followed by the Vaishyas, or merchants, and the fourth were the Shudras, who were usually labourers, peasants, artisans and servants. At the very bottom were the untouchables. These individuals performed occupations considered unclean and polluting, such as scavenging and skinning dead animals. They were excluded from the ranked castes. Although some caste-based prejudices and rankings still exist, wealth and power are now less associated with caste. Caste has become a lot less significant in the daily lives of people who live in urban areas compared to rural areas, but its significance still varies by social class and occupation. Discrimination based on caste has been outlawed in India since 1949, though it still exists today. Over the years, the government has introduced various legislations to uplift disadvantaged classes and castes and reduce prejudices.

6 There were twice as many international adoptions as domestic adoptions from 1977 to 1986. Shalini Bharat, *Child Adoption in India. Trends and Emerging Issues. A Study of Adoption Agencies*, Bombay 1993, p. 37. From 1988 to 1992 there was a decrease in international adoptions and an increase in domestic adoptions. Hansa Apparao, "International Adoption of Children. The Indian Scene", *International Journal of Behavioral Development* 20/1 (1997), p. 3–16, here p. 11; Vinita Bhargava, *Adoption in India. Policies and Experiences*, Los Angeles, London, New Delhi 2005, p. 242.

7 Amita Dhanda, Gita Ramaswamy, *On their Own. A Socio-Legal Investigation of Inter-Country Adoptions in India*, Hyderabad 2005.

8 The Laxmikant Pandey Supreme Court judgment of 1984 stipulated that before a child was given up for adoption abroad, all efforts must be made to find a home for the child within their country. Agencies licensed for inter-country adoption were expected to ensure a minimum of 50% in-country placements. For a critical analysis of how this judgment was implemented, cf. Dhanda & Ramaswamy (cf. note 7).

9 Bharat (cf. note 6).

cies, donations were received in the form of salaries for staff working at the agency. Donations by philanthropists, charitable trusts and adoptive parents in India were yet another source of funds.¹⁰ A few residential agencies raised funds through the sale of products made at the agency, running canteens and holding charity shows. The agencies also received aid in the form of clothing, baby food, medicines and toys, both from local and foreign sources.

Adoption work at these agencies was carried out by trained social workers and experienced senior agency personnel. These would scrutinise the applications received from couples, both domestic and foreign, and assess their motivation and suitability as parents. The decision regarding adoption would be taken by the senior staff in charge of the adoption programme along with the social worker handling the particular case. All the agencies had advocates and paediatricians who provided advice on difficult adoption cases and played a significant role in processing the cases. While some agencies had both in-country and intercountry adoption programmes, others only arranged Indian adoptions.

An overview of adoption laws in India

The social reforms that accompanied India's independence in 1947 brought changes to legislation and policies pertaining to various issues, including adoptions. This was around the time that the traditional Hindu law was codified in several distinct acts. The *Hindu Adoption and Maintenance Act* of 1956 (HAMA) was one such act. This freed adoption from the narrow limits of religious dictates. Yet HAMA only governed adoptions by Hindu couples. Muslims, Christians, Jews and Parsis could not legally adopt a child. They could only take a child as their ward under the *Guardians and Wards Act* of 1890. Intercountry adoptions were also carried out under this act, which conferred the status of a guardian on the foreign citizen taking the child.¹¹ There was no other legislation providing for the adoption of an Indian child by a foreign parent until the 1980s.

Prior to 1984, the government did not play a role in monitoring or regulating adoptions. The practice of placing children for adoption abroad that began

¹⁰ Ibid.

¹¹ Dalip Chand Manooja, *Adoption Law and Practice*, New Delhi 1993; Asha Bajpai, *Child Rights in India. Law, Policy, and Practice*, Oxford 2006. Swiss couples had the status of guardians under Indian law. However under Swiss law they had the status of foster parents for at least two years until they could adopt the child. Prior to adoption, the child had to have a guardian.

in the 1960s generated considerable national controversy in the 1970s and the early 1980s in India. An Indian advocate, Laxmikant Pandey, complained of malpractices indulged in by social organisations and agencies engaged in the work of offering Indian children to foreign parents for adoption. He filed a public interest litigation which led to a landmark judgment by the Supreme Court in 1984 and thus to the development of norms and standards in international adoption.¹² The judgment laid down strict procedures for processing guardianship petitions in the case of intercountry adoptions. It clearly detailed what the government was required to do to ensure the welfare of destitute children and promote Indian adoptions. In other words, the judgment was akin to law. In the absence of legislation providing for adoption of an Indian child by a foreign parent, the court ruled that such adoptions were subject to the laws of the foreign parents' place of residence. Consequently, foreign parents seeking to adopt an Indian child must first apply for guardianship through the competent court in the child's ordinary place of residence. This established legal permission to take the child to the prospective parents' home country for adoption proceedings under local laws.

A summary of the requirements following the Laxmikant Pandey Supreme Court judgment is listed below:

- Every application by a foreign national desiring to adopt a child had to be endorsed by a social or child welfare agency recognised by the government of the country in which the foreign national resided. In addition, along with other specified documents, every application must be accompanied by a home study report prepared by a professional social worker.
- The Indian government was required to compile a list of social or child welfare agencies licensed or recognised as intercountry adoption agencies by the government of each foreign country where children from India were to be taken for adoption. This information was also to be provided to the corresponding Indian diplomatic missions abroad.
- If the biological parents were known, they must receive decision-making support regarding the relinquishment of their child. The institution in whose care the child already was (centre or home for childcare, social or child welfare agency) or the agency to which the parents planned to surrender their child were expected to provide this.
- If the child was an orphan or destitute or abandoned, and its parents were not known, the institution or agency charged with caring for the child was required to try to trace the child's biological parents. If it was able to trace

12 Bajpai (cf. note 11); Dhanda/Ramaswamy (cf. note 7). <https://indiankanoon.org/doc/551554>, 4. 2. 2024.

the biological parents, the institution or agency would only be permitted to proceed with the adoption if it found that the biological parent(s) did not want to take their child back.

- No destitute child could be presumed abandoned and therefore free to be placed for adoption unless they had been so declared. The placement agencies were required to apply to the Juvenile Welfare Board to have a destitute child declared abandoned and legally free for adoption. This procedure was not required if the child had been relinquished by the biological mother or parents, in which case a 'deed of surrender'¹³ was signed by the relinquishing party.
- Every recognised social or child welfare agency was required to maintain a register with the names and particulars of all children potentially free for intercountry adoption. The recognised social or child welfare agency was required to prepare a child study report through a professional social worker giving relevant information about the child to help foreign parents come to a decision.
- The government of India was required to set up a central agency with regional branches that could provide information regarding children who were eligible for international adoption. In 1990, it set up the Central Adoption Resource Agency (CARA). The social or child welfare agency in the foreign country could refer applications from parents keen to adopt children from India to CARA, which in turn forwarded the application to the recognised agency in India.

These guidelines put a stop to private adoptions outside the purview of the law, that is directly between adoptive parent and/or the agency/biological parent. They also attempted to make the adoption process more transparent and ensure the accountability of every party in the adoption process. The judgment of 1984 named certain agencies such as 'scrutinising agencies',¹⁴ 'voluntary coordinating agencies' (VCA),¹⁵ the Central Adoption Resource Agency (CARA) and the recognised 'child welfare agency' (the institution caring for the child). The agency processing the application by the foreign parent was

13 Nilima Mehta, *Child Adoption in Indian Patriarchy Religion and Law*, SNDT Women's University, 1999, <https://hdl.handle.net/10603/193685>.

14 Scrutinising agencies were appointed by the court to facilitate the processing of applications as well as related documents with regard to the children going into in-country and inter-country adoption. The scrutinising agency had to ascertain and verify whether the giving institution was recognised by the Government of India to place children in foreign countries, whether the institution processing the cases in the receiving country had recognition from the Government of India; and whether the child was legally free for adoption.

15 The VCA were established with the singular objective of promoting in-country adoption. The Supreme Court directed in its judgment that with regard to placement of children, the first priority would be given to Indian families.

required to provide the court with sufficient documentation to satisfy it that the child was legally free for adoption.¹⁶ Agencies mandated advocates such as Rakesh Kapoor to provide this documentation.

There were other national and international instruments that also influenced the practice of placing unrelated children for adoption in the period under investigation in this volume. These included the 1959 United Nations *Declaration on the Rights of the Child*, the 1974¹⁷ *National Policy for Children* and the 1989 *United Nations Convention on the Rights of the Child* (ratified by India in 1992).¹⁸

Against this background, the next section provides further insight into the legal landscape of the period from the perspective of advocate Rakesh Kapoor. Rakesh Kapoor began his legal career just before the Laxmikant Pandey Supreme Court judgment of 1984, working as an advocate for agencies helping to scrutinise and process inter- and in-country adoptions.

Advocate Rakesh Kapoor looks back over four decades of practice

Asha Narayan Iyer and Andrea Abraham: *Mr Kapoor, you have worked in the adoption sector for four decades. Let's say a child was available for adoption in the 1970s or the early 1980s, and that a Swiss couple was interested in adopting this child. What was the legal procedure?*

Rakesh Kapoor: Back then [ca. 1984 and the period preceding that], a lot of these foreign adoption agencies would tie up with one particular orphanage [child welfare agency] in India. Adoption would be a part of their contractual obligation to one another. They would fund them for their other activities, for child welfare and medical camps,¹⁹ sponsorship programmes and looking after rural children. And reciprocally, adoption was a part of that, that “we would want you to give us children for adoption”. That’s how it worked. Like in Switzerland, they were tied up with say, the Missionaries of Charity. Those days there was no intervention or supervising authority of the government.

16 Bajpai (cf. note 11).

17 This policy stated that the state must provide sufficient services for children's physical, mental, and social development before and after birth and during their growth. The suggested measures included a comprehensive health programme, supplementary nutrition for mothers and children, free and compulsory education for all children up to the age of 14, promotion of physical education and recreational activities, special consideration for children of disadvantaged socio-economic groups such as Scheduled Castes (SCs) and Scheduled Tribes (STs), and prevention of child exploitation. Cf. Government of India, Department of Social Welfare, *National Policy for Children*, 22. 8. 1974, <https://www.childlineindia.org/pdf/NationalPolicyChildren1974.pdf>.

18 Bhargava (cf. note 6).

19 Temporary medical facilities in changing locations, where the local population is offered medical, dental, surgical, educational or diagnostic services and treatments, usually free of charge (subsidised or sponsored).

That came much later. They [the agency] would get the home study report and match the child with the adoptive parents' requirements or their profile.

When did you come in, as an advocate?

We came in the process when they [the agency] would match the child with the adoptive parents and send us their documentation. We had not only to scrutinise the documents of the adoptive parents; we would have to also scrutinise documents from the child's point of view. We had to make sure that the links were all covered, there was no lacuna, anywhere. [...] How did the child come to this particular agency? Were they found abandoned? Were they surrendered by the mother? The entire backstory, the entire history of the mother, the addresses. And 80 per cent of the addresses were false because no unwed mother would want to give them their true story. [...] And Missionaries of Charity had branches all over India and children from smaller villages and smaller towns would be abandoned there, transferred to Mumbai for better care and adoption. We would come into the picture sometimes right from the beginning. We would have to check the documentation even before the child could be offered for adoption, to see whether within two months' time, when I go to court, these documents are enough. We had a responsibility towards the court as well as towards the adoptive parents. We didn't want the adoptive parents to say, "We didn't know this fact." We had to be very careful and be very sure that we had tied up all the loose ends. [...] We as advocates would have to satisfy the court completely that every single piece of evidence²⁰ put before the court had been scrutinised.

As you just said, a lot of the basic information was wrong. How did you handle this as an advocate, knowing that this information was not correct?

At that point in time, we didn't know that the information was wrong. Through experience, as we went on, we realised it. Because sometimes when

20 Bajpai (1996) lists all documents required for domestic and Indian adoptions, among them medical reports, family photographs, letters of recommendation, property statements, employment certificates, bank references and information on previous adoptions. Once these documents were submitted and the couple registered with the agency, the social worker of the licensed agency would arrange the home study of the family. The home study report aimed at giving a brief profile of the family's financial status, reasons for adoption, etc. A suitable child would be proposed to the couple only after all the documents mentioned above had been received and approved. If the child was approved, the child study form, the medical report, and the photograph of the child would have to be countersigned by the couple. In the case of children over 3 years, an IQ report would be given to the couple for their approval. The expenses for completing the various adoption formalities were roughly estimated including service charges and registration fees, the legal fees for the advocate and for the scrutinising body for adoption and the other incidental expenses for courier telephone, telegram etc. The couple was required to cover costs for foster care if the child selected by them had been in foster care and/or had received medical treatment. Asha Bajpai, *Adoption Law and Justice to the Child*, Bangalore 1996.

you go for a root search and you don't find the address, then you realise, okay, that was the wrong address. But at the time when the child was being surrendered or in question, we would not be there at that particular time. We would get the documents six to eight months down the line. Sometimes they were these nomadic people or these labour class people who would keep roaming from town to town and city to city. There was no way that they were going to be there after one year. [...] Suppose the address looked fake. There's no house number, there's no street number, there's no detail, just a place. But then we would have this address scrutinised and go into the area and try and find out. Somebody would be there, say, "Yes, she lived here, but she's no longer here, they moved away." Then the courts would say, "You have scrutinised. [...] But when someone like a birth parent comes to you, make sure you get a ration card, a hospital discharge card [or some other proof of identity]." If the child is born at home, [the person] would be residing there for some time. Then you would have to have the village panchayat,²¹ or someone in the village panchayat or someone else would know. And we had to handle it very carefully because they were unwed mothers. If we just go and make a scrutiny openly and ask who this person is ... the very purpose of abandoning the child would come to naught. She's doing it because she doesn't want to be shamed. So how would you go and scrutinise this? [...].

Once you had all the documents in place, you presented them in court. How did the judge then reach a decision?

Today, the procedures and practices are more etched in India. Before 1984, it was all a grey area, absolutely reliant on the genius of the judge to decipher or to understand if the child was actually free for adoption or not. The responsibility on judges' shoulders in those days was much heavier, because they had to take a decision on only a flimsy amount of documents that could prove that the birth mother had actually given up the child, and if a child could legally leave the country. Once a child left the country, there's very little that could be done about it. The adoptive parents would be required to give an undertaking report that they would go back to their country and initiate the adoption process there. Every country had a different timeline to complete that adoption. Some six months, some one year, some [like Switzerland] two years. The Bombay High Court still would have powers to recall the child if needed but

21 A village panchayat forms part of the decentralised democratic set up of governance in India at the rural level. It is a formalised local self-governance system with executive and judicial powers.

once the adoption took place in those countries, then the child would become a citizen and those laws would apply.

You are talking about the judge's responsibility. He also had a lot of power. Could you reflect a bit on that aspect of his work?

The judge is a very powerful person, the reason being that adoption laws are not strictly black and white. There are a lot of grey areas. A lot has to do with the judge and the judge's discretion, what he believes, how he interprets the law. We are always subject to a judge's mindset. [...] We were fortunate. We had a judge who was bold and had travelled. He had the knowledge on how those societies [like Switzerland] work. You need to have judges who are aware of the world, what's happening. [...] A lot of Indian judges doing foreign adoption said, "Why do our children go to foreign countries? Why don't we have Indian families? How do we know what's happening there?" That was always a question mark there, especially for judges who had come from the district level, who were not very aware of the world's situation, who were not very aware of how adoptions were handled in those countries.

Your job sounds very challenging, especially given the difficulties in accessing the correct information on a child and the mother. And it requires a knowledge of psychology. Did you learn this on the job or through books?

Either you are blessed with compassion, or you try to acquire it. If you're blessed with a compassionate nature, you try to understand a person, their backstory, where they're coming from. Why are they behaving in such a way? What do they want from life? Why are they taking this step? When you sit back and you analyse it, you would learn as you go along – with all the interaction that you had with all the orphanages and the social workers [...]. You try to learn from them, and you read up. But nothing teaches you best like practical knowledge. [...] You're very clear in your head what you ought not to do and what you should do. Because we are working in an area which is 100 per cent human nature. Nothing is black and white. Nothing is fixed. You may think differently on the same subject. [...] That doesn't make you right or wrong. [...] But if you go with it in a very cold-blooded manner [...], like a professional, you will never understand it.

Did all the children have a birth certificate? Was it part of the documents that you had to check?

The birth certificate was not always the case. They would basically have a discharge card – a document stating discharge from the nursing home when the child was born. Not all children were born in nursing homes – there were

home deliveries to save face and all these things. But the courts would then insist, “You either get a discharge card or you get me a letter from the village panchayat, saying that this person was a resident here, or that this child was born here – otherwise I am not passing this case.”

Was the birth certificate not necessary to get a passport?

In the time period that your study is referring to, the Bombay High Court's order was like a birth certificate. And the court order would certify the birth date of the child. You can't question the court order because the judge has gone into it, he's gone into the facts [...]. You know when Bombay High Court gives you an order, you have to take it. The passport authorities would accept the court order. And the agency would make something called the 'birth affidavit'.²² The court order along with the birth affidavit was necessary for the passport and the visa.

Coming back to the process in court, can you elaborate a bit more on the ways the judge would strike a balance between the law and the facts of the case?

You have judges with a great amount of legal experience. [...] The bottom line was child welfare. What would suit this child's welfare best? Even if you must bend a little [...], take chances within the given framework of the law. But a court can take that liberty. [...] There were three High Courts in India with this jurisdiction, Bombay High Court, Madras High Court and Calcutta High Court. You could file an original civil case in these courts, unlike in other states where the high courts were only appellate, as in courts that appeal matters from district level up. In these three states, Maharashtra, Tamil Nadu and Calcutta, the high courts have an inherent civil jurisdiction, and they have a lot of power to decide on matters pertaining to a child and to infants. They could use that power to give their ruling on adoptions where sometimes the facts are not very clear or very grey. [...] Foreign adoption was always very heavy duty because once a child left Indian shores, I [as a judge] have no rights over the child. When I'm going to sign the order, a lot of my reputation and responsibility is at stake. And of course, we were also convinced because we could see the follow-ups of all the cases that we had

22 An affidavit of birth is a document that acts as a written solemn oath or a sworn statement about the birth of a person and vital information related to it, such as the date, time, place and parents. It can be used instead of a birth certificate when the birth record is lost, incomplete, or cannot be found. It can be completed by a parent, relative, medical professional, or anyone who witnessed the birth. It can help verify a person's birth information and prove their citizenship or help apply for official documentation.

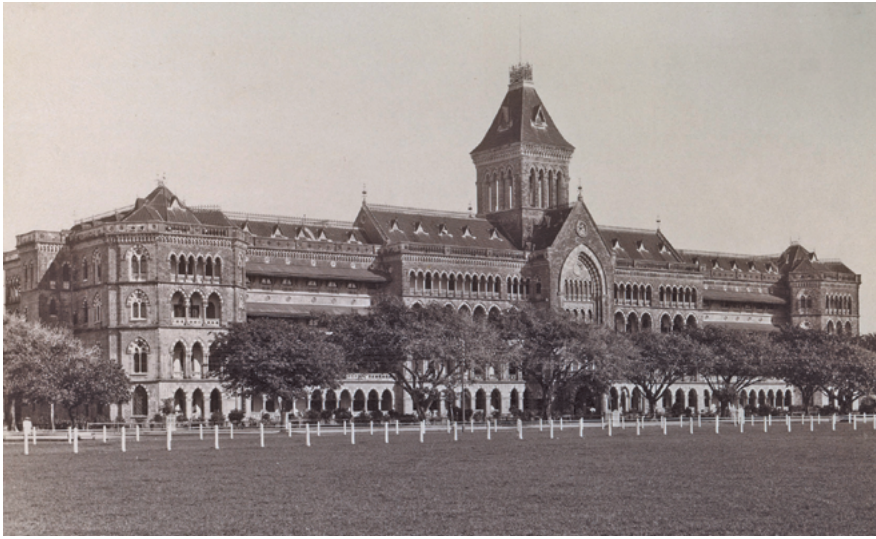


Fig. 1: Bombay, High Court. Staatliche Museen zu Berlin, Ethnologisches Museum, Annette Hlawka (reproduction), CC BY-NC-SA 4.0.

done.²³ We were in touch with the agencies in those countries. They would come to our office very often. They would speak about a case, how the child is today, what's happening.

Coming back to the scrutiny process, what happened to these documents that you had to check? Where were they archived after the process was over?

For us, the Bombay High Court is the court of records. All the original documents ever presented in court are archived in the record department under seal.²⁴ No one can go there. It's under lock and key. The High Court would keep the documents, but the agencies would keep a register in which they would note down the facts: mother's name, address, date of birth, from where she came, the discharge card of the birth mother.

23 After CARA came into existence, a formal system of follow-ups was put in place. Once the adoption order was issued by the court and the child placed with the family, the social worker from the placement agency was required to undertake regular follow-up visits and provide post adoption counselling until the child had adjusted to its new environment. For adoptions in Switzerland, follow-up was required for a period of 2 years in the case of intercountry adoptions. Copies of the follow-up reports were to be sent to the district social welfare officer, competent public authority, competent scrutinising agency and the court or juvenile justice board that issued the order.

24 For more information on the record department of Maharashtra, cf. <https://maharashtra-archives.org/index.html>, 26. 1. 2024. In addition, the project "Archives, Ethics and the Law in India" addresses questions on the complex structure of Indian archives and its implications for its professional and private users: <https://ethics-law.archives.ncbs.res.in>, 26. 1. 2024.

Can you tell us a bit more about the birth mothers that you have met and about their stories?

We met the birth mothers only when they were called to the court. We would not involve ourselves as advocates at the time of abandonment. It was strictly the agencies. There came a point in time (following on from the Laxmikant Pandey Supreme Court judgment) where the courts said that when there's an abandonment and there's a relinquishment in agencies, the member or a social worker from the ICSW (Indian Council of Social Welfare) should be present and witness the abandonment. These are steps the court kept taking and evolving to cut down on mischief. That somebody who is responsible to the court, authorised by the court should be present there. Earlier, the documents were not even notarised. The birth mother would come, there would be a stamped paper on which they would make her write. The agency would type it up in English and show it to her and obtain her thumb impression. If she could write in her vernacular language, she would sign in her vernacular language. The court could not know whether she had understood what she had signed – since she would have put her thumb impression. I mean, what language did she speak in? Would she speak in the language she knew? The court wanted to be satisfied that this entire thing was translated to her so that she had understood it. Then they would have to provide an affidavit. These are the steps that the courts began to take to make it more transparent. There may have been cases which went under the radar at that point in time, but the courts were always aware of how to make people accountable. Because that document of surrender was a key document for every single matter, and earlier it was not even notarised. It was just signed before the social worker of the agency and one witness. Then the court said that the mother, whoever the birth parent is, would have to sign before notary public. Then there was the ICSW, who had to witness it. These were the steps the court gradually started taking to make sure that everything was above board.

If the mother was known, was she called to the court every time?

Not necessarily, only in cases where the court felt that there was something fishy, or sometimes just randomly. The court would say, "Let's just randomly take a check." [...] If the court had directed that this mother should come to court to ask her questions, then the agency would bring the mother to my office because they were scared. Anybody who's been called to court, suddenly it's like lightning and thunder. We would call them to the office first of all. We would never educate them. That's what my father would always tell me, "Stick to the facts, stick to the truth. Don't teach them anything because they

can easily muff it up in court". [...] We don't tell them what to say in court. We first try to understand, "Okay, this is the document that you've signed, these are the implications in law. Are you aware that your child is going to go up for adoption? Have you, first of all, given the child up for adoption with your full consent? You actually want to give the child up?" They would say, "Yes, these are my circumstances, this is what it is. I'm unwed." Once you understood that she knows what she wants and she's very clear that she doesn't want this child, then you're okay, then let the judges ask any question they want.

How did you perceive these dialogues with the mothers?

Sometimes the mothers would come and they would just keep quiet. They wouldn't say anything. You ask them, "Please tell me, because the court will ask you all these things". But they would just keep quiet. Maybe they were so beaten up in life, they were so down and out. You had to have an understanding of where they're coming from. If you did not have that element of compassion to understand their grief or what they've been through, it wasn't fair. It's a different dimension in their heads to give up their child for whatever reason. Some would just reconcile themselves to the fact that, "Yes, my child is going, but I have to do this. There's no other way out of this." Many a time you had couples, married couples, giving up children because the child would have such a medical condition that they had no way out to save the child ever. Then AIDS came into the picture. [...] No Indian would adopt those children. The foreigners would come forward because there were more advanced facilities in terms of care provisions. They knew exactly what AIDS was. The courts would be very surprised, asking "Are you sure? You want this child to go with you, with AIDS and all these things?" Children who were badly mutilated – had cleft palate problems, leg problems and mental conditions, physical deformities – they were abandoned by their parents.

And did you also meet mothers who changed their minds, who weren't sure if they would really want to give up their child?

Yes, there have been cases, but very few, very rare, where the birth mother has come back and said, "Now my lover has come back, and he wants to marry me and now I want my child back." And if the child had not gone out of the country, even though the child had been selected by an adoptive parent, then you say, okay, it's better the child does not go. If she comes back and the birth father takes on responsibility, they're getting married, nothing better than that. The children have gone back, but there have been cases where the child has already been adopted – three, four, five years already living in the country, and sud-

denly you have this birth father coming and saying, “No, I want my kids back.” The court said, “I’m not going to disturb the children. You had a chance, you didn’t come, please leave.”

What would have happened if you had doubts about whether this child was doing well due to what was written in the follow up report? Did you ever see anything like that? The thing is that these reports would go to the adoption agencies here. And if for some reason the child was not able to adjust or was absolutely not happy with the adopted home, then it was the duty of the foreign agency to relocate the child. But they had to move the Bombay High Court to first cancel the order if the order had been issued by the Bombay High Court. Alternatively, it would be whichever court had issued the order. Until the court had vacated that order, the child could not be handed over to somebody else. They would have to give reasons in court as to why the adoption had not worked out and what steps would be taken. And the court would then keep in touch with what happened to the child. If for some reason nothing happened (no steps were taken in terms of identifying another family) and the child was adamant that she/he wished to go back home – well then, we’d bring the child back home. [...] But once adoption is done, the child is then the responsibility of the adoptive country.

We know from many adopted persons in Switzerland that they would like to meet their mother. How can adopted persons find their mothers? What are your recommendations?

With birth parents, either you were an unwed mother, or you were a couple who personally relinquished the child, or you were the sort of parents who abandoned the child somewhere and walked off. And every single birth mother, unwed mother has the right to not ever be contacted again. We don’t know if she’s married today and what her condition is. She has her own set of rights which should be protected. Sometimes you have these roots searches. Children want to know, “I want to find her”. But as I said, that’s your right²⁵ in a way, but she has her own rights too. Perhaps she does not want to be found in the first place, so that’s always a conflict. Courts are also very particular on these things, “What’s the reason for your fight?” I always tell the agency, “Whenever you get such a request, make a very discreet inquiry. Try and first

25 According to the *Convention of the Rights of the Child*, which India signed and ratified in 1993, a child has “as far as possible the right to know [...] his or her parents”. Dhanda/Ramaswamy (cf. note 7), p. 8. The mother’s right to anonymity has only been in place since the *Adoption Regulations* 2017 came into force (cf. Chapter VII Art. 44 (7), <https://indiankanoon.org/doc/173386170>, 21. 5. 2024).

find out at your level whether the mother is there and if she wants to meet. If she doesn't want to meet, don't meet. But if she does want to meet, then please facilitate." Because every child has a right to complete parts of their life which are blank for them – their mental health also is important to go forward. But only if it is conducive for both people.

Concluding words

In India, as in many countries of origin, research in the area of adoption is scanty. Existing studies largely address attitudes towards adoption, procedural or legal aspects, legislation and guidelines or malpractice in intercountry adoptions. A lot has changed since the period which is the focus of this study (1973–2002). One of the most striking indicators is the complete reversal in inter-country vs. domestic adoptions. Since the mid-1980s, India has witnessed a dramatic decline in international adoptions alongside a steady increase in domestic placements. This shift is important because it reflects public and professional concerns over the placement of Indian children in non-Indian families abroad. Additionally, it denotes a fall in Guardianship Act placements and a rise in Hindu Act placements. Furthermore, there has been a noteworthy rise in the number of in-country girl child adoptions. However, while legal frameworks have demonstrably been strengthened, this has inadvertently impacted the duration of adoption procedures, resulting in children spending more time in institutional care instead of a family environment. Meanwhile, the waiting list of prospective Indian adoptive parents continues to grow.

These are the very obvious and much spoken about issues for anyone in touch with the adoption sector. What remains unheard and will continue to remain so is the voice of the birth mother. I do not wish to make light of the efforts of adopted children who wish to trace their roots or establish a connection with their past to fill that vacuum or the missing element in their lives. For all the children who do not particularly feel the need to know more about the phase of their lives prior to adoption, there are as many children who do wish to know. However, as Rakesh Kapoor mentioned in his interview, many birth mothers wish to remain hidden, to shield themselves from the curiosity and judgement of a patriarchal society which seeks to interfere and do more harm than good. A mother gives up her child for many reasons best known to herself and for reasons she is fed by those around her.

For the most part, no one remembers the mother, and it is a secret she is likely to take to her grave. One wonders what must go through her mind, where she can voice her thoughts – if at all – and what she must experience. And then there are the circumstances under which she had the child – whether she feels it is best forgotten, or is something she believes she will face up to if some day she should meet her child. Hers is a story which no one wants to be told. She is an invisible statistic. Back in the 1970s and 1980s, support for these women (often single, poor, uneducated, disabled or still a minor) left much to be desired. How can we learn from the past and work towards making birth mothers more visible, accepted, and supported within their communities, especially as adoption continues to be a reality in the Indian child welfare system?

Indian Legal Practice in Intercountry Adoptions Conclusions for Switzerland

ANDREA ABRAHAM, SABINE BITTER, RITA KESSELRING

The records on adoptions in Zurich and Thurgau that we consulted in cantonal state archives and the Swiss Federal Archives mention twelve Indian lawyers and law firms involved in the placement of Indian children in Switzerland. Asha Narayan Iyer and Andrea Abraham were able to interview Rakesh Kapoor, a leading lawyer to Indian agencies during the focus period of the study.¹ They approached this interview with the aim of finding out about legal practice in intercountry adoptions from a lawyer's perspective. Father and son Kishori Lal Kapoor and Rakesh Kapoor feature in a large number of the adoption case files in the Thurgau and Zurich archives.² The interview with Rakesh Kapoor helped to further contextualise the legal practices documented in adoptee's individual case files and in the correspondence between authorities in the two countries. The most relevant findings for Switzerland are summarised below.

Financial cooperation between Indian children's homes and Swiss adoption agencies

Particularly informative are the passages in the interview in which Rakesh Kapoor describes the cooperation between Swiss adoption agencies and Indian institutions, especially the children's homes run by the Missionaries of Charity. Kishori Lal and Rakesh Kapoor worked with these organisations in both Bombay and Calcutta. The Mother Teresa homes in these two cities and those of New Delhi and Amravati, were granted 'agency' status by the Indian authorities in 1984 and thus recognised as official adoption agencies.

1 Cf. contribution "Provisions and Practice. International Adoptions and the Law in India", Asha Narayan Iyer, p. 91–107.

2 StATG, 4'633, O/261; StATG, 4'633, O/43; StATG, 4'633, O/79; StATG, 4'633, O/122; STAW, AV, on "Etat" 9903; STAW, VB, "Etat" 9903; STAW, VB, "Etat" 9482; StAZH, Z 527.501 and StAZH, Z 1045.1683; STAW, AV, on "Etat" 10126 and STAW, VB, "Etat" 10126; STAW, AV, on "Etat" 9778 and STAW, VB, "Etat" 9778; STAW, AV, on "Etat" 10012 and STAW, VB, "Etat" 10012; STAW, AV, on "Etat" 9515 and STAW, VB, "Etat" 9515; STAW, AV, on "Etat" 10731 and STAW, VB, on "Etat" 10731; BAR, E4300C-01#1998/299#1349*.

A large proportion of the Indian children who were adopted in the cantons of Zurich and Thurgau came from these homes.³ It was an arrangement based on mutual benefit. According to Rakesh Kapoor, Swiss adoption agencies provided Indian agencies with funding, in return for which they agreed to make Indian children available for foster placement and subsequent adoption by couples in Switzerland. The arrangement he describes aligns with the stated goals of the Enfants-Esperoir Foundation run by Helga Ney, an adoption agent active in the Swiss canton of Vaud. According to the foundation's mission statement, it seeks to continue Mother Teresa's work and facilitate the adoption of children from India.⁴

The interview furnished three new findings with regard to cooperation between Swiss and Indian agencies. First, agreements existed in the inter-country adoption sector for the 'exchange' of Swiss money for Indian children. Second, the Mother Teresa children's homes were registered with the Indian authorities as adoption agencies. And third, the primary activity of such agencies was to care for children who were to be put up for adoption.⁵

The power of judges and financial incentives for lawyers

The Bombay High Court still stands today as a lofty, majestic building complex in the historic city centre of Mumbai. For a woman having to seek legal assistance in the difficult circumstances following an unmarried pregnancy, the pompous architecture of the courthouse alone must have seemed intimidating and inaccessible. As Rakesh Kapoor notes, being summoned to court was fraught with anxiety for women. The power manifested in this impressive building was in the hands of the judges: "The judge is a very powerful person."⁶ And for a long time, they had almost unlimited discretion in adoption cases: "Before 1984, it was all a grey area, absolutely reliant on the genius of the judge to decipher or to understand if the child was actually free for adoption or not."⁷

In the absence of a birth certificate, the judge could specify elements of a child's identity, for instance their date of birth, in his decision. The court order

3 Cf. contribution "Indian Adoptees in the Cantons of Zurich and Thurgau", Sabine Bitter, p. 180 and 186.

4 Cf. <https://www.zefix.ch/en/search/entity/list/firm/346253>, 23. 2. 2024.

5 Cf. contribution "The Role of Adoption Agencies in the Placement of Children from India in Switzerland", Sabine Bitter.

6 Cf. contribution "Provisions and Practice. International Adoptions and the Law in India", Asha Narayan Iyer, p. 99.

7 Ibid.

Date of application for the copy.	Date fixed for notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.
5.78	7.78	7.78	8.78	8.78

3

West Bengal Form No.3750. HIGH COURT FORM NO.(J) [REDACTED]

Order of appointment or declaration under section 7 of the Guardians and Wards Act, VIII of 1890.

IN THE COURT OF THE DISTRICT JUDGE OF 24-Parganas at Alipore.

Act VIII Case No. [REDACTED].

Present ... [REDACTED] District Judge.

In the matter of an applications for appointment of guardian in the above case, of minors :-

1.... [REDACTED] born on..... [REDACTED] 1979.

daughter of not known, residing at Dr.B.C.Roy Memorial Hospital for Children, at no.111, Narkeldanga Main Road, Calcutta-54.

[REDACTED], wife of Late [REDACTED] of No.4, Lower Rowdon Street, Calcutta-20. Petitioner, is appointed guardian of the person (as per schedule in the application) of the abovenamed minor.

Given under my hand and seal this the 29th day of March the year 1980.

ACJP-A [REDACTED] District Judge.

Seal- District Judge at Alipore. 24-Parganas.

Typed by [REDACTED]

Fig. 1: "Daughter of not known". By order of the Alipore district court on 29 March 1980, a 13-month-old girl was placed in the custody of a petitioner. The petitioner was an employee of Terre des Hommes (India) Society in Calcutta. Private archive.

carried the legal weight of a birth certificate and was considered legally binding. As described by Rakesh Kapoor, the authority vested in this institution was absolute: “You know when Bombay High Court gives you an order, you have to take it.”⁸ The lawyers involved in the proceedings also had a great deal of influence, since it was they who provided the court with information and documentation about the child. The lawyers worked closely with the agency concerned, which had an interest, including a financial one, in placing a child in accordance with the agreements mentioned in the previous passage. They were also well paid for their services. In 1984, for example, advocate Kishori Lal Kapoor received 1,600 Indian rupees,⁹ around 335 Swiss francs,¹⁰ when the organisation Adoption International placed an Indian girl in the canton of Thurgau. At the time, this amount was equivalent to two months’ wages for a worker in a Bombay cotton mill.¹¹ The rates charged by the Indian advocates varied. The lawyer with whom Zurich adoption agent Christina Inderbitzin worked charged between 2,000 and 4,000 rupees per case in 1978.¹²

Given the profitable nature of these mandates, which the advocates obtained in cooperation with an agency and affluent Western couples, there may plausibly have been an interest in ensuring a speedy process that did not look too carefully into certain questionable aspects of the relinquishment of the child. However, Rakesh Kapoor states in the interview that the duties undertaken by the advocates were difficult and that it was very time-consuming to gather information about the child and their biological parents or mother.

The rights of children and parents in root searches

At the end of the interview excerpt, Indian advocate Rakesh Kapoor talks about the adoptees who are now contacting Indian agencies with questions about their past. He recognises that it is a child’s right to clarify these questions, and that it can be important for their mental health. During this discussion, he refers to the *UN Convention on the Rights of the Child (CRC)*,¹³ the *Hague*

8 Idem, p. 100.

9 StATG, 4’635,0 0/0, and StABE, BB 03.4.685.

10 <https://fxtop.com/de/historische-wechselkurse.php?A=1600&C1=INR&C2=CHF&TR=1&D-D1=01&M-M1=01&YYYY1=1984&B=1&P=&I=1&DD2=31&MM2=12&YYYY2=1984&btnOK=Gehen>, 7. 4. 2024.

11 Federal Statistical Office, *India Country Report*, 1986.

12 BAR, E2200.64#2002/12#36*, letter from Swiss consul general in Bombay to couple interested in adoption in canton Zurich, 30. 6. 1978.

13 The CRC was adopted by the UN General Assembly in 1989. India ratified the CRC in 1992, Switzerland in 1997, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>. Articles 7 and 8

*Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention)*¹⁴ and the *Indian Adoption Regulations of 2022*,¹⁵ all of which recognise the adopted child's right to know their origins.¹⁶ While the CRC (Art. 7 para. 1) refers to all children, the *Hague Convention* explicitly applies to the protection of children adopted across borders. The competent authorities of states parties are obliged, inter alia, to "ensure that information held by them concerning the child's origin, in particular information concerning the identity of his or her parents [...] is preserved"¹⁷ and "that the child or his or her representative has access to such information, [...] in so far as is permitted by the law of that State".¹⁸

In a landmark decision on this specific article of the *Hague Convention*, the Swiss Federal Supreme Court ruled¹⁹ in 2002 that the adopted child had an "absolute, indefeasible and inalienable" right to know its parentage, and that accordingly, "any conflicting interests of the biological parents, including those protected by fundamental rights, must come second".²⁰ In 2003, the right of adopted children to access information about their biological parents was codified in Art. 268c of the *Swiss Civil Code*. Adults adopted when they were children can apply to the cantonal authority responsible for the adoption procedure for the details of their biological parents and other information about the adoption. Although according to the abovementioned Federal Supreme Court judgment adoptees have an absolute right to information about their parentage, under Swiss adoption law this is still subject to the personality

pertain to the child's origins. Art. 7 para. 1: "The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents." Art. 8 para. 1: "States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference." In the CRC, this right exists "as far as possible", i. e. wherever it is actually possible to identify the parents. *Convention on the Rights of the Child*, https://www.fedlex.admin.ch/eli/cc/1998/2055_2055_2055/de, 27. 2. 2023.

14 *Federal Act on the Hague Convention on Adoption (HCAA) of 22. 6. 2001*, <https://www.fedlex.admin.ch/eli/cc/2002/639/de>, 1. 1. 2013; ratified by Switzerland in 2002, entered into force in 2003; ratified by India in 2003, entered into force in 2003.

15 <https://wcd.nic.in/sites/default/files/Adoption%20Regulations%2C%202022.pdf>, 15. 5. 2024; <https://indiankanoon.org/doc/173386170>.

16 Numerous intercountry adoption studies have empirically demonstrated the importance of this right, highlighting the psychological distress sometimes suffered by those who lack knowledge of their origins.

17 *Hague Convention* Art. 30, para 1.

18 *Hague Convention* Art. 30, para 2.

19 Andrea Büchler, Nadine Ryser, "Das Recht des Kindes auf Kenntnis seiner Abstammung", *FamPra.ch* 1 (2009), p. 1–22, here p. 10. The authors refer to Federal Supreme Court decision 128/63. For the history of developments in the way in which adoptees' searches for their origins are handled in Swiss law and for a detailed discussion of legal aspects of adoption, the adoptee's right to information about their biological parents, access to further information surrounding the birth and adoption and personality rights in connection with the *Swiss Civil Code*, cf. Sandro Körber, Heidi Steinegger, "Zu wissen, von wem man abstammt, ist mehr als ein Grundrecht", *FamPra.ch* 1 (2020), p. 59–85.

20 Author's translation.

rights of the biological parents. The adoptee can obtain the details of their biological parents, but may only contact them with their consent.²¹ The ruling is important because it means that adoptees wishing to find their biological parents must be assisted in their search. The obligation to provide such assistance falls to the cantonal authorities.²² In the canton of Zurich, the central adoption authority within the Office for Youth and Career Counselling is responsible. In the canton of Thurgau, it is the central adoption authority at the Department of Justice and Security.²³

Nevertheless, adoptees searching for their origins in India are subject to both Swiss and Indian law. Adoptees researching their origins face complex challenges because of the need to take into account Swiss and Indian legal frameworks, international rights and agreements and the situations at two different moments in time: the moment of the transfer of custody of the Indian child and the moment years later in which the adult adoptee is searching for their origins. Our research indicated that some adoptees in search of their origins looked directly to India, where they personally contacted adoption agencies, paid third parties to assist them in their search and filed complaints or petitions in the Indian courts.

Court information on biological parents largely under seal

In the interview, lawyer Rakesh Kapoor speaks of a mother's "right to not ever be contacted again".²⁴ In some countries, this clean break between the child's biological parents and the child and their adoptive family abroad is based on the idea of 'adoption secrecy'. This was the case in Switzerland during the

21 Art. 268c and Art. 268d. The *Dispatch on the Amendment of the Swiss Civil Code (Adoption)*, with regard to Art. 268c and Art. 268d CC, states the following about the adoptee's right to information: "The applicable law explicitly grants the adopted child the right to information about his or her biological parents. Art. 268c, which was added as an amendment to the *Swiss Federal Constitution* in 2001, confers on the adoptee the right to request the personal details of his or her biological parents. This entitlement is based on the right to knowledge of one's parentage, which is grounded in the *Swiss Federal Constitution* (Art. 10 para. 2 Cst. 105). Upon reaching adulthood, the adoptee is entitled to information, regardless of whether the biological parents consent to contact with the child or not. The *Swiss Civil Code* stipulates only that the biological parents must be informed prior to disclosure of the information, and that the child must be informed if the biological parents refuse contact (Art. 268c para 2 CC). Thus the legislation explicitly avoids the need to weigh up the interests of the different parties in individual cases: the interests of the child take precedence over those of the biological parents and the adoptive family in the event of conflict." [author's translation] BBL. 2015 877, <https://www.fedlex.admin.ch/eli/fga/2015/94/de>, 17. 5. 2024.

22 <https://www.bj.admin.ch/bj/de/home/gesellschaft/adoption/herkunftssuche.html>, 2024.

23 <https://www.bj.admin.ch/dam/bj/de/data/gesellschaft/adoption/herkunftssuche/zustaendigkeiten.pdf.download.pdf/zustaendigkeiten.pdf>, 2024.

24 Cf. contribution "Provisions and Practice. International Adoptions and the Law in India", Asha Narayan Iyer, p. 105.

period under investigation. Such a principle whereby all parties involved in the procedure are subject to a duty of confidentiality²⁵ is not and has never been codified in Indian law to our knowledge. In other words, the “right” of a mother to “not ever be contacted” by a biological child is a social norm. The principle of ‘adoption secrecy’ was upheld through judicial precedent. In practice, the documents and information relating to the relinquishment of a child with a view to adoption were apparently handled as though adoption secrecy were a legal requirement. Rakesh Kapoor also emphatically points out that the original documents relating to the biological parents and the child – including the important deed of surrender – remain under seal in the court archives. He indicates to adoptees abroad seeking their origins in India that there is no point in contacting courts such as the Bombay High Court in search of documents: “No one can go there.”²⁶

In fact, a case brought before the Bombay High Court in 2018 shows that this requirement is negotiable in individual cases. A German adoptive father, who had taken in an Indian child in 1997, asked that the court produce the original order. He needed the Indian document so that his adopted son could apply for German citizenship. In 2018, the Bombay High Court said it could not find the original document, but eventually handed over a copy of the certified copy to the adoptive father. Based on this case, the court, citing inalienable fundamental and human rights, ordered that all court orders and records related to Indian or intercountry adoptions must be preserved in perpetuity. The court argued that without sufficient documentation, a child adopted abroad could face extreme difficulties.²⁷

In India, there are three ways for adoptees to gain access to original documents or information about their origins.

1. They can directly contact the Indian agency that placed them with a couple or adoption agency in Switzerland. For Indian children who were adopted in the canton of Zurich, the files of the cantonal immigration police indicate the name of the adoption agencies involved in the placement process in India and in Switzerland. The Thurgau cantonal authorities hold the individual case files of all the Indian children adopted in the canton in their archives. The Indian and Swiss adoption agencies involved are mentioned in the files and are also

25 Michelle Cottier, “Austausch von Informationen im Adoptionsdreieck. Das Adoptionsgeheimnis und die Macht der Leiblichkeit”, in: Michelle Cottier, David Rüetschi, Konrad W. Sahlfeld (ed.), *Information & Recht. Ein Projekt von Assistentinnen und Assistenten der Juristischen Fakultät Basel*, Basel, Genf, München 2002, p. 33.

26 Cf. contribution “Provisions and Practice. International Adoptions and the Law in India”, Asha Narayan Iyer, p. 101.

27 <https://timesofindia.indiatimes.com/city/mumbai/hc-says-preserve-all-adoption-orders-as-it-cant-find-97-do-cument/contributionshow/64618160.cms>, 4. 5. 2024.

identified in our study.²⁸ Some adoption agencies provide information on their websites about how they respond to adoptee enquiries and the procedure for requesting information. Adoptees using commercial services to trace their origins should anticipate substantial costs. Finally, there is no guarantee that the agencies will still have the information requested, that they will disclose all the information they have, or that the information they do provide is reliable. The adoptee is initially in the position of having to ‘apply for information’. People who were born, fostered and adopted in Switzerland find themselves in a similar situation, as a recent investigation has shown.²⁹

2. They can contact the Central Adoption Resource Authority CARA, which offers counselling and support for adoptees in search of their origins.³⁰ The CARA Regulations³¹ list the bodies that must provide support to adoptees in search of their roots. These include the agencies themselves. Engaging a third party to perform the search is not permitted, however. The agencies and competent authorities are not permitted to disclose any information in connection with adoptees, adoptive parents or biological parents to third parties. In the past, both the Federal Office of Justice and individual cantons have sent enquiries to CARA. CARA forwards enquiries about cases pre-dating 1999 (when CARA was established) to the competent local authorities.³²

3. They can also contact the Indian court that processed the transfer of custody. According to Rakesh Kapoor, however, the information received by the lawyers before the mid-1980s was mostly incorrect: “[...] 80 per cent of the addresses were false because no unwed mother would want to give them their true story.”³³ Even if the lawyer had made detailed inquiries prior to the court proceeding, Rakesh Kapoor points out that unreliable information may have been included in the court records if the information provided at the time was false. He mentions that at that point in time, some cases “went under the radar”.³⁴

28 Cf. contribution “The Role of Adoption Agencies in the Placement of Children from India in Switzerland”, Sabine Bitter, p. 180 and 186.

29 <https://medien.srf.ch/-/-sternstunde-religion-ne-a-belfond-versteckt-geboren>, 27. 5. 2024.

30 <https://cara.wcd.gov.in/Regulation/CARA.html>, Art. 16e, 23. 5. 2024. The 2015 *Juvenile Justice Act* (68) required the Indian government to establish the Central Adoption Resource Agency (CARA). However, providing assistance to adoptees tracing their origins is not listed as one of CARA’s main functions in the binding *Adoption Regulations* drawn up to implement this provision.

31 [https://cara.wcd.gov.in/PDF/adoption regulations 2022 english_27.pdf](https://cara.wcd.gov.in/PDF/adoption%20regulations%202022%20english_27.pdf), Art. 47, 28. 5. 2024.

32 Personal communication of 27. 5. 2024 with Joëlle Schickel-Küng, deputy director of the Private Law Division and joint head of the Private International Law Unit at the Federal Office of Justice.

33 Cf. contribution “Provisions and Practice. International Adoptions and the Law in India”, Asha Narayan Iyer, p. 97.

34 *Idem*, p. 103.

Some individuals have succeeded in obtaining information about how they were given up for adoption in India, but the hurdles are high. Swiss citizen Beena Makhijani recalls that the agency in India involved in her case was not prepared to give her information about her biological parents.³⁵ For her search, she approached the Adoptee Rights Council (ARC) under the co-directorship of Arun Dohle, who was born in India and adopted in Germany, and had experience tracing his own biological parents. In order to obtain this information, he appealed to the courts in India and reached the Supreme Court, which finally ruled in his favour and granted him access to his documents.³⁶ Today, his work helps adoptees trace their origins. Another case is that of Fabian Ricklin, also adopted in the canton of Zurich. Arun Dohle and Anjali Pawar, an Indian advocate, consultant for the non-profit organisation Against Child Trafficking (ACT) and co-director of ARC, helped him to obtain information about his biological parents. In 2023, he filed a petition³⁷ published on the Indian legal platform Indiankanoon with the Calcutta High Court to gain access to documents including his mother's relinquishment of her parental rights. His petition invoked the CRC, the *Hague Convention* and the Indian *Adoption Regulations* of 2022. Ricklin was born in India in 1987 to an unmarried mother. He spent the first months of his life at the Indian Society for Rehabilitation of Children placement agency. In several adoption cases in Zurich, this agency was associated with Bertram D. Shenoï and Christina Inderbitzin,³⁸ who placed him with a couple in the canton of Zurich.³⁹ During the court proceedings, it became clear that the Indian agency was not able to produce the mother's declaration of consent. The court rejected the petition in January 2024 on grounds including the following.

1. Although in 1988 the Indian agency would have been required to follow the Laxmikant-Pandey guidelines in intercountry adoption cases, these guidelines were not binding. Unlike today, there was no legal obligation for the agencies to retain case records.⁴⁰

2. The applicant could not base their case exclusively on the CRC and the *Hague Convention*. These agreements were subsidiary to Indian law (in this case the 2022 *Adoption Regulations*).⁴¹ In addition, the court considered that he

35 https://www.swissinfo.ch/ger/gesellschaft/adoptionen_schwierige-suche-nach-leiblichen-eltern/45504442, 4. 5. 2024.

36 Email from Arun Dohle, Working Against Child Trafficking, to research team, 9. 5. 2024.

37 <https://indiankanoon.org/doc/122068804>, 15. 5. 2024.

38 STAW, AV, on "Etat" 9383, and STAW, VB, "Etat" 9383; StAZH Z 527.546.

39 <https://indiankanoon.org/doc/137813641>, 15. 4. 2024, and <https://sundayguardianlive.com/news/swiss-national-searches-biological-mother-kolkata>, 8. 7. 2024.

40 Point 31: <https://indiankanoon.org/doc/137813641>, 15. 5. 2024.

41 Point 74: <https://indiankanoon.org/doc/137813641>, 15. 5. 2024.

may no longer invoke the CRC as he was now an adult and it had been almost 20 years since he reached the age of majority.⁴²

3. Adopted persons have a constitutional right to knowledge about their roots. However, this right is not absolute. As stipulated in the *Adoption Regulations* of 2022, biological parents in general and unwed mothers in particular are entitled to special protection in cases of root searches.⁴³ For the mothers, according to the court, this was not only to protect their privacy, but was also a matter of survival.⁴⁴ In the Ricklin case, knowledge of one's own origins was an "add-on" to the adoptee's existence, while for the mother, disclosure would/could threaten her survival.⁴⁵

In the interview, Rakesh Kapoor points out that from 1984 onwards, the Laxmikant-Pandey guidelines obliged every agency recognised by the Indian authorities to keep a register with the names and details of children who were eligible for adoption abroad. This included the mother's name, address, date of birth and the place she came from. However, as the case of Fabian Ricklin at the Calcutta High Court shows, the court's point is that in 1988 this was a duty but not a binding legal obligation.

Little knowledge of mothers' perspectives

Rakesh Kapoor, who works at the Bombay High Court and who Andrea Abraham and Asha Narayan Iyer interviewed six months prior to this decision by the Calcutta High Court in January 2024, also refers to the balancing act formulated in the 2022 *Adoption Regulations* between the right to know one's origins and protection of the biological parents. An attempt should only be made to reunite an adult adoptee with their mother "if it is conducive for both people." He advises the agency employees to first find out whether the mother will consent to the disclosure and to only initiate reunification with her con-

42 Point 45: <https://indiankanoon.org/doc/137813641>, 15. 5. 2024. In Switzerland, an adoptee may request information about their origins on the basis of the CRC and the *Hague Convention* regardless of when they were adopted, even if these agreements were only ratified after the adoption. The adoptee can also invoke Art. 8 of the *European Convention on Human Rights* (ECHR) (Switzerland ratified the ECHR in 1974). In these court proceedings, Point 47 bases recognition of the rights to knowledge of one's origins on article 21 of the Indian Constitution (Liliane Minder, personal correspondence, 16. 5. 2024). On the legal definition of the relationship between past injustices and their reappraisal in the present, cf. Liliane Minder, "Die Unverjährbarkeit von Ansprüchen aus Grundrechts- und Kerngehaltsverletzungen. Über das Wann und Wie eines nachträglichen Ausgleichs", *Ex ante* 2 (2020), p. 51–56.

43 Chapter VII, Section 44 "Root search", Art. 6, [https://wcd.nic.in/sites/default/files/Adoption Regulations, 2022](https://wcd.nic.in/sites/default/files/Adoption%20Regulations,%202022.pdf). pdf, 15. 5. 2024.

44 Points 64 and 65, <https://indiankanoon.org/doc/137813641>, 15. 5. 2024.

45 Point 65, <https://indiankanoon.org/doc/137813641>, 15. 5. 2024.

sent. Although he presents root searches as a legitimate desire on the part of a son or daughter, he puts the mother's wishes and her reality first. This was also the line of reasoning adopted by the Calcutta High Court.

However, as our research shows, little is known about the wishes and points of view of the mothers of children who were put up for adoption. In India, there is no academic, societal or feminist discourse on the subject that would open up a narrative space for these mothers to tell their stories. The numerous Indian experts we interviewed insisted that mothers wanted to remain anonymous to avoid the stigma and exclusion arising from patriarchal gender stereotypes and socio-economic dependence. Their statements are based partly on professional experience and cultural knowledge, partly on assumptions and projections. We also see this in the hearing of Fabian Ricklin's petition, in which the court surmises that the mother does not want to meet her son. In our view, to presume that a biological mother's (assumed) desire to remain anonymous does not change over time is a static, 'frozen' interpretation. Although mothers may have wished never to be contacted again when they separated from their children more than 20 years ago, there is no fact-based evidence to indicate what they may be thinking today.⁴⁶ The refusal of the ethics committee of an Indian university, known for its academically rigorous critique of social issues, to allow our research team direct access to narratives of Indian mothers suggests a social or political reluctance to gather empirical data on the perspectives and desires of mothers (and fathers).⁴⁷ Without this knowledge, however, it is impossible to make a case-by-case decision of the kind mentioned by Rakesh Kapoor and to balance the right of the adoptee to know their origins against the biological parents' right to privacy.

This indicates that legal frameworks, such as the CRC and the Hague Convention are insufficient on their own for an adequate discussion of the social realities surrounding the right to know one's origins. We need to look at both the children's and the parents' perspectives, and the social circumstances of mothers and fathers. How can we justify an a priori decision to prioritise the wishes of an adoptee in search of their roots over the wishes of a mother who may have become pregnant out of wedlock, who wished to remain anonymous, who feared social stigma and whose very survival was at stake, but who has managed to regain a place in society and economic security after being

46 Brazilian social anthropologist Claudia Fonseca uses North American adoptions to show that from the 1960s onwards, anonymity was presented as something that was desired by the mothers. There is hardly any evidence for this assumption, at least in the global North. Claudia Fonseca, "The De-Kinning of Birthmothers. Reflections on Maternity and Being Human", *Vibrant. Virtual Brazilian Anthropology* 8/2 (2011), p. 307–339, here p. 315. Cf. also contribution "International adoptions. De-kinning, Kinning and Re-kinning", Rita Kesselring.

47 Cf. "Introduction", Rita Kesselring, p. 25.

separated from her child? And how can we justify an a priori decision to deny adoptees access to knowledge about their origins through high bureaucratic hurdles, or to ensure that birth mothers stay invisible, given that we do not know whether that is what they actually wanted at the time, or whether it is what they still want today? The Indian feminist scholar Gayatri Chakravorty Spivak postulates that, in addition to “doing the right thing” for “some”, international human rights work also requires approaches that are open “toward the imagined agency of the other.”⁴⁸ Rather than a restrictive legal interpretation⁴⁹ that favours one side or the other, we need to open up – or initiate – a discussion that brings together the rights of adoptees, Swiss and Indian public authorities’ obligation to provide support and the actual needs of biological parents.⁵⁰

48 Jeanette Ehrmann, “Travelling, Translating and Transplanting Human Rights. On the Critique of Human Rights from a Postcolonial Feminist Perspective”, *Femina Politica* 18/2 (2009), p. 84–5, here p. 91, with reference to the Indian feminist scholar Gayatri Chakravorty Spivak and her 2004 publication “Righting Wrongs”, *The South Atlantic Quarterly* 103/2–3 (2004), p. 523–581, https://web.english.upenn.edu/~cavitch/pdf-library/Spivak_Righting_Wrongs.pdf, 28. 5. 2024.

49 Cf. also Hans Joas’ position that rather than just “adapt in order to fit into a given institutional framework”, human rights movements “form and influence” that framework. Hans Joas, *Are Human Rights Western?*, Munich 2015, p. 12.

50 This reasoning is also reflected in the concluding thoughts of Körber/Steinegger (cf. note 19), p. 84.

The Zurich Region as an Early Pioneer in Intercountry Adoption

SABINE BITTER

Until now, historical research has tended to assume that with intercountry adoption, children were born abroad and brought to Switzerland for adoption, whereas with domestic adoption, a child was born and adopted in Switzerland. Based on documents that came to light during research into the history of adoption placement in Swiss archives and an interview with a former employee of the Private Mother and Child Welfare Agency,¹ there is growing evidence that the first intercountry adoptions in Switzerland did not take place in the 1960s, as previously assumed.² In fact, as early as the 1950s a form of intercountry adoption had become common whereby the children of unmarried foreign parents were intentionally placed for adoption with couples abroad, often outside of Europe. As this contribution demonstrates, this was a systematic practice among several private Swiss adoption agencies. Below, Lisa Helmick's story provides an insight into an early and specific form of 'made in Switzerland' intercountry adoptions.

1 Conversation between the author, sociologist Annika Bangerter and a former employee of the Private Mother and Child Welfare Agency] [*Private Mütter- und Kinderfürsorge*] on 3. 7. 2020. This was an adoption agency run by the Swiss Private Mothers' Counselling and Children's Adoption Association [*Verein Schweizerische Private Mütterberatung und Adoptivkinder-Vermittlung*]. From 1982 the adoption agency was renamed Swiss Private Mothers' Counselling Service and Children's Adoption Agency [*Schweizerische Private Mütterberatung und Adoptivkinder-Vermittlung*]. In 1997, it merged with the Child Adoption Agency of the Swiss Women's Charitable Association [*Schweizerische Gemeinnützige Frauenverein*] to form the Swiss Centre for Adoption Matters [*Schweizerische Fachstelle für Adoption*].

2 Fábio Macedo, "Action humanitaire et adoption d'enfants étrangers en Suisse. Le cas de Terre des hommes (1960–1969)", *Relations internationales* 161 (2015), p. 81–94; Sabine Bitter, Nathalie Nad-Abonji, *Tibetische Kinder für Schweizer Familien. Die Aktion Aeschmann*, Zurich 2018; Sabine Bitter, *Die Vermittlerin. Die Kinder-Adoptionen aus Sri Lanka von Alice Honegger und die Aufsicht der Behörden (1979 bis 1997). Bericht im Auftrag des Amts für Soziales des Departements des Innern des Kantons St. Gallen*, 2018.

‘A little Italian girl’ for a Swiss diplomat couple

In the summer of 2023, 61-year-old American Lisa Helmick³ travelled to Switzerland in the hope of finding out more about her heritage. Documents found in a safe deposit box after the death of her adoptive father in 1999 had revealed that she had been born in Switzerland. A teacher and mother of three, she had been too busy at the time to do anything about it. It wasn't until after her retirement that she decided to investigate the circumstances surrounding her adoption. Switzerland was also more easily within reach, as she had moved to the north of Italy with her husband, who was working on a US army base there. Together with the Italian journalist Alessia Cerantola, whom she met by chance and who was interested in her family history, Lisa Helmick began researching her origins in 2023.⁴ With her consent, Alessia Cerantola was able to consult documents in the state archives of the cantons of Basel-Stadt and Zurich. These records revealed information that was new to Lisa Helmick: she discovered why her mother had been in Switzerland in 1962 and why she had given her baby up for adoption.

The documents unearthed by Alessia Cerantola and Lisa Helmick paint a complicated picture. A 24-year-old unmarried Italian woman, a ceramic painter by profession, gave birth to a little baby weighing 2,550 grams on 23 June 1962 at the women's hospital in Basel. The young woman was called Aurora Gramatica, and she passed on her first name and surname to her child.⁵ Like many of her compatriots, she had emigrated to Switzerland in search of work.⁶ In early February 1962, she had travelled to Switzerland via Chiasso with a work permit in her pocket that specified she was a “kitchen maid” at the *Speiseanstalt* [staff kitchen] of the Swiss Federal Railways (SBB).⁷ Shortly afterwards, she received a work permit for the Café Mascotte in Basel, which promised a monthly salary of 200 francs in addition to board and lodging.⁸ In her next job, she worked as a “buffet girl” in the restaurant of the ice rink

3 Lisa Helmick was given her first name by her adoptive parents and took her husband's surname when she married.

4 Conversation between the author, Lisa Helmick and Alessia Cerantola on 6. 6. 2023 in Basel.

5 StAZH, Z 829.1492, registration form for Private Mother and Child Welfare Agency completed by social worker at women's hospital in canton Basel-Stadt, 31. 7. 1962.

6 Switzerland took in nearly half of the migrants who left Italy after World War II. In 1962, at the peak of this wave of migration, Switzerland was home to over 143,000 foreign residents, the majority from Italy. Cf. Toni Ricciardi, *Eine kurze Geschichte der italienischen Migration*, Zurich, Geneva 2023, p. 28, 73.

7 StABS, Basel-Stadt cantonal immigration police files (196503), registration form for foreigners, 12. 2. 1962. Documents viewed by the author with the permission of Lisa Helmick.

8 Idem, letter from café owner to Basel-Stadt cantonal immigration police, 25. 2. 1962. Document features a note confirming that the permit had been granted, 26. 2. 1962.

St Margrethen and as a maid.⁹ Baby Aurora's Italian father, who is named in the files, lived in Florence.¹⁰ He died in the 1980s and Lisa Helmick still does not know whether he ever knew he had a daughter.¹¹

At the beginning of May 1962, Aurora Gramatica was admitted to the maternity ward of a Basel women's hospital.¹² She had already been informed that she would not receive a residence permit for her baby and that it would have to be "taken to Italy within a reasonable period of time, in accordance with current practice".¹³ Like many foreign workers, Aurora Gramatica was affected by the so-called "ban on family reunification".¹⁴ Shortly after giving birth, in late June 1962, she travelled to Italy and soon afterwards returned to Basel, where she was due to appear before the immigration police. According to the written record of this interview, she reported having visited her mother in Italy, who said "she should do with the baby what she thought best."¹⁵ In the end, Aurora Gramatica gave her daughter up for adoption. The Basel women's hospital registered baby Aurora with the Private Mother and Child Welfare Agency, an adoption agency founded in 1953 by St Gallen social worker Alice Honegger in Rapperswil (canton of St Gallen), in the greater Zurich area. This was after Alice Honegger had been dismissed by her employer, the Swiss Women's Charitable Association, for poor management in 1952. After spending several months studying child welfare in Canada and the United States, with funding from the UN, she returned to Switzerland and started her own adoption agency.¹⁶

When Alice Honegger heard about baby Aurora in Basel in July 1962, she thought of a US diplomat couple in Paris who had been on the waiting list since 1960 and had been promised "a little Italian girl" by the Private Mother and Child Welfare Agency.¹⁷ The person interested in adopting Aurora had been active in Tokyo with the US army during the Second World War. When he was discharged in 1947, he embarked on a career as a CIA officer and was posted to Burma and Saigon in the first half of the 1950s. When he returned to the United States in 1956, he worked at the CIA headquarters in Langley

9 StAZH, Z 829.1492, letter from women's hospital in canton Basel-Stadt to Private Mother and Child Welfare Agency, 7. 8. 1962.

10 Ibid.

11 Conversation between the author, Lisa Helmick and Alessia Cerantola on 6. 6. 2023 in Basel.

12 StABS, Basel-Stadt cantonal immigration police files (196503), letter from women's hospital in canton Basel-Stadt to Basel-Stadt cantonal immigration police, 24. 4. 1962.

13 Idem, memo, 2. 5. 1962.

14 Ricciardi (cf. note 6), p. 29.

15 StABS, Basel-Stadt cantonal immigration police files (196503), memo, 4. 7. 1962.

16 Bitter, "Die Vermittlerin" (cf. note 2), p. 15.

17 StAZH, Z 829.1492, letter from Private Mother and Child Welfare Agency to couple in Paris, 19. 9. 1960.

before transferring to the US embassy in Paris in 1960.¹⁸ There he learned that a placement agency in the Zurich area was sending babies to other countries for adoption.¹⁹ The diplomat couple contacted Alice Honegger, and in October 1960, her colleague travelled to Paris to visit their home. In her conversation with the couple, she noted a “nice rapport,” writing “They are in no way typical Americans [...]. I think we could easily entrust a child to this couple.”²⁰

A little under two years later, in July 1962, a child had been found. Alice Honegger sent the women’s hospital a “pick-up confirmation”,²¹ giving the name of a member of staff who would collect the baby from the hospital as soon as she had been baptised in the Roman Catholic church and take her to a foster family in Schaffhausen. This was a family that provided transitional care [*Durchgangspflege*], meaning that they looked after babies for a few weeks or months until their future adoptive parents came to collect them. Baby Aurora weighed 3,280 grams when she left the hospital. She had had an eye infection that had healed and a “slight club foot affecting both feet” which did not require any further treatment.²² The young mother was billed for the costs of foster placement, but was only able to pay part of the amount.²³ The foster family in Schaffhausen was very fond of little Aurora: “The cute baby girl is making splendid progress. She has already put on a pound and is even cuter now she is chubbier.”²⁴ The daughter of this foster mother recalled that caring for newborn babies had been her mother’s life’s work. It had been sad when the babies were picked up again after only a short time. Her mother had sat in a photo booth at the station and had her picture taken with almost every child. These pictures had been displayed her on mother’s kitchen cupboard for the rest of her life.²⁵

While baby Aurora was being cared for in Schaffhausen, Alice Honegger made enquiries at the Swiss embassy in Paris about the American couple. The embassy informed her at the beginning of October 1962 that the couple were members of the diplomatic corps of the French foreign ministry. When invited for an interview at the embassy, the future adoptive father had made “a good impression”.²⁶ This gave Alice Honegger a good reference among the

18 Biographical information provided by Lisa Helmick, email of 12. 12. 2023. Cf. also StAZH, Z 829.1492, letter from prospective adoptive parent in Paris to Alice Honegger, 22. 4. 1960, and StAZH, Z 829.1492, home study report from Catholic Charities of North Virginia, 22. 8. 1962.

19 StAZH, Z 829.1492, letter from prospective adoptive mother in Paris to Alice Honegger, 22. 4. 1960.

20 Idem, “Bericht über Adoptiveltern” [report on adoptive parents] n.d., file note dated 14. 10. 1960.

21 Idem, “Abholbestätigung” [pick-up confirmation], 28. 7. 1962.

22 Idem, doctor’s certificate, 6. 8. 1962.

23 Idem, letter from Basel women’s hospital to Alice Honegger, 7. 8. 1962.

24 Idem, letter from foster family in Schaffhausen to Alice Honegger, 29. 8. 1962.

25 Otto Hostettler, “Schweizer Babys für die ganze Welt”, *Beobachter*, no. 21, 13. 10. 2023, p. 19.

26 StAZH, Z 829.1492, letter from Swiss embassy in Paris to Private Mother and Child Welfare Agency, 1. 10. 1962.

36
28.7.62

Abholungsbestätigung

Wir bestätigen hiemit, dass Frl. R. [REDACTED],
Angestellte der PRIVATEN MUETTER- UND KINDER-
FUERSORGE, berechtigt ist, das Kindlein
GRAMATICA Aurora, geb.23.6.62
im Frauenspital in Basel abzuholen.

PRIVATE MUETTER-UND KINDERFUERSORGE
Die Fürsorgerin:

Alice Honegger

Fig. 1: In a letter entitled "pick-up confirmation" dated 28 July 1962, adoption agent Alice Honegger authorises one of her employees to collect Aurora from the women's hospital in the canton of Basel-Stadt. The employee was tasked to deliver the baby to a foster family for 'transitional care' until it could be collected by the prospective adoptive parents abroad. StAZH, Z 829.1492.36.



Fig. 2: Six-month-old Lisa (formerly Aurora) with her new parents in their Paris apartment in December 1962. Photo: Lisa Helmick private records.



Fig. 3: Lisa (formerly Aurora) with her adoptive mother and her brother, also an adoptee. After moving to the United States in 1965, in their new home in Washington D.C., the three immerse themselves in a book that captures the excitement leading up to the 1969 moon landing. Photo: Lisa Helmick private records.

Fig. 4: Lisa at her graduation ceremony at Longwood College in Farmville, Virginia, in 1984. Photo: Lisa Helmick private records.



Swiss community abroad, while back in Switzerland she was keeping the local authorities at arm's length. She decided not to involve the local welfare authorities as the child would have to leave the country anyway.²⁷ Following completion of the passport formalities at the Italian consulate general, baby Aurora travelled with her new parents from Schaffhausen to Paris on 7 November 1962²⁸ and later to the United States, where she spent most of her life.

From Swiss foster family to Bahrain or Mexico

This was not an isolated case of a foreign child born in Switzerland being placed for adoption in another country. Between 1956 and 1968, the Schaffhausen foster family cared for dozens of babies who were to be adopted by families living abroad. This can be seen from the surviving first page of a list, which gives details of 38 babies. The list was kept by the foster father, who worked as a train driver for the Swiss Federal Railways (SBB) and kept a precise record of each child's arrival, departure and destination. His list reveals the extensive range of foreign locations in which the agency was active. In addition to Aurora (des-

27 Idem, memo from Private Mother and Child Welfare Agency on phone call with Basel women's hospital, 19. 7. 1962.

28 Idem, letter from Alice Honegger, Private Mother and Child Welfare Agency, to women's hospital in canton Basel-Stadt, 7. 11. 1962.

tinations Paris–United States), a further 16 children are listed as having been taken to foreign destinations including Amman, Bahrain, Bombay, Johannesburg, Karachi, Madrid, Mexico, the Netherlands and Saudi Arabia.²⁹ As well as the foster family in Schaffhausen, at least eight other families in Rapperswil, Brunnen, Basel, Zug, Schiers and Davos took in babies temporarily on behalf of the Private Mother and Child Welfare Agency.³⁰ Alice Honegger collected the babies from hospitals in Aarau, Basel, Locarno, St Gallen and Zurich.³¹ She also worked closely with a gynaecologist in Zurich, who she put in contact with young women who travelled to Switzerland from abroad in secret for an abortion. They are said to have included numerous Swiss women who had worked as au pairs in the UK and were expecting a ‘mixed-race child’. In such cases, the Swiss embassy in the United Kingdom contacted Alice Honegger’s agency and referred the young women who had to leave the country to her.³² Abortion was prohibited in Switzerland under the 1942 Swiss Criminal Code. Nevertheless, 50,000 such procedures were carried out in the late 1960s.³³ As one of Alice Honegger’s employees recalls, the profession flourished behind closed doors. “The gynaecologist performed the abortions at the weekend – so that nobody would notice anything.”³⁴ If a woman changed her mind and refused the procedure, adoption was discussed. “The foreign women who decided otherwise and had their children were not allowed to stay in Switzerland, and their children could not be given up for adoption in Switzerland.”³⁵ This was when Alice Honegger would step in to propose an adoption placement, supported by a number of helpers. In April 1959, she hired a young woman to bring several babies from Switzerland to the United States.³⁶ In a memo, she wrote “Everything is running like clockwork. The TWA [Trans World Airlines flight] departs promptly at 6 o’clock. The children are [...] certainly in the best of hands.”³⁷

29 List entitled “Unsere Schützlinge” [our fosterlings], n.d., with entries dated 10. 3. 1956 to 10. 7. 1968, which the research team received from Lisa Helmick and Otto Hostettler. Cf. also publication of the list in Hostettler (cf. note 25), p. 18.

30 Cf. sources incl. StAZH, Z 829.1528, “Bericht über Adoptiveltern” [report on adoptive parents] from Private Mother and Child Welfare Agency, 23. 6. 1958; StAZH, Z 829.1545, letter from Alice Honegger to US couple in Italy, 20. 5. 1963; StAZH, Z 829.1559, “Bericht über Adoptivkind” [child study report] from Private Mother and Child Welfare Agency, 26. 8. 1964; BAR, E426OD-01#2000/392#390*, report by St Gallen cantonal police, 20. 1. 1965.

31 StAZH, Z 829.1517, Z 829.1545, Z 829.1559, Z 829.1507, Z 829.1528, Z 829.1482, Z 829.1492, Z 829.1559.

32 Telephone conversation between the author and a former employee of the Private Mother and Child Welfare Agency on 14. 5. 2020.

33 Elisabeth Joris, Marianne Alt, Heidi Witzig, *Frauengeschichte(n). Dokumente aus zwei Jahrhunderten zur Situation der Frauen in der Schweiz*, Zurich 1986, p. 325.

34 Conversation between the author, sociologist Annika Bangerter and a former employee of the Private Mother and Child Welfare Agency on 3. 7. 2020.

35 Ibid.

36 StAZH, Z 829.1507, “Declaration” by Alice Honegger, Private Mother and Child Welfare Agency, 15. 4. 1959.

37 Idem, memo by Alice Honegger, 19. 4. 1959.

Under the supervision of Alice Honegger, the Private Mother and Child Welfare Agency systematically placed children born in Switzerland to unmarried foreign mothers or fathers for adoption abroad. She herself presented such placements as a programme, for example to the Swiss consulate in Beirut in 1959. “The adoptees our agency places with foreigners are never of Swiss origin. They have foreign roots but are born in Switzerland.”³⁸ She set out her agency’s concept just as clearly for a couple in the Netherlands in 1960. “A child of Swiss nationality is out of the question, but there are children of foreign workers [...]”.³⁹ From the 1950s onwards, her intercountry adoption operation was in full swing, as can be seen from Table 1, which lists only a fraction of the children she placed in other countries.

The employees of the Private Mother and Child Welfare Agency would often travel to other countries to arrange the placements. Alice Honegger visited a couple in Lebanon in February 1959. She described the prospective adoptive father as “rich”, “but so modest and cheerful that he gains your immediate trust”.⁴⁰ She was also impressed by the apartment’s furnishings, as she ran an antiques shop in addition to her agency in Rapperswil, describing it as “an exquisitely tasteful, very modern apartment with typical artefacts from Ethiopia, Kuwait and other countries.”⁴¹

Alice Honegger could rely on interest from couples in the United States. Many of those wanting to adopt worked in the oil industry in Saudi Arabia or Bahrain, as a former employee recalls: “She knew people from Aranca Oil. There were always people from this oil company.”⁴² From her base in the Zurich region, the St Gallen social worker was clearly running an international operation. In 1963, Alice Honegger placed a child that was born to an unmarried German factory worker in Switzerland with an American couple in Italy.⁴³ In the same year, she travelled to the United States with four children and gave them into the care of couples in the states of Virginia, California, Illinois and Arizona. Upon her return, however, she was accused by the board of the Private Mother and Child Welfare Agency of having demanded money when children were handed over and of having enriched herself personally through these

38 StAZH, Z 829.1517, letter from Alice Honegger to Swiss consulate in Beirut, 23. 5. 1959.

39 StAZH, Z 829.1533, letter from Alice Honegger to potential adoptive parents, 21. 9. 1960.

40 StAZH, Z 829.1517, “Bericht über Adoptiveltern” [report on adoptive parents] from Alice Honegger, Private Mother and Child Welfare Agency, on a visit to Beirut on 23. 2. 1959.

41 Ibid.

42 Conversation between the author, sociologist Annika Bangerter and a former employee of the Private Mother and Child Welfare Agency on 3. 7. 2020.

43 StAZH, Z 829.1545, letter from lawyer of Private Mother and Child Welfare Agency to Alice Honegger, Private Mother and Child Welfare Agency, 12. 7. 1963.

Tab. 1: Children born to unmarried parents in Switzerland, mostly to foreign mothers or fathers, whom Alice Honegger placed with adoptive families abroad

Name of child ¹	YOB	Mother's marital status, occupation	Nationality of mother/father	Country of residence of adoptive parents
Rosmarie and Simon ²	1949 and 1951		Swiss	India, United States ³
Angelo ⁴	1954	married, child born out of wedlock	Swiss/Italian	United States
Urs ⁵	1956			Jordan
Benedetto ⁶	1956			France
Gertrud ⁷	1957	single, factory worker	German	United States
Silvia ⁸	1957	single, service employee	Swiss	France
Janos ⁹	1957		Hungarian	United States
Dino ¹⁰	1957	single, factory worker	Italian	United States
John ¹¹	1958	single, secretary for the US Army in the FRG	United States	United States
Gianni ¹²	1958	single, service employee	Italian	United States
Loredana ¹³	1959	single, restaurant employee	Italian	United States
Myrta ¹⁴	1959			Spain
Stéphanie ¹⁵	1959			Bahrain
Emilio ¹⁶	1959	single, 'office girl'	Italian	Saudi Arabia
Zoltan ¹⁷	1959	married, child born out of wedlock, factory worker	Hungarian	Lebanon
Roberto ¹⁸	1960	single, restaurant employee	Italian	United States
Giovanni ¹⁹	1960	kitchen help	Italian	
Alfonso ²⁰	1960	single, factory worker	Italian	Bahrain, GB
Maria ²¹	1960		Italian	Netherlands
Heinz ²²	1960	single, telephone operator	Swiss	Qatar
Franz ²³	1960		Swiss	Mexico
Georg ²⁴	1960			United States
Renata ²⁵	1961	divorced	Italian	Bahrain, United States
Lydia ²⁶	1961			Pakistan
Martina ²⁷	1962	single, office employee	Swiss	Mexico
Aurora ²⁸	1962	single, service employee	Italian	France, United States
Francesco ²⁹	1962			India
Niklaus ³⁰	1962			Netherlands
Stefan ³¹	1962			Bahrain
Simone ³²	1962			Mexico
Louise ³³	1963	single, factory worker	German/French	Italy
Elisabetta ³⁴	1963			Saudi Arabia
Alexander ³⁵	1963	single, seamstress	German/Swiss	Denmark
Hans-Ueli ³⁶	1963	single, casual worker	Swiss	Denmark
Gaspere ³⁷	1963	single, kitchen help	Italian	Netherlands
Leonardo ³⁸	1963			Netherlands

Mirella ³⁹	1963			South Africa
Eva ⁴⁰	1964		Spanish	Netherlands
Tobias ⁴¹	1964			South Africa
Sibylle ⁴²	1966			Netherlands

Notes

- 1 The names listed in the table are pseudonyms with the exception of Aurora, as Lisa Helmick wishes to be listed by her birth name. Cf. email to author, 8. 12. 2023.
- 2 StAZH, Z 829.1474.
- 3 Idem. This was a Swiss couple in India who took in a Swiss brother and sister and later passed them on to a third party in the United States.
- 4 StAZH, Z 829.1517.
- 5 List entitled "Unsere Schützlinge" [our fosterlings], n.d., with entries from 10. 3. 1956, to 10. 7. 1968.
- 6 Ibid.
- 7 StAZH, Z 829.1497, Z 829.1528.
- 8 StAZH, Z 829.1503.
- 9 StAZH, Z 829.1517.
- 10 StAZH, Z 829.1528.
- 11 StAZH, Z 829.1507.
- 12 StAZH, Z 829.1539.
- 13 StAZH, Z 829.1457.
- 14 List "Unsere Schützlinge" [our fosterlings], n.d., with entries from 10. 3. 1956, to 10. 7. 1968.
- 15 Ibid.
- 16 StAZH, Z 829.1517.
- 17 Ibid.
- 18 StAZH, Z 829.1525.
- 19 StAZH, Z 829.1501.
- 20 StAZH, Z 829.1524.
- 21 StAZH, Z 829.1533.
- 22 StAZH, Z 829.1459.
- 23 StAZH, Z 829.1482.
- 24 List "Unsere Schützlinge" [our fosterlings], n.d., with entries from 10. 3. 1956 to 10. 7. 1968.
- 25 StAZH, Z 829.1504.
- 26 List "Unsere Schützlinge" [our fosterlings], n.d., with entries from 10. 3. 1956, to 10. 7. 1968.
- 27 StAZH, Z 829.1482.
- 28 StAZH, Z 829.1492.
- 29 List "Unsere Schützlinge" [our fosterlings], n.d., with entries from 10. 3. 1956 to 10. 7. 1968.
- 30 Ibid.
- 31 Ibid.
- 32 Ibid.
- 33 StAZH, Z 829.1545.
- 34 List "Unsere Schützlinge" [our fosterlings], n.d., with entries from 10. 3. 1956 to 10. 7. 1968.
- 35 StAZH, Z 829.1517, Z 829.1559.
- 36 Ibid.
- 37 StAZH, 829.1545.
- 38 List "Unsere Schützlinge" [our fosterlings], n.d., with entries from 10. 3. 1956, to 10. 7. 1968.
- 39 Ibid.
- 40 StAZH, Z 829.1533.
- 41 List "Unsere Schützlinge" [our fosterlings], n.d., with entries from 10. 3. 1956, to 10. 7. 1968.
- 42 Ibid.

transactions, which led to her dismissal in 1964.⁴⁴ Since she had been accused of "embezzlement, possibly child trafficking", St Gallen cantonal police command contacted the Central Office for Combating Trafficking in Women and Children within the Office of the Attorney General of Switzerland.⁴⁵ This office asked a US embassy attaché in Bern to investigate further. The Federal Bureau of Investigation was asked to clarify what sums the four couples had paid Alice

44 StAZH, annual report of Private Mother and Child Welfare Agency, 1964, p. 11. Cf. also BAR, E4260D-01#2000/392#390*, letter from Albert Rüegg, president of Private Mother and Child Welfare Agency, to member of government council Edwin Koller, St Gallen cantonal department of home affairs, 30. 3. 1965.

45 BAR, E4800.7#2000/52#75*, letter from Central Office for Combating Trafficking in Women and Children (attached to Office of the Attorney General of Switzerland) to command centre of St Gallen cantonal police service, 5. 11. 1965.

Honegger that did not appear in the accounts of the Private Mother and Child Welfare Agency. It concluded that one couple had handed over at least 500 dollars.⁴⁶ At the time, this was about 2,160 Swiss francs.⁴⁷ A second couple stated that they had “only paid a few hundred dollars for the child”.⁴⁸ Such cash-in-hand transactions at the moment of the handover over point to a profitable off-the-books operation. The board of the Private Mother and Child Welfare Association had also profited from Alice Honegger’s business practices, however, as it realised after her dismissal: “The placement of children abroad used to be a not insignificant source of income.”⁴⁹

Following her expulsion, Alice Honegger opened the Haus Seewarte maternity home in August 1964 in a house she had bought the year before, not far from Rapperswil, in Bollingen (canton of St Gallen) on Lake Zurich. There she took in unmarried pregnant women who were to give birth and relinquish their babies for adoption. She now continued to work independently in the same profession. As the list of the Schaffhausen foster family shows, in 1965 she placed a boy in Johannesburg and in 1966 a girl in the Netherlands.⁵⁰ However, relations with the Netherlands were strained because a complaint had been lodged with the Federal Department of Justice and Police in 1964. The Dutch authorities had accused Alice Honegger of bringing children to the country without the proper paperwork. These children had then had to be returned to Switzerland. Despite this affair, she continued to advertise her services as before, as the federal authorities observed: “We have now been informed by a Swiss consular representation in the United States that this social worker [...] has sent brochures to our consular representations advertising the placement of children from Switzerland in the United States with a view to adoption. The consulate in question mentions that it is not sure whether this service is to be recommended or whether a certain amount of bargaining over children might not be going on.”⁵¹ Despite these serious questions, Alice Honegger was

46 Idem, letter from Central Office for Combating Trafficking in Women and Children (attached to Office of the Attorney General of Switzerland) to command centre of St Gallen cantonal police service, 26. 1. 1966.

47 Cf. <https://fxtop.com/de/historische-wechselkurse.php?A=500&C1=USD&C2=CHF&DD1=01&M-M1=01&YYYY1=1963&B=1&P=&I=1&DD2=31&MM2=12&YYYY2=1963&btnOK=Gehen>, 23. 2. 2024.

48 BAR, E4800.7#2000/52#75*, letter from Central Office for Combating Trafficking in Women and Children (attached to Office of the Attorney General of Switzerland) to command centre of St Gallen cantonal police service, 4. 2. 1966.

49 Annual report of Private Mother and Child Welfare Agency, 1966, p. 4.

50 List “Unsere Schützlinge” [our fosterlings], n.d., with entries dated 10. 3. 1956 to 10. 7. 1968.

51 StASG, A488/4.1, part 1, letter from Federal Police Division of Federal Department of Justice and Police to St Gallen cantonal department of home affairs, 30. 10. 1965.

granted a licence to arrange adoptions in the canton of St Gallen in 1973 and remained active in this profession until her death in 1997.⁵²

Black for black and white for white

Other archival records show that it was not only the Private Mother and Child Welfare Agency (up to 1964) and then Alice Honegger and the Haus Seewarte maternity home that were arranging this specific type of intercountry adoption. The *Adoptivkinder-Versorgung* [Child Adoption Agency] of the Swiss Women's Charitable Association in Zurich was also placing children born to unmarried parents in Switzerland for adoption by foreign foster parents in other countries. This agency worked with the Geneva-based International Social Service Switzerland (ISS). The cooperation with ISS was regarded as a seal of quality, as the organisation had been advocating for the protection of children in cases of cross-border family conflict, migration and adoption since 1932.⁵³ Its director, Elisabeth Bertschi, wrote in 1964 that a risk of child trafficking⁵⁴ could not be "entirely excluded" in Switzerland: "Money certainly plays a certain role here and there. It is very difficult to monitor. It was precisely to counter this risk that we began our work in the field of intercountry adoptions."⁵⁵

ISS had branches in many countries and was able to check whether a couple was suitable to adopt a child. In the spring of 1956, for example, the Child Adoption Agency of the Swiss Women's Charitable Association was successful in its attempt to secure the cooperation of this organisation for the placement of an Italian baby born in Switzerland. "In the meantime, the procedure to place an Italian Catholic baby [...] in Venezuela has begun."⁵⁶

On the other hand, the placement of baby Bernardo,⁵⁷ who had been born to unmarried parents in Zurich, was causing difficulties. In the summer of 1955,

52 Sabine Bitter, Annika Bangerter, Nadja Ramsauer, *Adoptionen von Kindern aus Sri Lanka in der Schweiz 1973–1997. Zur Praxis der privaten Vermittlungsstellen und der Behörden. Historische Analyse betreffend das Postulat Ruiz 17.4181 im Auftrag des Bundesamts für Justiz 2020*; Sabine Bitter, Nathalie Nad-Abonji, *Adoptionen von Kindern aus Sri Lanka im Kanton St. Gallen 1973–2002*, 2022.

53 <https://www.e-periodica.ch/cntmng?pid=zes-001%3A1964%3A61%3A6%3A264>, 23. 2. 2024.

54 Under Swiss law, the definition of child trafficking is based on the provisions of the international conventions to which Switzerland is a state party. In international law, child trafficking refers to the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation. Cf. Tina Büchler, Gwendolin Mäder, Nula Frei et. al., *Ausbeutung Minderjähriger in der Schweiz im Kontext von Menschenhandel*, Bern 2022, p. 1.

55 Schweizerisches Sozialarchiv [Swiss Social Archives], ZA 67.3, newspaper article, A. A. H., "Adoption über die Grenzen. Aus der Arbeit des Internationalen Sozialdienstes (ISS) in Genf mit Gesprächspartnerin Elisabeth Bertschi", in: *Die Tat*, no. 163, 16. 6. 1963.

56 StAZH, Z 797.596, letter from Child Adoption Agency of Swiss Women's Charitable Association to ISS, 28. 4. 1956.

57 The name is a pseudonym.

an employee had asked ISS to help it find a foster placement for the little boy in another country. “According to the Swiss mother, the father is not Negro, but Indian,”⁵⁸ the employee wrote. The young woman had met the child’s father in a club in London. However, she no longer wanted to have anything to do with him and had conceived the child against her will. In the spring of 1956, the Child Adoption Agency of the Swiss Women’s Charitable Association offered little Bernardo, “a lovely little baby boy of a Catholic mother from an affluent background and an Indian father”, to three US-American couples for adoption.⁵⁹ In September 1956, everything was going according to plan. A female employee flew from Zurich to Munich with the little boy, now one year and eight months old. There he was to join “a large Kindertransport to the States.”⁶⁰ The agency used the term ‘Kindertransport’ in reference to a humanitarian rescue operation in which thousands of Jewish children were brought to the United Kingdom and other European countries prior to the Second World War to protect them from the Nazis.⁶¹ The ‘Kindertransport’ of 1956 was probably one of the transfers in which Afro-German children were flown from Germany to the United States. In the post-war period, the Federal Republic of Germany registered 90,000 ‘occupation babies’, ten per cent of whom, according to one estimate, were the children of white mothers and black fathers.⁶² These ‘brown babies’ were often unwanted in Germany and were adopted by African-American couples unable to adopt a white baby owing to segregation and institutionalised racism in the United States.⁶³ Swiss adoption agencies such as that of the Swiss Women’s Charitable Association went along with this policy in that they arranged for “mixed-race children” who were born in Switzerland to join a “Kindertransport” from Germany to the United States. The agency informed Bernardo’s former appointed guardian that the “handover to the Negro couple” had gone well, which was encouraging for future placements of this kind.⁶⁴

58 StAZH, Z 797:596, letter from Child Adoption Agency of Swiss Women’s Charitable Association to ISS, 6. 7. 1955.

59 Idem, letter from Child Adoption Agency of Swiss Women’s Charitable Association to three couples in US, 22. 3. 1956.

60 Idem, written record of a discussion, 10. 9. 1956.

61 <https://www.jmberlin.de/thema-kindertransport>, 23. 2. 2024.

62 Oliver R. Schmidt, *Afroamerikanische GLs in Deutschland 1944 bis 1973. Rassekrieg, Integration und globale Protestbewegung*, Münster 2010, p. 156.

63 Silke Hackenesch, “These children [...] will have good decent American homes and parents.’ Zur Debatte um ‘proxy adoptions’ und die Adoption afrodeutscher Kinder in die USA nach 1945”, in: Bettina Hitzer, Benedikt Stuchtay (ed.), *In unsere Mitte genommen. Adoption im 20. Jahrhundert*, Göttingen 2022, p. 166, 168.

64 StAZH, Z 797:596, letter from Child Adoption Agency of Swiss Women’s Charitable Association to official guardian, 26. 9. 1956.



Fig. 5: In 1956, an employee of the Child Adoption Agency of the Swiss Women's Charitable Association travels from Zurich to Munich with a little boy. From there, the boy flies on to the United States with a 'Kindertransport' for later adoption. StAZH, Z 797.596.2.

The 1960 annual report of the Child Adoption Agency of the Swiss Women's Charitable Association mentions another "mixed-race child" born in Switzerland and placed with a couple abroad.⁶⁵ A letter from a children's charity in Boston shows that this agency had also developed a practice that was not limited to individual cases. The latter provided the Swiss Women's Charitable Association with useful addresses. "Mr and Mrs [...] have been recommended by the Department of Child Guardianship in Boston as suitable adoptive parents for a Negro child."⁶⁶ The prospective adoptive mother is described as "a pretty dark-skinned Negro woman with black hair and brown eyes" who had grown up in a working-class environment.⁶⁷ The 34-year-old had married her husband at the age of 16. He had initially worked in the shoe industry in Atlanta, had lived in

65 StAZH, Z 797.4110, 1960 annual report of Swiss Women's Charitable Association.

66 StAZH, Z 797.596, home study report by Children's Aid Association in Boston addressed to ISS in New York with accompanying letter dated 29. 3. 1956.

67 Ibid.

Europe for a year and worked for a meat company. The pair were also apparently “very fond of their television”.⁶⁸

For children born in Switzerland to unmarried foreign mothers or fathers, placements in other countries were not only considered in isolated cases. According to the association of Swiss official guardians in 1959, interest from couples wishing to adopt had risen sharply in recent years and this was problematic. In response to criticism from the ISS, the association recalled in a position statement that it was the responsibility of the guardian appointed by the local authority to oversee the placement, but recognised that clarifications and checks were often not possible in other countries. The association also formulated a set of recommendations. These stated that children of Swiss parents should not be given up for adoption abroad. In the case of a Swiss mother and a foreign father, however, a placement abroad should be considered if the child “bears the features of another race (Mongolian, Negro, etc.)”. This was so that the child could find adoptive parents “with whom it is also a good match in terms of appearance”.⁶⁹ In the case of a foreign mother and a Swiss father, on the other hand, Switzerland could be considered as long as the father recognised the child, with the reservation that placement abroad was to be “seriously considered if differing racial features are too apparent”.⁷⁰ Finally, the association of Swiss official guardians named another category of child for whom intercountry adoption was an option. Children with two foreign parents, could be sent abroad “without much hesitation”, as their placement in Switzerland was often difficult anyway and would raise questions of “overforeignisation”.⁷¹ The recommendations of the association of Swiss official guardians thus echo the racist discourse that informed Swiss migration policy in the 1960s. The overforeignisation debate reached its peak in 1970 with the Schwarzenbach Initiative, which demanded a ten per cent reduction in the number of foreign residents. The 1959 recommendations of the association of Swiss official guardians reconfirmed an adoption practice that had become established years before, whereby agencies decided that children should be either integrated into Swiss society or excluded on the basis of external characteristics such as skin colour or facial features. The racist use of the terms “mixed-race child” and “Negro” were an expression of this practice.

68 Ibid.

69 BAR, E4260D-01#2000/392#391*, position paper “*Vermittlung von Adoptivkindern ins Ausland*” [placement of children for adoption abroad] of the association of Swiss official guardians, adopted on 3.–4. 10. 1958, 20. 5. 1959, p. 2.

70 Ibid.

71 Ibid.

10

Herrn [REDACTED]
Amtsvormund I
Basel

26. 9. 1956 RH

Sehr geehrter Herr [REDACTED]

nach allerlei Schwierigkeiten und Umtrieben konnte "unser" Mischlingskind vor 14 Tagen zu seinen neuen Eltern nach USA fliegen. Der Bericht der amerikanischen Zweigstelle des internationalen Sozialdienstes gibt ein so gutes und zum Glück so erfreuliches Bild von der Uebernahme B [REDACTED] durch das Neger-Ehepaar, dass er Mut macht zu anderen ähnlichen Plazierungen. Ich denke, dass der Bericht Sie im Hinblick auf [REDACTED] interessieren wird und erlaube mir deshalb, ihn Ihnen zur Einsicht zuzustellen.
Mit Dank für gelegentliche Rücksendung grüsst freundlich,

für die Ad.K.V.

Fig. 6: Letter from the Child Adoption Agency of the Swiss Women's Charitable Association to the boy's appointed guardian in Basel in 1956. StAZH, Z 797.596.10.

Conclusion

In the two decades leading up to the research period (1973–2002), the greater Zurich area became a hub for a specific form of intercountry adoption. In the 1950s and well into the 1960s, in the vicinity of Switzerland's largest city at least three agencies were arranging in-country and intercountry adoption placements: the Private Mother and Child Welfare Agency in Rapperswil, the Haus Seewarte maternity home in neighbouring Bollingen and the Child Adoption Agency of the Swiss Women's Charitable Association in Zurich. All three agencies would deliberately place children born to unmarried foreign mothers or fathers in Switzerland with parents abroad, often outside Europe. They matched children and hopeful couples by skin colour: white for white and black for black. This approach echoed the xenophobic policies of the time. Children were selected through discriminatory practices to meet a foreign demand also based on racist criteria. The recommendations of the association

of Swiss official guardians lent an additional seal of approval to these practices. Sending unwanted children born in Switzerland to other countries was in the interest of the state, as it saved the authorities the trouble of having to find a suitable foster family or children's home. Although individual authorities and the organisation ISS Switzerland made the connection between this early form of intercountry adoption and child trafficking, the authorities still allowed the agencies to operate. This laissez-faire attitude encouraged private adoption agencies and associations to normalise practices from the 1950s onwards that would have far-reaching consequences for many children in the decades to come through another form of intercountry adoption: the adoption of non-European children in Switzerland.

The Role of Adoption Agencies in the Placement of Children from India in Switzerland

SABINE BITTER

The first children to be brought to Switzerland from India for adoption came from Tibet. They had fled with relatives to Dharamsala in India in 1959 after the Chinese invasion. Some 160 girls and boys were placed with families in Switzerland at the beginning of the 1960s in accordance with an agreement between the Dalai Lama and Olten industrialist Charles Aeschmann. Charles Aeschmann had previously been in contact with the Tibetan leader through Alpinist friends who knew the Himalayas. It was agreed that these children would grow up and be educated in Switzerland. The Dalai Lama wished them to return to their homeland as young adults, which is not what happened, as the ‘Tibeterli’ [little Tibetans] were taken in by couples wanting to adopt a child.¹

This was also when the aid organisation Terre des Hommes (TdH), founded by Edmond Kaiser in Lausanne in 1960, began placing children from India for adoption. According to the organisation, children from this country travelled to Switzerland as early as 1963.² Alongside Sweden and France, Switzerland thus joined the long list of European countries in which Indian children were placed for adoption in the 1960s.³ Other documents accessed for the first time for the purposes of this study also show that Indian children were already being brought to Switzerland for adoption in the 1960s.⁴ This contradicts the findings of the 2023 report by Nadja Ramsauer, Rahel Bühler and Katja Girschik on behalf of the Federal Office of Justice. The authors, who refer only to files in the Swiss Federal Archives, state that “the first child from India was brought to Switzerland for adoption in 1970”.⁵

1 Sabine Bitter, Nathalie Nad-Abonji, *Tibetische Kinder für Schweizer Familien. Die Aktion Aeschmann*, Zurich 2018.

2 Letter from TdH Lausanne to research team, 9. 1. 2023.

3 Arun Dohle, “Inside Story of an Adoption Scandal”, *Cumberland Review* 39 (2009), p. 132.

4 1967: StAAR, D.069-04-22-01, StAAR, D.069-04-15-006; 1968: StAAR, D.069-04-15-007, StAAR, D.069-04-15-008, StAAR, D.069-04-15-009.

5 Nadja Ramsauer, Rahel Bühler, Katja Girschik, *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*, 2023, chapter “Adoptionen von Kindern aus Indien”, p. 65.

According to the Federal Statistical Office, which has recorded the number of adopted foreign children since 1979, 2,278 Indian girls and boys were adopted in Switzerland between 1979 and the end of our research period in 2002. Of these, 256 children were brought to the canton of Zurich and 30 to the canton of Thurgau.⁶ This number is inconsistent with the number of Indian children who entered the country, as Marie-Françoise Lücker-Babel pointed out in the early 1990s. She criticised the inadequacy of the statistics compiled by the Swiss Federal Aliens Office as these statistics recorded the number of people entering Switzerland based on documents authorising entry, regardless of whether the children had actually entered the country. She also pointed out that not all children brought to Switzerland for adoption were later adopted, thus highlighting the issue of ‘rejected’ children and failed intercountry adoptions.⁷

Adoption placements in Switzerland were handled by aid organisations, associations and individuals as part of a social system that, in the second half of the 20th century, was largely privately run.⁸ During the focus period of the study, some 15 Swiss adoption agencies were operating in India. Seven agencies were based in German-speaking Switzerland, five in French-speaking Switzerland, one in Ticino and two in India. This contribution describes a selection of these actors.

In India, two Swiss women were important facilitators for people wishing to adopt children from Indian institutions. Alice Khan-Meier in Bombay (now Mumbai) and Sister Waldtraut, an Ingebohl nun based in New Delhi. In Switzerland, the research mandate focuses on two cantons: Zurich and Thurgau. Two actors played an important role in facilitating intercountry adoptions in these cantons. Christina Inderbitzin established her organisation Adoption Unity in Meilen in Zurich and the association Adoption International based its operations in Kreuzlingen in Thurgau. The study also describes the activities of other important actors in German-speaking Switzerland, those of Elisabeth Kunz and Alice Honegger. Two other agencies active in this part of the country, the organisation Family Life in Otelfingen (ZH) and *Seraphisches Liebeswerk* Solothurn [Seraphic Works of Charity Solothurn] are not included, as they are only mentioned in a few of the case files examined. Sabine George-Zünd, who

6 “Adoptions selon le canton, le sexe et la nationalité de la personne adoptée avant l’adoption 1979–2020” [adoptions by canton, sex and citizenship prior to adoption of the adopted person 1979–2020], table of the Federal Statistical Office, obtained on request, 28. 12. 2023. This table refers to the total number of adoptions that took place in Switzerland during this period.

7 Marie-Françoise Lücker-Babel, *Auslandadoption und Kinderrechte. Was geschieht mit den Verstossenen?*, Freiburg im Üchtland 1991, p. 20 f. cf. also p. 133.

8 Gisela Hauss, Kevin Heiniger, Markus Bossert, *Praxis und Sozialstaatlichkeit. Koordinieren und Finanzieren zwischen Expertise, Staat und Gemeinnützigkeit*, Zurich 2023, p. 9.

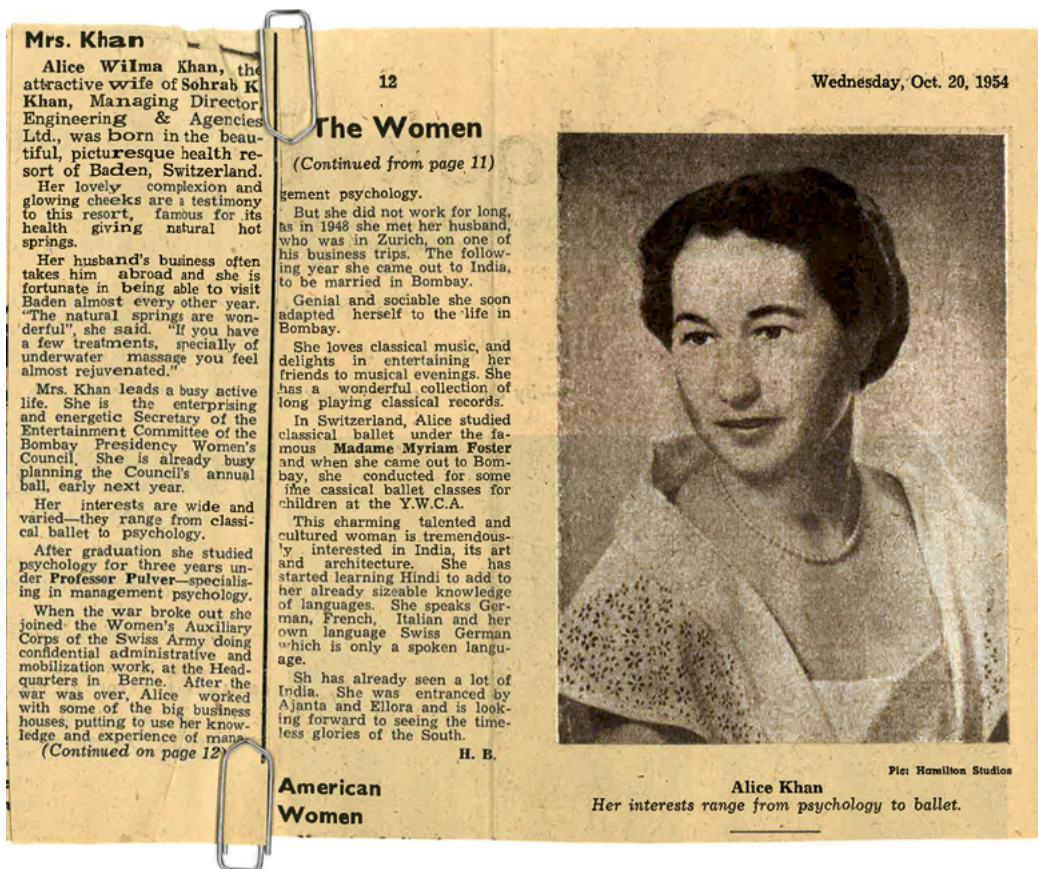


Fig. 1: Alice Khan-Meier grew up in Switzerland and was the daughter of an Austrian mother. She moved to Bombay in 1949 after marrying the Indian businessman Shorab K. Khan. There, she moved in high society circles and assumed representative duties, including for the Austrian consulate. Article from *The Current* newspaper, dated 20. 10. 1954, p. 11 f., courtesy of the Austrian Federal Ministry for European and International Affairs.

was accredited by the Zurich cantonal youth welfare office to arrange adoptions of children from India, did not feature in the case files concerning India.⁹ The five adoption agencies in French-speaking Switzerland were Terre des Hommes and Helga Ney in the canton of Vaud, Jo Millar of the Divali Adoption Service and the *Bureau genevois d'adoption* [Geneva Adoption Bureau] in the canton of Geneva and the organisation *Mouvement enfance et foyers* [Childhood and Homes Movement] in Fribourg. An individual examination of the involvement of

⁹ BAR, E4114A#1999/156#1488*, decision of Zurich cantonal youth welfare office, 18. 3. 1988.

these five agencies was outside the scope of this research project, however. The same applies to Caritas Lugano, which was based in the Italian speaking part of Switzerland and active in India. Most of these agencies collaborated with one or other of the actors discussed in this contribution at some stage in the adoption placement process, however.

A consul general with a 'rescue home': Alice Khan-Meier

Alice Khan-Meier played an early role in the placement of Indian children for adoption in Switzerland. She was born in 1916 to an Austrian mother and grew up in Switzerland, where she later studied workplace psychology. During the Second World War, she joined the Women's Auxiliary Service working in the mobilisation department of the Swiss Armed Forces General Staff. She then worked in her profession until she met Shorab K. Khan, manager of an Indian engineering company, in Switzerland in 1948. After their marriage in 1949, she moved with her husband to Bombay where she moved in high society circles and ran the secretariat of the entertainment committee of the Bombay Presidency Women's Council. In 1962, Alice Khan-Meier was elected president of the successor organisation of this council, the Maharashtra State Women's Council. In addition to her charitable activities, she served as honorary chancellor and honorary consul for Austria between 1956 and 1974.¹⁰ In later years, she wrote of herself in a Swiss women's magazine, "I was Consul General in India."¹¹ At the same time, she continued to cultivate her contacts in Switzerland. As a member of the International Commission of the Federation of Swiss Women's Associations, she raised money in 1962 to promote the enlargement of the Asha Sadan Rescue Home, run by the Maharashtra State Women's Council, on whose board she sat.¹² This was a 'rescue home'¹³ founded in 1921 that took in women who were accused of sexual 'offences' such as becoming

10 This biographical information on Alice Khan-Meier comes from three sources: a letter from the Austrian Federal Ministry for European and International Affairs to the author, 25. 1.2023, in response to a request dated 8. 1. 2023; a newspaper article by B. H., "Mrs. Khan", *The Current*, 20. 10. 1954, p. 11 f.; Colette [Pseudonym], "Begegnungen. Frauenleben Frauenschaffen", *Der Bund*, 8. 7. 1962, p. 19.

11 Alice Khan, "I was Consul General in India", *Schweizer Frauenblatt* 7/8 (1983), p. 34.

12 Trudi [Pseudonym], "Ein Werk des guten Willens. Der Bund Schweizerischer Frauenvereine unterstützte den Bau eines Heims in Bombay", *Der Bund*, 5. 7. 1964, p. 1.

13 'Rescue homes' or 'rescue institutions' had also existed in Switzerland as early as the 19th century. These were institutions to which girls and women were sent who were 'at risk' or deemed guilty of sexual 'misconduct' and who needed to be restored to 'decency'. For unmarried pregnant women, entering an institution often meant being obliged to give their child up for adoption. Cf. https://www.fredi-lerch.ch/fileadmin/dokumente/zeitgeschichtliches/Zwangsadoption_print_def.pdf, 2024

Fig. 2: The Asha Sadan Rescue Home was one of the first points of contact for Swiss couples who wanted to adopt an Indian child. Alice Khan-Meier, originally from Switzerland, was elected president of the organisation behind the Maharashtra State Women's Council in 1962 and organised funding to build an extension to the home with the help of the Federation of Swiss Women's Associations. Photo: Andrea Abraham, Mumbai, 29. 1. 2023.



pregnant outside of marriage.¹⁴ At that time, it was rare for an Indian couple to adopt a child of unknown parentage, a fact which encouraged intercountry adoptions, but it was also partly to meet a demand from affluent foreign couples that Indian agencies began facilitating intercountry adoptions in the 1960s.¹⁵

The extension to the Asha Sadan Rescue Home, built with the help of funding from the Swiss Women's Associations, was opened in 1963 by Prime Minister Jawaharlal Nehru in the presence of the Swiss ambassador and consul general. Alice Khan-Meier was thus closely associated with a home from which children born to unwed parents could be placed for adoption abroad, including in Switzerland.¹⁶ Alice Khan-Meier organised the transfer of three

14 Gauri Rani Banerjee, "Rescue Homes for Women in Bombay", *The Indian Journal of Social Work* (1946), p. 239–252.

15 Saras Bhaskar, Rene Hoksbergen, Anneloes van Baar, Subasini Mothiram, Jan Laak, "Adoption in India – the Past, Present and the Future Trends", *Journal of Psychosocial Research* 7 (2012), p. 372.

16 Cf. also the agreements between Swiss agencies and Indian institutions mentioned by Rakesh Kapoor. One party offered funding, and in return, the other promised children for adoption. For more details, cf. contribution "Provisions and Practice. International Adoptions and the Law in India", Asha Narayan Iyer, p. 110.

children from this home to a couple,¹⁷ and a Zurich family thanked the Swiss consulate general in Bombay for forwarding their application for a child to Alice Khan-Meier.¹⁸ The honorary consul was one of the first points of contact for the arrangement of adoption placements of children from India. Elisabeth Kunz, a psychiatric nurse from eastern Switzerland, was the first to knock on her door.

The adoption agent in the luxury bungalow: Elisabeth Kunz

Elisabeth Kunz was born in 1926 and trained as a midwife and psychiatric nurse.¹⁹ In 1960, she took over an institution for children with learning disabilities in Rheineck in the canton of St Gallen with a colleague.²⁰ In 2017, in the journal of the Swiss umbrella organisation for special needs education, two children who had lived in the home described the time Elisabeth Kunz was visited by an Indian social welfare minister. The minister had contacted the St Gallen authorities because she wanted to find out how such children's homes were run in Switzerland. They had then referred her to Elisabeth Kunz. "She and her entourage visited us and came to the conclusion that it would be nice if Indian orphans could grow up like this. And Mami Kunz jokingly said that there was a possibility."²¹ Two years later, a call came from India saying that "two babies were ready to leave for Switzerland", so "Mami Kunz, without speaking a word of English, flies down to India and comes back with two seven-month-old undernourished girls."²² Two years later, she took in another four children.²³ Soon after this, in 1968, Elisabeth Kunz began placing children from India in Switzerland with a view to adoption, working in collaboration with Alice Khan-Meier and the Asha Sadan Rescue Home in Bombay.²⁴ In 1968, she forwarded an enquiry from a Zurich couple who already had four children of their own to Alice Khan-Meier.²⁵ She also made contacts in Madras (known since 1997 as Chennai), the capital of the Indian state of Tamil Nadu. There,

17 StAAR, D.069-04-22-01, memo of phone call from cantonal registry office of Appenzell Ausserrhoden directorate of municipalities, 22. 3. 1973.

18 BAR, E2200.110#1991/106#31*, letter from prospective adoptive parent to Swiss Consulate General in Bombay, 2. 1. 1973.

19 StAAR, D.069-04-22-01, Swiss Psychological Society diploma, 14. 5. 1954.

20 Idem, report by guardianship authority in canton Appenzell Ausserrhoden, 13. 11. 1986.

21 St Gallen/Appenzell Innerrhoden cantonal conference of special needs teachers, newsletter, no. 39, August 2017, https://www.kshsg.ch/_files/ugd/161502_26c73dcb305844d99e04e4952d049701.pdf, p. 15, 23. 2. 2023.

22 Ibid.

23 Ibid.

24 BAR, E2200.110#1981/203#28*, Federal Aliens Police to Swiss embassy in New Delhi, 11. 1. 1968.

25 Idem, Federal Aliens Police to Zurich cantonal immigration police, 19. 4. 1968.

with the *Helfende Hand* [Helping Hand] association established for this purpose, she planned a ‘Swiss House’ to accommodate Indian children that were to be brought to Switzerland for adoption, as she announced in a brochure.²⁶ In November 1978, she hosted an event in the canton of Appenzell Auser rhoden to advertise the service and attract donors, inviting couples who had already adopted an Indian child with her help and those who were interested in doing so.²⁷ This announced in public that Elisabeth Kunz was working as an adoption agent. In January 1979, the Appenzell Ausserrhoden cantonal office of municipalities informed her that she did not have the proper accreditation to offer this service.²⁸ She nevertheless informed the municipal council in her place of residence that in the spring she planned to bring a further 16 children from India to Switzerland, who would be handed over “directly at Kloten airport to the foster or adoptive parents”.²⁹ Her application for accreditation, submitted in February, was rejected by the Appenzell Ausserrhoden government council [*Regierungsrat*] in April on the grounds that she did not have sufficient knowledge of international law and had not provided enough details about her operation and how it was funded. The government council warned her of the penalties she could face if she continued to operate in violation of the legal regulations.³⁰

Unable to accept this decision, Elisabeth Kunz turned to a higher authority. She wrote to Federal Councillor Kurt Furgler, the head of the Federal Department of Justice and Police, who was from St Gallen and a representative of the Christian Democratic People’s Party (CVP). She informed him that eleven couples wished to adopt Indian children and had the necessary paperwork, but that she could not get authorisation to bring the children to Switzerland, and asked for his support in the face of this “shambles”. “On the basis of my connections in and with India, might I be permitted to select 20 children and [...] begin the formalities for their departure?”³¹ Meanwhile, she tasked her lawyer Christian Merz, a member of the National Council from Appenzell Ausserrhoden representing the Social Democratic Party, to inform the office of munic-

26 StAAR, D.069-04-22-01, brochure “10 Jahre Helfende Hand 1967/8 Help Hand 1977/8” [10 Years Helping Hand 1967/8 Help Hand 1977/8]. (Cf. Fig 3 p. 147).

27 Idem, programme of the event of 11.–12. 11. 1978 on 10 years of the Helping Hand Association.

28 BAR, E2200.110# 1994/ 350# 19, letter from registry office of Appenzell Ausserrhoden cantonal authority to Elisabeth Kunz, 26. 1. 1979.

29 StAAR, D.069-04-22-01, report of municipal council, 14. 3. 1979.

30 Idem, decision by Alfred Stricker, member of government council and head of Appenzell Ausserrhoden cantonal directorate of municipalities, 6. 4. 1979.

31 StAAR31 BAR, E4110B#1990/72#95*, letter from Elisabeth Kunz to head of FDJP, Federal Councillor Kurt Furgler, 11. 4. 1979.

ipalities that she would not be arranging any further adoptions.³² After thus deceiving the authorities, in May and June 1979 Elisabeth Kunz supplied three more Swiss couples with a child. The Swiss Federal Aliens Office, which was attached to the Federal Department of Justice and Police headed by Federal Councillor Kurt Furgler, granted the entry permits.³³ Elisabeth Kunz had promised a second child to all three couples, but was unable to arrange this as in August the Swiss Federal Aliens Office instructed the Swiss consulate general not to issue any more visas for children whom Elisabeth Kunz intended to take to Switzerland.³⁴ Shortly after, the three couples informed the federal authorities that they had broken off all contact with the adoption agent. They described the house founded by Elisabeth Kunz in Madras as “a luxury bungalow on the beach in an affluent neighbourhood”. “At the time of our stay, there were 3 employees and 3 children living at the home, one of whom was the son of the cook. There were more than enough children in Madras who urgently needed to be homed.”³⁵ They also expressed doubt about Kunz’s use of donor funds. They described her working methods as “lacking credibility” and Kunz herself as having “poor” English and lacking the necessary abilities to assume such a serious responsibility.³⁶

In 1980, the Swiss Federal Aliens Office contacted the Federal Office of Justice to ask whether it should put a stop to Elisabeth Kunz’s operation or how to regularise her activities. The Federal Office of Justice said that it was up to the cantonal prosecution service to check whether there had been fraud or embezzlement. Furthermore, couples who had used an unauthorised adoption agency were not obliged to “pay their bill”. If “the customers” had already paid, provided they themselves had acted in good faith, they could sue the agency for “unjust enrichment”.³⁷ The language used by the Federal Office of Justice was that of a commercial transaction, as if the Indian children were goods that had been purchased, and the office assumed the perspective of the couples who had potentially been cheated out of a legitimate service.

In August 1980, the government council of the canton of Appenzell Ausserrhoden issued a further decision against Elisabeth Kunz and indicated that she would face a large fine if she continued to work without the proper

32 StAAR, D.069-04-22-01, letter from Christian Merz of Appenzell Ausserrhoden, member of National Council for Swiss Social Democratic Party and lawyer of Elisabeth Kunz, to registry office of Appenzell Ausserrhoden cantonal directorate of municipalities, 20. 4. 1979.

33 Idem, letters from three couples to Federal Aliens Police, 18. 9. 1979.

34 StAAR, D.069-04-22-01, memo of phone call, civil registry office of Appenzell Ausserrhoden cantonal directorate of municipalities, 16. 8. 1979.

35 Idem, letters from three couples to Federal Aliens Police, 18. 9. 1979.

36 Ibid.

37 Idem, letter from Federal Office of Justice to Swiss Federal Aliens Office, 17. 3. 1980.

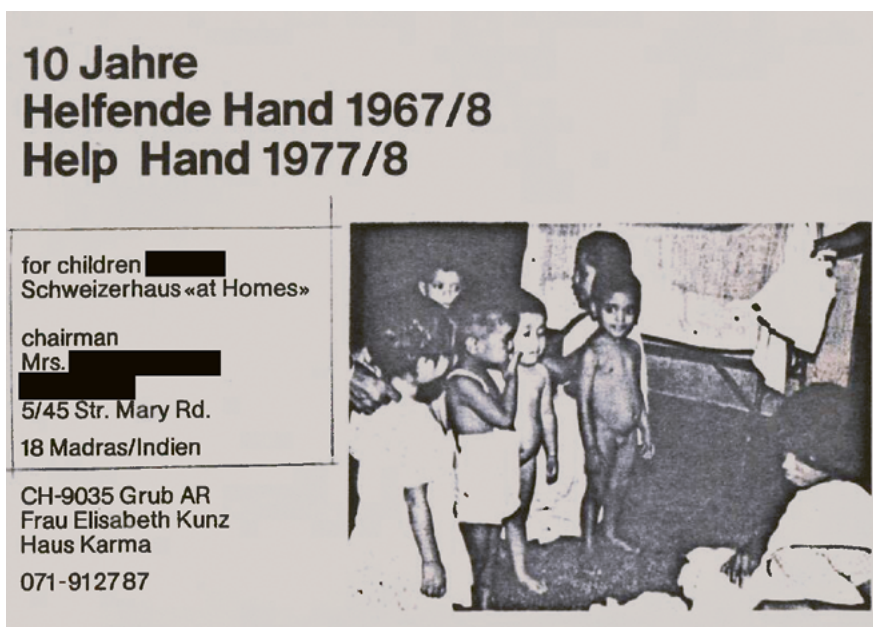


Fig. 3: Excerpt from the brochure celebrating 10 years of the Helping Hand Association, published 1978/1979 by Elisabeth Kunz. The psychiatric nurse brought children to Switzerland for adoption for the first time in 1967, continuing for many years without the accreditation required by law. BAR, E2200.110#1994/350#19*.

accreditation,³⁸ as the federal authorities knew to be the case.³⁹ Elisabeth Kunz was undeterred, and in August 1981 announced her next visit to see the Swiss consul general to say ‘*Grüezi*’ and express her thanks. “What can I bring you from our dear Switzerland? A bratwurst or a St Gallen sausage or an Appenzell cheese?”⁴⁰ The archives do not indicate whether she in fact brought any Swiss specialities over to India, but her placement of children from Madras continued. The registry office of the Appenzell Ausserrhoden office of municipalities noted in November 1983 that Elisabeth Kunz had told an interested family she would soon be travelling to India and would be “bringing children back with her”.⁴¹

38 BAR, E4300C-01#1998/299#607*, decision by Alfred Stricker, member of government council and head of Appenzell Ausserrhoden cantonal directorate of municipalities, 19. 8. 1980.

39 BAR, E4110B#1990/72#95*, letter from Swiss Federal Aliens Office to Federal Office of Justice, 7. 12. 1980.

40 BAR, E2200.110#1994/350#19*, letter from Elisabeth Kunz to Swiss consulate general in Bombay, 30. 8. 1981.

41 StAAR, D.069-04-22-01, memo of phone call from registry office of Appenzell Ausserrhoden cantonal directorate of municipalities, 24. 11. 1983.

Mission adoption: Sister Waldtraut

Sister Waldtraut (1915–1989), a nun from the Ingenbohl order, was born Elisabeth Grünenfelder and grew up in a large family in Wangs, in the canton of St Gallen. After finishing school, she entered the Ingebohl Institute, the mother house of the Sisters of Mercy of the Holy Cross⁴² and trained as a kindergarten teacher. She is said to have shown an early interest in missionary work.⁴³ After being accepted by the order in 1938, she initially worked in her profession. In her mid-30s, like many Ingenbohl sisters, she emigrated to India.⁴⁴ The Ingenbohl institution was one of the most important Swiss non-governmental organisations in India and thus a key partner for Swiss–Indian development cooperation. In 1974, it was the biggest Swiss donor in India, providing around 5 million Swiss francs.⁴⁵

The first stop on Sister Waldtraut's itinerary was the village of Mahuadanr in the Indian state of Jharkhand. According to her obituary, the young woman rode a horse through the villages of the Chechari Valley “to instruct the new Christians in the faith”.⁴⁶ After a number of other postings, she was called to Patna, the capital of the state of Bihar in northeastern India, where Ingenbohl nuns had settled in 1894.⁴⁷ Here she organised the conversion of a former colonial house into a hospital. After this, she travelled to the city of Pathalgaon in the state of Chhattisgarh, where she oversaw the construction of a college for home economics and teacher training. In the late 1970s, suffering from malaria and a heart condition, she moved to New Delhi and took over the management of an old people's home.

One of the Ingenbohl Sisters' many works in this vast city was the Holy Cross Social Service Centre. Our research findings present a contrasting perspective to the conclusions drawn about this institution in the report by Nadja Ramsauer, Rahel Bühler and Katja Girschik. Our study found that the New

42 The Sisters of Mercy of the Holy Cross, or Ingenbohl Sisters, are a Roman Catholic religious community dedicated to living a life inspired by the Gospel and the ideal of evangelical poverty exemplified by St Francis of Assisi. Cf. <https://www.kloster-ingenbohl.ch/ueber-uns/kurzportrait>, 23. 2. 2024.

43 Archiv des Instituts Ingenbohl [Ingenbohl Institute archive], “Nekrolog” [obituary], *Sarganserländer*, January 1990, p. 3–6. The archivist of the Ingenbohl Institute, Markus Näpfli, provided the research team with biographical information on Sister Waldtraut.

44 The Ingenbohl nuns are active around the world. Cf. <https://www.scsc-ingenbohl.org/weltweite-einsatzorte/karte-weltweite-einsatzorte> and Renata Pia Venzin, “Ingenbohl (Schwesterninstitut)”, *Historisches Lexikon der Schweiz*, 25. 1. 2007, <https://hls-dhs-dss.ch/de/articles/012127/2007-01-25>, 23. 2. 2024.

45 Cf. <https://dodis.ch/32949> and <https://dodis.ch/52301>, 23. 2. 2024.

46 Archiv des Instituts Ingenbohl [Ingenbohl Institute archive], “Nekrolog” [obituary], *Sarganserländer*, January 1990, p. 3–6.

47 <https://www.scsc-ingenbohl.org/weltweite-einsatzorte/provinz-indien-zentral>, 23. 2. 2023.

Delhi institution known as ‘Holy Cross’ was not an “orphanage”⁴⁸ but rather an adoption centre run by Ingenbohl Sister Hermann-Josef, who placed around 1,000 children for adoption in Europe, America and Australia.⁴⁹ Use of the term ‘orphanage’ aligns with the official narrative presented by the authorities and suggests that the children’s parents have died, that no one else has a claim to these children and that nothing therefore stands in the way of adoption. Many of the Indian institutions that were referred to as ‘orphanages’ in Switzerland in fact existed for the explicit purpose of arranging adoptions and were thus recognised as adoption agencies in India. The majority of the children placed in Switzerland were not, however, orphans. They were the children of unmarried women faced with the difficult prospect of raising their children alone without support from their families or communities.

In New Delhi, Sister Waldtraut made the acquaintance of another sister who was active in the facilitation of intercountry adoptions on a large scale. Sister Waldtraut then also took up this activity and became a sought-after contact for Swiss couples who approached her directly and for agencies that relied on her assistance, such as Terre des Hommes in Lausanne or Jo Millar’s Divali Adoption Service in the canton of Geneva.⁵⁰

In November 1982, the Swiss Federal Aliens Office learned from the Swiss embassy in New Delhi that Sister Waldtraut had placed 50 children in Switzerland in a single year. One of these cases involved the improper handover of custody of an Indian girl to a couple in the canton of Schwyz. Under oath and in writing, Sister Waldtraut had falsely declared before the district court in New Delhi that the girl’s biological parents were unknown and had abandoned their child. It soon turned out that the mother in India was demanding the return of her child.⁵¹ Wanting the affair handled discreetly, the embassy insisted on corresponding with the federal authorities in Switzerland by encoded telex. It would have seemed all the more necessary to keep the affair under wraps because a well-known Indian adoption lawyer who was listed by the embassy as a lawyer of confidence was involved alongside the Ingenbohl sister. An embassy official asked the Swiss Federal Aliens Office to order the Swiss couple to return the Indian child and suggested suspending all visa applications currently being processed.⁵² The Swiss Federal Aliens Office then finally

48 Nadja Ramsauer, Rahel Bühler, Katja Girschik, *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*, 2023, chapter “Adoptionen von Kindern aus Indien”, p. 74.

49 Archiv des Instituts Ingenbohl [Ingenbohl Institute archive], Nekrolog zur Ingenbohl Schwester Hermann-Josef Jegler (1929–2002) [obituary of Ingenbohl Sister Hermann-Josef Jegler (1929–2002)].

50 BAR, E4300C-01#1998/299#1349*, letter from Peter S. Erni, Swiss ambassador in New Delhi, 16. 16. 11. 1983.

51 Idem, telex from Swiss embassy in New Delhi to Swiss Federal Aliens Office and FDFA, 17. 11. 1982.

52 Ibid.

announced that a solution was on the horizon⁵³ since the couple was prepared to give up the child. The couple, however, contacted the lawyer to demand that the 20,000 francs already paid be placed in a blocked account and disbursed only once a replacement had been found for the returned child. The health of this child must be “absolutely impeccable” and the original foster child must remain in Switzerland until another was in the couple’s home.⁵⁴ In the end, the girl reclaimed by her Indian mother was brought back to India by an employee of the lawyer in early December 1982.⁵⁵ A day later, the Swiss ambassador asked the Swiss Federal Aliens Office for renewed permission to issue visas for four Indian children.⁵⁶ The federal authority quickly reverted to business as usual and authorised the embassy to issue all the suspended visas, including those requested by Sister Waldtraut.⁵⁷ The federal authorities did not have to wait many months for a second case of this kind. A foster family that had taken in a child with Sister Waldtraut’s assistance had this child returned to India, stating that the child had not been able to adapt to life in the family.⁵⁸

Despite the serious case of child abduction, Sister Waldtraut was allowed to continue her adoption placement activities. In the aftermath of the affair, the Swiss ambassador advised her and the lawyer of confidence that future visa applications should include a written deed of surrender, as provided for by Swiss adoption law.⁵⁹ The lawyer agreed to this procedure, but Sister Waldtraut did not: “She does not understand how anyone can ‘call this good deed into question.’”⁶⁰ “We have just visited 75 families in Switzerland and Germany, and all are happy,” she told the magazine of the Zurich *Tages-Anzeiger* newspaper.⁶¹

53 Idem, telex [encoded] from Swiss Federal Aliens Office to Swiss embassy in New Delhi, 24. 11. and 25. 11. 1982.

54 Idem telex [encoded] from Swiss Federal Aliens Office to Swiss embassy in New Delhi, 26. 11. 1982.

55 Idem, telex marked “urgent” from Peter S. Erni, Swiss ambassador in New Delhi, to Federal Police Office, 9. 12. 1982.

56 Idem, telex from Peter S. Erni, Swiss ambassador in New Delhi, to Federal Police Office, 10. 12. 1982.

57 BAR, E4300C-01#1998/299#608*, telex [encoded] from Swiss Federal Aliens Office to Swiss embassy in New Delhi, 16. 12. 1982.

58 BAR, E2200.64#1994/251#23*, telegram from Swiss Federal Aliens Office to Swiss embassy in New Delhi, 21. 3. 1983.

59 Cf. contribution “An Analysis of 24 Cases of Adoption of Indian Children in the Cantons of Zurich and Thurgau”, Sabine Bitter, p. 197.

60 BAR, E2200.64/2002/12#36*, memo from Swiss embassy in New Delhi about discussion of 20. 9./28. 9. 1983.

61 Gisela Widmer, “Ein Tag im Leben von Waltraud Grünenfelder”, *Tages-Anzeiger* magazine, December 1986.

Not without a 'lawyer of confidence': Christina Inderbitzin

One of the women who helped couples in Switzerland to take in Indian children was Christina Inderbitzin in the canton of Zurich. Inderbitzin was active in the field of adoption placement from 1978 until the turn of the millennium.⁶² In the *Tages-Anzeiger* newspaper, she described how this had come about. Looking back, she said she had already wanted to “work in the tropics” after she finished business school. Then in the 1970s she travelled to India, became attached to the place and “couldn’t leave”.⁶³ In 1981, she announced in the Swiss women’s magazine *Femina* that she had met an Indian lawyer in Bombay who had arranged the adoption of two Indian children for her and her husband.⁶⁴ She later consulted this lawyer when she herself entered the adoption business in 1978.⁶⁵ The lawyer in question was Bertram D. Shenoi (1930–2019).⁶⁶ He had been known to the Swiss consulate general for years and was listed as a ‘lawyer of confidence’.⁶⁷ The consulate would recommend his services to people interested in adopting an Indian child.⁶⁸ Christina Inderbitzin could therefore rely on his experience and reputation. She also repeatedly drew attention to his international connections. Her lawyer had “discovered” a home in Madras from which they worked together to place children for adoption in other countries. In a leaflet about child sponsorship, she wrote, “Some of our Madras children have been spotted by an Italian organisation, and some of them have already found future adoptive parents in Italy.”⁶⁹ She announced during a fundraising campaign⁷⁰ that her lawyer worked for the Italian Centre for International Adoption. Bertram D. Shenoi also named Sweden and Norway as target countries for his intercountry adoption placement services.⁷¹ Records concerning

62 BAR, E4114C#2016-97#1426*, Federal Office of Justice list of adoption agencies 18. 12. 2001.

63 Petra Schanz, “Zu Hause in Indien und der Schweiz”, *Tages-Anzeiger*, 8. 3. 2007, p. 68.

64 BAR, E4300C-01#1998/299#608*, magazine article, Ursula Dubois, “Nur stetige Bemühungen führen zum Ziel”, *Femina*, 9. 9. 1981, p. 74.

65 According to the Zurich cantonal youth welfare office, Christina Inderbitzin began placing children for adoption in March 1978. Cf. BAR, E4110B#1988/166#396*, decision of Zurich cantonal youth welfare office, 26. 3. 1984.

66 Obituary in the newsletter of the Christian Family Movement, India, www.cfmasia.org/pdf/family-trove2020.pdf, p. 21, 23. 2. 2024.

67 BAR, E2200.110#1991/106#31*, letter from Swiss consulate general in Bombay to Bertram D. Shenoi, 21. 6. 1974; BAR, E2200.64#2002/12#36*, letter from Swiss consulate general in Bombay to prospective adoptive parents in canton Zurich, 30. 6. 1978.

68 BAR, E2200.110#1991/106#31*, letter from Swiss consulate general in Bombay to prospective adoptive parents, 11. 6. 1976; BAR, E2200.64#2002/12#36*, letter from the Swiss consulate general in Bombay to prospective adoptive parents, 18. 3. 1977.

69 BAR, E4300C-01#1998/299#1349*, letter from Christina Inderbitzin about sponsorship promotional activity, June 1979.

70 Idem, letter from Christina Inderbitzin about sale of promotional jute bags, June 1979.

71 BAR, E4300C-01#1998/299#608*, form “Demande d’autorisation d’entrée en Suisse” [application for authorisation to enter Switzerland], 7. 4. 1983.

one adoptee also show that Shenoï was active in Germany.⁷² In mid-January 1979, Christina Inderbitzin contacted the Zurich cantonal youth welfare office (now the Office for Youth and Vocational Guidance) to apply for accreditation and “obtain official status” for her activities. She mentioned that she had good contacts with several homes in India. She was also “in contact with several European countries” via her lawyer and a Norwegian and a Swedish adoption centre.⁷³ The Zurich cantonal youth welfare office rejected her application on the grounds that she did not have the children’s social services qualifications required by law.⁷⁴ Christina Inderbitzin nevertheless continued to arrange adoptions. In July 1979, she successfully applied to the Federal Aliens Police for an entry permit for an Indian child. In praise of the civil servant who approved her application, she wrote, “Throughout this lengthy and arduous procedure, no Swiss office has handled a matter within their purview as swiftly as your organisation, and you in particular, which has greatly [...] facilitated the whole matter.”⁷⁵ She also took the opportunity to announce that more couples would soon be applying for entry permits for Indian children.⁷⁶ In August, she again presented her case to the authorities in Bern.⁷⁷

Despite her lack of accreditation, Christina Inderbitzin continued to advertise her services. In an interview in *Femina* in 1981, she described her adoption placement process. First, she would select suitable couples in Switzerland and put together an adoption file with the relevant authority. As soon as an entry permit had been issued, she would send the file to her lawyer, who was in contact with several homes and hospitals in India. If the lawyer was satisfied that the biological parents had legally relinquished the child, he would launch the necessary proceedings at the High Court in Bombay. Once the court had issued the order, he would apply to the Swiss representation for a visa on the child’s behalf. Inderbitzin would then organise transport to Switzerland through a contact at Swissair.⁷⁸

A few months after this interview was published, in January 1982, the justice division of the Aargau cantonal department of home affairs filed a complaint to the supervisory authority (the Zurich cantonal youth welfare office)

72 https://www.linkedin.com/posts/arun-dohle-249810_i-can-only-post-my-own-paperwork-but-we-activity-7162399438932590592-PMds?utm_source=share&utm_medium=member_ios.

73 BAR, E4110B#1990/72#95*, letter from Christina Inderbitzin to mother and child division, Zurich cantonal youth welfare office, 16. 1. 1979.

74 BAR, E4110B#1990/72#95*, letter from mother and child division, Zurich cantonal youth welfare office to Christina Inderbitzin, 7. 3. 1979.

75 BAR, E4300C-01#1998/299#1349*, letter from Christina Inderbitzin to Federal Aliens Police, 17. 7. 1979.

76 Ibid.

77 BAR, E4300C-01#1998/299#611*, form “Besuchsanmeldung” [notification of visit], 2. 8. 1979.

78 BAR, E4300C-01#1998/299#608*, magazine article, Ursula Dubois, “Nur stetige Bemühungen führen zum Ziel”, *Femina*, 9. 9. 1981, p. 75.

with the Federal Office of Justice: Christina Inderbitzin had been placing Indian children with couples in Switzerland without the proper accreditation and in violation of the *Ordinance of 28 March 1973 on Adoption Placement*.⁷⁹ Although the Swiss consulate general had been in contact with Inderbitzin and Shenoï for years when it issued visas for Indian children, it was only now that it asked the Federal Department of Foreign Affairs (FDFA) whether Inderbitzin could be recommended “with a clear conscience”.⁸⁰ The FDFA forwarded the letter to the Federal Police Office asking for information about the “reputation and reliability of this lady”.⁸¹

In July 1982, a few months after the police authorities in Bern began investigating Christina Inderbitzin, her cooperation partner Bertram D. Shenoï came under pressure in India. With his assistance, several foreign couples petitioned the Bombay High Court to grant them custody of a total of eight Indian children. However, invoking the Guardians and Wards Act of 1890, the Indian Council of Social Welfare objected that the Bombay High Court had no jurisdiction to entertain the petitions as the children did not ordinarily reside in Bombay in the state of Maharashtra, and were in fact residents of other states.⁸² The proceedings should therefore have taken place in the child’s state of ordinary residence. Assisted by Bertram D. Shenoï, the foreign couples argued that children taken into care in Bombay must necessarily be considered to ordinarily reside in Bombay, and that the proceedings should thus take place in that city.⁸³ The judge, Justice Lentin, firmly rejected this reasoning, countering sharply that he had therefore been called upon to decide whether the court was to be a clearing house for the “export of Indian children” who were to be sent abroad for adoption as quickly as possible.⁸⁴ According to the court, the age of the minors ranged from six months to eight years. The children had been previously left in the care of institutions in other states and soon thereafter brought to a centre run by Shenoï, bypassing the homes in Bombay in which they were said to have resided.⁸⁵ It argued that purported good intentions were no argument for circumventing the law and that this

79 BAR, E4110B#1988/166#396*, letter from justice division of Aargau cantonal department of home affairs to Federal Office of Justice, 6. 1. 1982.

80 BAR, E4300C-01#1998/299#608*, letter from Swiss consulate general in Bombay to humanitarian aid division of FDFA, 12. 2. 1982.

81 Idem, letter from humanitarian aid division of FDFA to Federal Police Office, 18. 2. 1982.

82 BAR, E4300C-01#1998/299#609*, copy of court judgment as enclosure to confidential letter by Swiss consul general Henri Ginier in Bombay to FDJP and Swiss Federal Aliens Office with subject “Adoption indischer Kinder” [Adoption of Indian children], 5. 8. 1983. Cf. also <https://indiankanoon.org/doc/229535>, 23. 2. 2024.

83 Ibid.

84 Ibid.

85 Ibid.

constituted “a fraud on the Court itself”.⁸⁶ The judge further pointed out that it was precisely such transfers between states that prevented the authorities in the individual states from determining whether the children had actually been abandoned or relinquished by their parents, as was often stated in the adoption files of Indian children. It was a mistake, argued Justice Lentin “to equate nobility of purpose with what has the overtones of a well-organised and lucrative business”.⁸⁷ He ordered that any petition to transfer custody of an Indian child to a foreign couple be presented to the proper court in the child’s state of origin.⁸⁸

The lawyer M. J. Antony referred to this landmark decision of July 1982 in his 1984 book on abuses in the adoption system.⁸⁹ The judgment also caught the attention of the Swiss consul general in Bombay, Henri Ginier. He sent a letter classified as ‘confidential’ to the Federal Department of Justice and Police and the Swiss Federal Aliens Office recommending that the federal authorities monitor the activities of partners Inderbitzin and Shenoi, who had meanwhile founded the Shenoi and Inderbitzin Social Activities Association (SISA)⁹⁰ in Switzerland. The letter stated that it would be wise “to keep an eye on the charitable nature of the activities of SISA in Meilen and, while not necessarily challenging them, at least conduct a review.”⁹¹ The letter failed to mention any issues that the ruling may have raised regarding the Swiss consulate general’s cooperation with former ‘lawyer of confidence’ Bertram D. Shenoi.

Christina Inderbitzin subsequently endeavoured to salvage her tarnished reputation in Switzerland. In an article entitled ‘A Touch of One Thousand and One Nights’ in the Bernese daily newspaper *Der Bund* in March 1983, she hailed her lawyer as the “pioneer of legal adoptions”.⁹² For his part, Bertram D. Shenoi tried to come to Switzerland more often. In April 1983, he applied to the Swiss Federal Aliens Office for a long-stay visa,⁹³ presenting himself as a representative of European child welfare organisations.⁹⁴ Christina Inder-

86 Ibid.

87 Ibid.

88 Ibid.

89 M. J. Antony, *Child Adoption. Law and Malpractices*, New Delhi 1984, p. 33.

90 <https://zh.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-104.041.139>, 23. 2. 2024. The association runs an aid agency with the same name in India. Cf. also <https://sisa-swiss-indo.org>, 23. 2. 2024.

91 BAR, E4300C-01#1998/299#609*, confidential letter from Henri Ginier, Swiss consul general in Bombay to FDJP and Swiss Federal Aliens Office, 5. 8. 1983.

92 “Ein Hauch von ‘Tausendundeine Nacht’”, *Der Bund*, 15. 3. 1983, p. 13.

93 BAR, E4300C-01#1998/299#608*, form “Demande d’autorisation d’entrée en Suisse” [application for authorisation to enter Switzerland], 7. 4. 1983.

94 BAR, E2200.110#1994/350#19*, letter from Bertram D. Shenoi to Swiss consulate general, 7. 4. 1983.

bitzin contributed a letter of invitation.⁹⁵ In the end, the federal authorities granted a number of separate applications for entry to Switzerland.⁹⁶

The competent authorities in Switzerland became aware of the Bombay High Court judgment in the summer of 1983.⁹⁷ This coincided with the departure from the Zurich cantonal youth welfare office of the person responsible for the oversight of adoption placements. Although very probably related to the Indian court judgment, the reason for this departure cannot be determined because some of the records pertaining to Christina Inderbitzin's agency are no longer available. When contacted, the Zurich cantonal Office for Youth and Vocational Guidance indicated that it had transferred records on several Zurich adoption agencies to the Federal Office of Justice in 2003, when responsibility for oversight of adoption placements moved from the cantons to the federal administration.⁹⁸ The Federal Office of Justice confirmed that it had received the files but said that the transfer did not include any records pertaining to Christina Inderbitzin's agency Adoption Unity. The cantonal supervisory authority explained that this was for data protection reasons.⁹⁹ Ten years later, in 2013, the authority then transferred copies of files on individual adoption agencies to the cantonal archives (Zurich State Archives).¹⁰⁰ According to the head of the Zurich State Archives, Beat Gnädinger, these did not include any documents on Christina Inderbitzin's Adoption Unity either.¹⁰¹ When in 2023 the Federal Office of Justice contacted the Zurich cantonal Office for Youth and Vocational Guidance, the latter confirmed that it held no additional files on adoption agencies. Anything that had not been transferred to the Zurich State Archives in 2013 had been destroyed.¹⁰² The research team also contacted Christina Inderbitzin directly in writing. She stated that she was no longer involved in adoption placement activities and that the records dated

95 Idem, "Letter of Invitation" from Christina Inderbitzin, 11. 3. 1983.

96 Idem, form issued by Swiss consulate general in Bombay, 11. 4. 1983.

97 BAR, E4300C-01#1998/299#609*, letter classified as "confidential" from Swiss consul general in Bombay, Henri Ginier, to FDJP and Swiss Federal Aliens Office, 5. 8. 1983. Cf. BAR, E4300C-01#1998/299#1349*, letter from Zurich cantonal immigration police to Swiss Federal Aliens Office, 9. 9. 1983. This document asks that the letter from the Swiss consul general dated 5. 8. 1983 to head of Zurich cantonal youth welfare office be handled confidentially.

98 Letter to author from André Woodtli, head of Zurich cantonal Office for Youth and Vocational Guidance, 22. 9. 2020.

99 Email to author from Joëlle Schickel, joint head of the Private International Law Unit at the Federal Office of Justice, 31. 5. 2023.

100 Letter to author from André Woodtli, head of Zurich cantonal Office for Youth and Vocational Guidance, 22. 9. 2020.

101 Email to author from Beat Gnädinger, head of cantonal archives (Zurich State Archives), 21. 6. 2023.

102 Email to author from Joëlle Schickel, joint head of Private International Law Unit at Federal Office of Justice, 31. 5. 2023.

from too long ago and were thus “no longer available”.¹⁰³ She also declined to be interviewed.¹⁰⁴

There are, however, files in the Swiss Federal Archives on Christina Inderbitzin’s adoption mediation activities. In March 1984, she again contacted the Zurich cantonal youth welfare office, to ask how she could obtain official authorisation. Like his predecessor, the newly appointed head of the mother and child division [*Abteilung für Mutter und Kind*] came to the conclusion in 1979 that Inderbitzin needed to apply for accreditation. Her work involved selecting and vetting the homes of prospective adoptive parents, preparing the paperwork and sending it to India. She was thus acting both as a point of contact and advisory service and as the administrative hub through which all payments were made.¹⁰⁵ This raised the question as to how it was that a woman had, with the knowledge of the youth welfare office, been placing Indian children with a view to adoption in Switzerland since 1978 – that is for six years – without proper accreditation. Meanwhile, the conference of directors of the cantonal youth welfare offices, chaired at the time by Heidi Burkhard, the head of the Zurich cantonal youth welfare office, had complained that adoptions were being arranged by people with no accreditation who were prepared to “procure a child (even by illegal means) for an appropriate fee”.¹⁰⁶

The new head of the mother and child division at the Zurich cantonal youth welfare office, who had a doctorate in child protection, could have been expected to have the best interests of the child at heart when overseeing adoption placement practices and to take notice of the Bombay High Court’s extremely critical assessment of Christina Inderbitzin’s lawyer Bertram D. Shenoï. It is therefore surprising that in 1984 he of all people should grant Christina Inderbitzin the necessary accreditation. She lacked the qualifications required under the 1973 *Ordinance on Adoption Placement*, which was why the Zurich cantonal youth welfare office had refused to grant her accreditation in 1979. According to the child welfare specialist at the youth welfare office, these qualifications were not strictly necessary, and an exception could be made since she had the social welfare authorities’ approval. Christina Inderbitzin’s enquiries were “professionally sound, multi-dimensional” and always undertaken with “a genuine sense of responsibility” towards the child.¹⁰⁷ The

103 Email to research team from Christina Inderbitzin in response to enquiry dated 19. 12. 2022, 28. 12. 2022.

104 Letter from the research team to Christina Inderbitzin, 17. 11. 2023, and email to research team from Christina Inderbitzin, 23. 11. 2023.

105 BAR, E4110B#1988/166#396*, decision of Zurich cantonal youth welfare office, 26. 3. 1984.

106 Idem, position statement by conference of directors of cantonal youth welfare offices, president Heidi Burkhard, to Federal Office of Justice, 25. 10. 1983.

107 BAR, E4110B#1988/166#396*, decision of Zurich cantonal youth welfare office, 26. 3. 1984.

Ordinance on Adoption Placement also explicitly required ‘auxiliary staff’ to have a proven good reputation.¹⁰⁸ On the basis of the recent Bombay High Court judgment, Bertram D. Shenoï did not meet this criterion. The Zurich cantonal youth welfare office circumvented the problem by indicating in its decision that Christina Inderbitzin worked with “experts” and did not employ any “auxiliary staff”,¹⁰⁹ thus releasing her from the obligation to prove her partner had a good reputation. Neither did the cantonal youth welfare office deem it necessary that she communicate her fees. With regard to her working methods, the supervisory authority made reference to a brochure that was still in the pipeline. In issuing the accreditation, the Zurich cantonal youth welfare office thus ignored a number of legal requirements.¹¹⁰ Now that she had obtained accreditation, Christina Inderbitzin was able to write in block capitals in her letterhead as “Founder & Director” of Adoption Unity that she was “LICENSED & SUPERVISED BY THE YOUTH MINISTRY OF THE CANTON OF ZURICH FOR SWITZERLAND”.¹¹¹ Her correspondence also bore an official-looking stamp from the foster services unit of the Zurich city social services department.¹¹² This sent a clear message to prospective adoptive parents in Switzerland and the authorities in India: Adoption Unity was working hand in hand with the social services.

A country doctor with a ‘Home for Little Angels’: Rupert Spillmann

Some of the Indian children adopted in the cantons of Zurich and Thurgau between 1973 and 2002 were placed by Adoption International.¹¹³ This was an association based in Kreuzlingen, established in February 1980 by the doctor Rupert Spillmann. According to its statutes, the association was politically and religiously neutral and pursued several missions. These were to “provide care for orphaned children in need worldwide”, support adoptive parents, raise awareness of adoption and advise “adoption centres in all parts of the world”.¹¹⁴ The statutes omitted the keyword *Adoptionsvermittlung* [adoption placement], although Rupert Spillmann had stated a few months earlier in the

108 *Ordinance on Adoption Placement* of 28. 3. 1973, which came into force on 16. 4. 1973, Art. 5 para. 1b.

109 BAR, E4110B#1988/166#396*, decision of Zurich cantonal youth welfare office, 26. 3. 1984.

110 Ibid.

111 Private archive, letter from Christina Inderbitzin to Superintendent/Hony., Secretary Child Placement Institution in India, 31. 10. 1985.

112 StArZH, V.K.c.15.: “Serie” 1993-1997.13702, standard letter to Bertram D. Shenoï, n.d.

113 Cf. tables on p. 180 and 186.

114 StABE, BB 03.4.685, statutes of AdInt, 26. 2. 1980, Art. 1 para. 2, Art. 2 para. 1–3.

weekly magazine *Schweizer Illustrierte* that he was scheduled to have a meeting on this topic with the head of the Federal Department of Justice and Police, Federal Councillor Kurt Furgler of the Christian Democratic People's Party.¹¹⁵ In May 1980, the magazine published another article describing Rupert Spillmann's plans. "The UN High Commissioner has now commissioned Adoption International to carry out the whole investigative operation, starting with 3,000 children in a camp controlled by the UNHCR."¹¹⁶ The aim of these investigations was clarify whether the children who had fled to Thailand after the Vietnamese invasion of Cambodia still had relatives. This was "a tremendous vote of confidence", wrote Rupert Spillmann, and "but it also means we need more people and more resources."¹¹⁷ With a direct line to the Federal Council and a 'mandate' from the UN as an expert in children's aid, Rupert Spillmann now launched his adoption agency. He endeavoured to recruit people "of rank and reputation".¹¹⁸ In addition to doctors and directors of university hospitals, he gained the backing of numerous politicians including St Gallen entrepreneur and member of the National Council Edgar Oehler of the Christian Democratic People's Party (CVP), who took a seat on the association's board.¹¹⁹ Bernese notary and member of the Council of States Arthur Hänsenberger of the Radical Free Democratic Party (FDP) and Zurich doctor and proponent of preventive medicine National Councillor Meinrad Schär from the Alliance of Independents (LdU) became honorary board members.¹²⁰ In October 1980, bolstered by the support of these influential figures, Rupert Spillmann applied for a five-year accreditation to arrange adoption placements in the canton of Thurgau. In his view, the association was an international organisation like Amnesty International,¹²¹ and he initially referred to it using the abbreviation 'AI', writing it in lowercase (ai)¹²² before settling on the acronym 'AdInt'. With regard to his working methods, he explained that the initial selection of interested couples took place on the basis of an application form, and he would then contact authorities and parish offices to enquire about the couples' suitability. The next stage was obtaining consent in India to take the child out of the coun-

115 Gerardo Zanetti, "Wir müssen Kambodschas Waisen retten!", *Schweizer Illustrierte*, 3. 12. 1979, p. 20.

116 Gerardo Zanetti, "Der Mensch lebt nicht vom Reis allein", *Schweizer Illustrierte*, 19. 5. 1980.

117 Ibid.

118 1st annual report (1981). Cf. StABE, BB 03.4.685, list of honorary board members, 26. 8. 1980.

119 Idem, report "Organisation und Tätigkeit 1981-1982" [organisation and activities 1981-1982]. The Swiss Christian Democratic People's Party (CVP) politician was also involved in Alice Honegger's adoption agency. Cf. Sabine Bitter, Annika Bangerter, Nadja Ramsauer, *Adoptionen von Kindern aus Sri Lanka in der Schweiz 1973-1997. Zur Praxis der privaten Vermittlungsstellen und der Behörden. Historische Analyse betreffend das Postulat Ruiz 17.4181 im Auftrag des Bundesamts für Justiz*, 2020, p. 181-185.

120 Idem, list of honorary board members, 15. 10. 1982.

121 Idem, letter from Rupert Spillmann, AdInt, to Thurgau government council, 17. 10. 1980.

122 Idem, title page of statutes of AdInt, 26. 2. 1980.

try and the consent of the biological parents. Regarding the placement fees, he indicated that the initial costs would be covered by the association's funds, and any subsequent fees would be determined at a later date. He enclosed copies of the qualifications and references of the newly hired director.¹²³ Adoption International received accreditation from the Thurgau government council in December 1980. In its decision, the council concluded that the good reputation of all board members and Rupert Spillmann's experience in international development met the criteria outlined in the *Ordinance of 28 March 1973 on Adoption Placement*. It also noted that he was in contact with organisations in other countries and was supported by experts, such as a lawyer with experience in the foster care sector.¹²⁴

Once the authorities had issued the accreditation, the association's director got to work, informing the cantonal authorities about an additional office they had opened in Bern.¹²⁵ In August 1981, association president Rupert Spillmann opened a bank account in Bombay in the name of a doctor and his wife who lived there.¹²⁶ An infosheet informed prospective adoptive parents about the association's placement of children from India and Thailand and the documentation required for each country.¹²⁷ It also listed the "total costs for a child" at around 6,000 Swiss francs.¹²⁸ In addition to the association's director, Rupert Spillmann hired a manager for the headquarters in Kreuzlingen,¹²⁹ even though the association's finances were so tight that in 1982 he approached the FDFA to apply for funding, albeit unsuccessfully.¹³⁰

In mid-January 1982, an Adoption International employee travelled to India for a hearing at the Swiss embassy in New Delhi. She planned to set up a 'liaison office' in India, but complained of a lack of support from the Indian authorities. It was therefore suggested that someone accompany her to visit Sister Waldtraut, an Ingenbohl nun with experience in this field.¹³¹ During a subsequent visit to the consulate general in Bombay, she was also given the addresses of five homes

123 Idem, letter from Rupert Spillmann, AdInt, to Thurgau government council, 17. 10. 1980.

124 BAR, E4300C-01#1998/299#609*, formal written record from Thurgau government council, 16. 12. 1980.

125 StABE, 04.4.685, letter from director of AdInt to Andreas Schultz, head of Bern cantonal youth welfare office, 23. 3. 1981; idem, letter from social worker at adoptions division of Zug cantonal department of home affairs to director of AdInt, 24. 7. 1981.

126 StABE, BB 03.4.686, letter from Rupert Spillmann, AdInt, to Reserve Bank of India in Bombay, 6. 8. 1981.

127 StABE, BB 03.4.685, list of documents for adoption applications in India and Thailand, n.d.

128 Idem, infosheet "Kosteninformation" [information on costs], 1. 10. 1984.

129 StABE, BB 03.4.686, activity report of AdInt Children and Family Office, March 1982.

130 BAR, E2023A#1998#212#1161*, letter from director of AdInt, addressed to "E. D. A., Abteilung internationale Hilfe" [FDFA international aid division], 12. 1. 1982; BAR, E2200.110#1994/350#19*, letter from humanitarian aid division at FDFA to Swiss embassy in New Delhi, 28. 1. 1982.

131 BAR, E2023A#1998#212#1161*, written record of Swiss embassy discussion, 13. 1. 1982.

that placed children for adoption.¹³² Nevertheless, the consulate general reported to Bern that she had made no progress and had been turned down by the Missionaries of Charity (MOC).¹³³ “Mother Teresa in Calcutta would unfortunately only place children with Catholic foster parents.”¹³⁴

The association’s first attempts to establish itself as an aid organisation and adoption agency thus came to nought. In his 1981 annual report, Rupert Spillmann wrote that they had tried in vain to take in Cambodian refugee children. A school for Vietnamese children in Thailand had been abandoned after the refugee camp was closed. In the United States, they had established the first local branch of Adoption International, which was still overcoming legal hurdles.¹³⁵ There was a lot of dissatisfaction at the general meeting in February 1982. The revenue generated by the Kreuzlingen office exceeded reported figures and disparities in wages existed between the two locations. Several board members resigned, including the director and the auditor.¹³⁶ The legal service of the Thurgau cantonal department of justice, police and welfare caught wind of these problems and in March 1982 requested information about the changes in personnel and restructuring.¹³⁷ The association never got back to them. In May, Adoption International closed its office in Kreuzlingen, dismissed its director and made the office in Bern its headquarters.¹³⁸

Rupert Spillmann now applied to the Bern cantonal youth welfare office for authorisation to place children from India and Thailand for adoption in Switzerland. In October 1982, he received temporary accreditation until the end of 1983.¹³⁹ This was not the end of the association’s problems, however. The Adoption International representative who had made initial contacts during her visit to India resigned in December 1982. The Bern cantonal youth welfare office asked Rupert Spillmann for a statement. The latter put the resignations down to a difference of opinion. The staff member had not considered the “rehabilitation of adoption by a large organisation” a realistic aim and had wanted to place children from countries where they were “available without

132 BAR, E2200.110#1994/350#19*, letter from Swiss consulate general in Bombay to humanitarian aid division of FDFA development cooperation and humanitarian aid department, 12. 2. 1982.

133 The Missionaries of Charity were established in 1950 by Mother Teresa and officially recognised as a Congregation of Pontifical Right by Pope Paul VI in 1965.

134 BAR, E2023A#1998/212#1161*, letter from Swiss consul general in Bombay, Henri Ginier, to humanitarian aid division of FDFA development cooperation and humanitarian aid department, 29. 3. 1982.

135 StABE, BB 03.4.685, AdInt annual report for 1981, 9. 2. 1982.

136 Idem, written record of AdInt general meeting, 20. 2. 1982.

137 Idem, letter from legal service of Thurgau cantonal department of justice, police and welfare to AdInt, with copy to Federal Office of Justice, 3. 3. 1982.

138 Idem, letter from Rupert Spillmann, AdInt, to the legal service of the Thurgau cantonal department of justice, police and welfare, 22. 6. 1982.

139 Idem, application by Rupert Spillmann, AdInt, to Andreas Schultz, head of Bern cantonal youth welfare office, 22. 9. 1982; BAR, E4110B#1988/166#396*, accreditation from Bern cantonal justice department, 15. 10. 1982.

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Tel 031/22 60 28, Kinder- und Familienbetreuungsbüro
Tel 031/22 60 27 Zentralsekretariat

Bern, 1. Oktober 1984

Beilage: Kosteninformation

Infolge erneuter Teuerungsanpassung sind unsere Pauschalpreise ab sofort wie folgt festgelegt:

Informationsgespräch	Fr. 40.--
Homestudy, für beide Länder (Reisespesen und Uebersetzungskosten nicht inbegriffen)	Fr. 400.--
Monatsgeld für Pflegeplatz ab Datum der Zuteilung in:	
Bangkok	Fr. 100.--
Bangalore	Fr. 100.--
Bombay	keine Pauschale
individuelle Abrechnung pro Kind z.Zt. ca. Fr. 9.-- / Tag	
Kinderbillet (bis 2 J.) für Flug Bombay-Zürich	Fr. 165.--
Billet der Begleitperson für Flug Bombay-ZH	Fr. 1'800.--
Kinderbillet für Flug Bangalore-Bombay mit Begleitperson	Fr. 200.--
Zur Zeit belaufen sich die Gesamtkosten für ein Kind aus:	
Bombay	auf ca. Fr. 6000.--
Bangalore	" " Fr. 6000.--
Bangkok (ohne Reise)	" " Fr. 2500-3000.--

Alle zusätzlichen Kosten werden pro Kind im Lande selber von ADOPTION INTERNATIONAL abgerechnet und nach der Ankunft in Rechnung gestellt.

Die Administrations-Kosten in der Schweiz werden ebenfalls individuell verrechnet, ebenso Telefon, Stempel- und andere Gebühren. (Die einzelnen Beträge werden im Dossier täglich aufgelistet, diese Liste kann auf Wunsch eingesehen werden.)

Wir wollen nicht "gekaufte Kinder", aber andererseits dürfen die Kosten der Adoptivkinder nicht auf das Konto der Spendengelder von Adoption International abgewälzt werden.

Fig. 4: The agency Adoption International, which was established in the canton of Thurgau and later relocated to the canton of Bern, provided hopeful couples with information about the 'overall costs for a child'. StABE, BB 03.4.685.

much difficulty”.¹⁴⁰ She had demanded a change of concept, which had led to disagreements and the resignation of board members.¹⁴¹ However, the Bern cantonal youth welfare office learned from the staff member in question at the beginning of 1983 that the committee of experts whose job it was to examine the applications of prospective adoptive parents had also resigned. Without involving the committee, the president of the association had tasked the staff member to assess a couple who had pledged a lot of money for the placement of a child. She had refused, whereupon the president “like so often, threatened to resign” and to “leave us alone with the whole financial debacle.”¹⁴² She had lost sleep over this, and so submitted her own resignation. On the basis of these statements, the Bern cantonal youth welfare office withdrew the association’s accreditation to arrange adoption placements and informed the Federal Office of Justice.¹⁴³

Rupert Spillmann did not accept this decision and suggested merely suspending the application until he had filled the vacant positions.¹⁴⁴ He also attempted to raise further funds by amending the association’s statutes in February 1983. According to the rather vague and business-oriented new mission statement, the association sought to “establish businesses and commercial operations” in order to generate income.¹⁴⁵ At the general meeting, he announced that thanks to donations it was possible to co-finance the Surabala Nilaya Sangha [Home for Little Angels] in Bangalore (since 2014 Bengaluru) to house children who would be brought to Switzerland for adoption.¹⁴⁶ The employee who had resigned from Adoption International travelled to India again in February 1983, as she had been instructed by the association in consultation with the Bern cantonal youth welfare office to wrap up the pending cases.¹⁴⁷ She was not impressed by what she saw at the home. She described the carer as a “swindler” because the latter had given a lawyer false documents about a child.¹⁴⁸ The president of the association then threatened to bring a complaint against her for maliciously harming the association’s creditworthi-

140 StABE, BB 03.4.685, letter from Rupert Spillmann, AdInt to Andreas Schultz, head of Bern cantonal youth welfare office, 17. 12. 1982.

141 Ibid.

142 Idem, letter from employee of AdInt to Andreas Schultz, head of Bern cantonal youth welfare office, 2. 1. 1983.

143 Idem, decision of Bern cantonal justice department with copy to the Federal Office of Justice, 4. 1. 1983.

144 Idem, letter from Rupert Spillmann, AdInt, to Andreas Schultz, head of Bern cantonal youth welfare office, 3. 2. 1983.

145 StABE, BB 03.4.686, written record of 3rd ordinary general meeting of AdInt, 26. 2. 1983.

146 Idem, 1982/83 annual report by Rupert Spillmann, AdInt, February 1983.

147 StABE, BB 03.4.685, letter from Rupert Spillmann, AdInt, to employee, 20. 4. 1983.

148 StABE, BB 03.4.686, report “Last report to Dr. Spillmann of the prevailing difficulties in the adoption work Bangalore, South India” by employee of AdInt, 25. 3. 1983.

ness, mismanagement and defamation.¹⁴⁹ After another visit to Bangalore, the employee again contacted the Bern cantonal youth welfare office to describe the situation. She wrote that even during her first visit she had had doubts because children for whom a placement had been arranged repeatedly “disappeared”.¹⁵⁰ In other words, she pointed to the kinds of dealings that the UN Committee against Enforced Disappearances is currently considering in connection with criminal offences.¹⁵¹

Despite this very critical assessment by the employee, in May 1983 Rupert Spillmann applied to the Bern cantonal justice department for provisional accreditation to arrange adoptions.¹⁵² The authority forwarded the application to a specialist in private international law at the Federal Office of Justice.¹⁵³ The expert then asked the Swiss embassy to look into the reputation of six people working for Adoption International in India.¹⁵⁴ The embassy forwarded this request to the consulate general, which promised to investigate the matter and report back.¹⁵⁵ The Bern cantonal justice department did not wait for the response. At the start of July, it granted Adoption International provisional accreditation to place children from India and Thailand, reserving the right to re-evaluate the situation once it received the feedback from the consulate general.¹⁵⁶ In the meantime, the consulate general had been informed confidentially by the Indian Council of Social Welfare that the persons working for Adoption International in India were not properly suited to the task.¹⁵⁷ This information was also communicated to the Federal Office of Justice.¹⁵⁸

Rupert Spillmann continued to seek support from influential contacts. In early 1984, he approached the head of the FDFA, Federal Councillor Pierre Aubert of the Social Democratic Party. Spillmann argued that he would only get permanent accreditation if his staff in India were vetted by the diplomatic

149 StABE, BB 03.4.685, letter from Rupert Spillmann, AdInt, to employee, 20. 4. 1983.

150 Idem, letter from AdInt employee to Bern cantonal youth welfare office, 17. 5. 1983.

151 This UN committee reviews state parties' implementation of the International Convention for the Protection of All Persons from Enforced Disappearance. Under specific conditions, intercountry adoptions carried out in illegal circumstances could constitute enforced disappearance. Cf. contribution “Assisting Adoptees in their Search for Origins”, Celin Fässler, p. 265–277.

152 StABE, BB 03.4.685, letter from Bern cantonal justice department to AdInt, 31. 5. 1983. The letter mentions the application of 25. 5. 1983.

153 StABE, BB 03.4.686, written record of AdInt's hearing at Bern cantonal youth welfare office on 10. 5., 20. 5. 1983.

154 BAR, E2200.110#1994/350#19*, letter from an employee of Private International Law Unit of Federal Office of Justice to Swiss embassy in New Delhi, 20. 5. 1983.

155 Idem, letter from Peter S. Erni, Swiss ambassador in New Delhi to Federal Office of Justice, 2. 6. 1983; BAR, E4110B#1988/166#396*, letter from Swiss consulate general in Bombay to Federal Office of Justice, 27. 6. 1983.

156 Idem, accreditation from Bern cantonal justice department, 1. 7. 1983.

157 BAR, E2200.110#1994/350#19*, letter from Indian Council of Social Welfare to Swiss consulate general, 1. 8. 1983.

158 Idem, letter from Henri Ginier, Swiss consul general in Bombay, to the Federal Office of Justice, 8. 8. 1983.

representations.¹⁵⁹ Although the consulate general had already done this and had not come to a positive conclusion, in response to Rupert Spillmann's request, the head of the FDFA asked the consulate general to vet them again. This effort did not yield the desired result; the Swiss consul general in Bombay informed the Federal Office of Justice in March 1984 that there had been no response from the Indian Council of Social Welfare, and that unless otherwise notified, he would consider the matter closed.¹⁶⁰ The Federal Office of Justice also decided to let the matter lie. It informed the Bern cantonal youth welfare office that not all of the feedback from India was "conclusive", but that further investigations would be disproportionately time-consuming.¹⁶¹ The Bern cantonal justice department thus went ahead and granted Adoption International permanent authorisation to act as an adoption agency for the placement of children from India and Thailand.¹⁶²

Now the association faced other challenges. Its finances were precarious, the secretariat had closed and work was done on a voluntary basis as no one was getting paid.¹⁶³ In 1984, the association nevertheless spent 334,000 francs, more than half of the 616,000 it had received in donations, on advertising.¹⁶⁴ There was also bad news from Bangalore. The Surabala Nilaya Sangha had not received agency status in India. Since the Laxmikant Pandey ruling in 1984, agencies needed to obtain accreditation from the authorities.¹⁶⁵ From that point on, the conditions became more stringent. The Swiss agencies had to submit to the Indian agencies a 'home study report', a report prepared by a professional social worker detailing the conditions in the homes of future adoptive parents. The latter were also obliged to send progress reports to India every six months following the child's arrival in Switzerland. The Surabala Nilaya Sangha later received temporary accreditation but lost it again in 1989 after India introduced further regulations.¹⁶⁶ The new director of Adoption

159 BAR, E4110-03#2008/300#564*, letter from Rupert Spillmann, AdInt, to head of FDFA, Federal Councillor Pierre Aubert, 26. 1. 1984.

160 BAR, E2200.110#1994/350/19*, letter from Swiss consul general in Bombay, Henri Ginier, to Federal Office of Justice, 12. 3. 1984.

161 StABE, BB 03.4.686, letter from Private International Law Unit at Federal Office of Justice to Andreas Schultz, head of Bern cantonal youth welfare office, 8. 5. 1984.

162 StABE, BB 03.4.685, accreditation from Bern cantonal justice department, 1. 8. 1984.

163 StABE, BB 03.4.686, written record of ordinary general meeting of AdInt, 24. 3. 1984.

164 StABE, BB 03.4.685, AdInt 1984 statement of financial performance.

165 Cf. contribution "Provisions and Practice. International Adoptions and the Law in India", Asha Narayan Iyer, p. 94.

166 Amita Dhanda, Gita Ramaswamy, *On Their Own. A Socio-Legal Investigation of Inter-Country Adoption in India*, Hyderabad 2005, p. 35.

International then returned from her trip to India in 1985 disillusioned about the competition. “The market has dried up,” she complained.¹⁶⁷

In autumn 1986, the entire board once more resigned.¹⁶⁸ The crisis came to a head when, in January 1987, Zurich foster parents complained about the agency to the Bern cantonal youth welfare office. “Instead of a slightly disabled child, we were given a severely disabled one.”¹⁶⁹ The couple already had five children of their own and were expecting a sixth. They asked to have the Indian girl placed somewhere else as they no longer wanted to adopt her. According to the jurist Marie-Françoise Lückner-Babel, this was a common occurrence. In a 1991 study, she found that in families that took in several children or already had several of their own, the adoptions tended not to come to pass.¹⁷⁰ In the abovementioned case in Zurich, the authorities were obliged to seek a new foster family. In the meantime, the child was placed in a home. The Bern cantonal youth welfare office intervened and demanded to see the files of this and another child.¹⁷¹ The association then announced that it was phasing out its adoption mediation activities and would no longer accept applications, but it would honour its existing contracts.¹⁷² The Bern cantonal justice department offered to facilitate this process. On the basis of the ‘phasing out concept’, it continued to grant the required authorisation year after year from 1987 until the end of 1993.¹⁷³ The 1991 annual report shows that Adoption International had placed a total of 148 children from India and Thailand in Switzerland since its foundation in 1980, two of whom were no longer alive. A Thai child had died in a road accident and an Indian boy had drowned in the Rhine.¹⁷⁴

Although Rupert Spillmann headed Adoption International from 1980 until the 1990s, a collection of memoirs he published in 2012 make no mention of adoption placement activities.¹⁷⁵ Since, at the age of 80, he was still a

167 StABE, BB 03.4.685, annex to confidential report on visit to India (14. 8.–1. 9. 1985) by AdInt employee, September 1985.

168 StABE, BB 03.4.686, written record of 2nd part of AdInt extraordinary general meeting from 1.–4. 11. 1986.

169 StABE, BB 03.4.685, letter from a foster family in canton Zurich to Bern cantonal youth welfare office, 14. 1. 1987.

170 Lückner-Babel (cf. note 7), p. 44.

171 StABE, BB 03.4.685, letter from Bern cantonal youth welfare office to AdInt, 19. 1. 1987.

172 StABE, BB 03.4.686, “Auslaufmodell” [phasing out] concept paper, 21. 10. 1987.

173 Idem, adoption agency accreditation from Bern cantonal justice department, 29. 12. 1987, 3. 10. 1988 and 2. 11. 1989. Cf. also BAR, E4114A#1999/156#1488*, adoption agency accreditation from Bern cantonal justice department, 1. 1. 1990 and 14. 11. 1991; StABE, BB 03.4.686, adoption agency accreditation from Bern cantonal justice department, 25. 1. 1993.

174 StABE, BB 03.4.686, AdInt 1991 annual report.

175 Rupert Spillmann, *Aus dem Leben eines Landarztes*, Thun 2012.

practising physician and had not been adverse to interviews in recent years,¹⁷⁶ the research team tried to contact him.¹⁷⁷ In his response to a request for interview, he replied that he had been forced to accept he had “set his sights too high” with Adoption International.¹⁷⁸ In the end, he had handed the organisation over to a staff member and gone on to establish various aid organisations in addition to his work as a general practitioner. “That is all I could tell you – it was a long time ago”, he wrote.¹⁷⁹

Not a closed case: Alice Honegger in India

Alice Honegger, the social worker from St Gallen, also succeeded in gaining a foothold in adoption mediation in India. She helped a couple from the canton of Zurich to take in a child from St Joseph’s Home and Nursery in Bombay as early as 1978.¹⁸⁰ Evidently, Alice Honegger was active in India before she began her adoption placement activities in Sri Lanka.¹⁸¹ This is a new finding. Alice Honegger was also a sought-after contact for hopeful adoptive parents in the canton of Thurgau.¹⁸² The St Gallen justice and police department had granted her accreditation to provide adoption mediation services in 1973.¹⁸³

A list shows that Alice Honegger placed several Indian children for adoption in Switzerland in 1980.¹⁸⁴ In February 1982, the justice division of the Aargau cantonal department of home affairs received a complaint about her activities in India. She had authorised a person to handover an Indian girl at Frankfurt airport whose mother in India had stated that she did not want to give up her child for adoption.¹⁸⁵ The couple declared that they had known nothing about this and were not prepared to return the child.¹⁸⁶ The Federal Office of Justice now instructed the Aargau authorities to obtain retroactive

176 <https://www.srf.ch/audio/regionaljournal-bern-freiburg-wallis/mit-83-noch-hausarzt-ich-moechte-noch-lange-weitermachen?id=12346555>, 23. 2. 2024.

177 Letter from research team to Rupert Spillmann, 13. 11. 2023.

178 Letter from Rupert Spillmann to research team, 7. 12. 2023.

179 Ibid.

180 BAR, E2200.64#2002/12#36*, letter from couple in canton Zurich to Swiss consulate general in Bombay, 16. 6. 1978.

181 Bitter/Bangerter/Ramsauer (cf. note 119), p. 55.

182 StATG, 3’00’722, no. 1683 of 1986; StATG, 40631, 0/120.

183 Bitter/Bangerter/Ramsauer (cf. note 119), p. 61.

184 StASG, StASG, A 488/4.1, part 2, dossier III, letter from Alice Honegger to member of St Gallen government council Florian Schlegel, 5. 12. 1980.

185 StASG, A 488/4.1, part 2, dossier III, report by a social worker from social welfare office of commune in canton Aargau to St Gallen department of justice and police, 5. 2. 1982.

186 Idem, letter from district council authority in canton Aargau to justice division of Aargau cantonal department of home affairs, 12. 12. 1980.



Fig. 5, 6: Indian children from the Roman Catholic St Joseph's Home in Bombay were also placed for adoption in Switzerland, including in the canton of Zurich. In 1978, Alice Honegger turned to this home to arrange an adoption for a Zurich couple supported by a 'lawyer of confidence' of the Swiss consulate general in Bombay, Bertram D. Shenoi. Photos: Andrea Abraham, Mumbai, 29. 1. 2023.

consent from the mother in India. "It would be a clear breach of the *Ordinance of 28 March 1973 on Adoption Placement* [...] if a child who had been expressly declared not free for adoption had been deliberately placed for adoption in Switzerland."¹⁸⁷ This means that the St Gallen cantonal justice and police department had been made aware of the unlawful handover of an Indian child by Alice Honegger two months before her abusive adoption placement activities in Sri Lanka came to light.¹⁸⁸ The authorities nonetheless decided to keep this case in India under wraps. In May 1982, when the St Gallen government council temporarily banned her from arranging adoptions of children in Sri Lanka, no mention was made of India.¹⁸⁹ It was only in the summer of 1982

187 Idem, letter from Federal Office of Justice to justice division of Aargau cantonal department of home affairs, 24. 4. 1981.

188 Bitter/Bangerter/Ramsauer (cf. note 119), p. 68 f.

189 StASG, A 488/4.1, part 2, dossier IV, decision of St Gallen cantonal justice and police department, 14. 5. 1982.

that the cantonal justice and police department asked Alice Honegger to provide information about her activities in India. The authorities learned little more than that she was placing children from the Asha Sadan Rescue Home.¹⁹⁰

The Swiss consulate general provided the St Gallen justice and police department and the federal authorities with additional, but still vague information in August 1982. The consulate had issued 58 visas for Indian children in the first seven months of the year, 34 of which were for children from the Missionaries of Charity home in Bombay. The authorities in Switzerland learned that most of the children from this home were not in fact orphans, but the illegitimate children of prostitutes and/or victims of sexual violence, and that the proper procedure was being followed in India. While the communication did include a criticism, it also assumed everyone would be on the same page in thinking that “if in individual cases [...] minor or more sizeable ‘gratuities’ had been or were being paid under the table [...], this should be no reason to obstruct a worthy cause such as the honest desire to adopt a child.”¹⁹¹ Notwithstanding mentions of potential bribery and the allusion to sexual violence suffered by the mothers of some of the children, the overall assessment was not unfavourable for Alice Honegger. When the St Gallen government council lifted the ban on her bringing children over from Sri Lanka to Switzerland in mid-October 1982, she was explicitly authorised to place children from India as well as Sri Lanka.¹⁹²

It was not possible to ascertain the total number of children Alice Honegger brought from India to Switzerland between 1973 and 1997 or the role played by Pedro Sutter, a social worker briefly employed by her organisation *Kinder-Fürsorge* [Children’s Welfare]. Records in the archives show that he was also involved in placing children from India,¹⁹³ but in media interviews he has so far limited his comments to the placement of Sri Lankan children.¹⁹⁴ The files requested by the authorities on Sri Lanka were transferred to the St Gallen state archives by the Adoptio Foundation in 2020. This collection comprises dossiers relating to 253 families, which also contain occasional references to Indian children.¹⁹⁵ It is still unclear whether specific files were kept on

190 Idem, memo from official guardianship service of St Gallen cantonal justice and police department, 19. 7. 1982.

191 Idem, memo from Swiss consulate general in Bombay with copies to FDFA, Swiss Federal Aliens Office, Federal Office of Justice, Swiss embassy in New Delhi and St Gallen cantonal justice and police department, 6. 8. 1982.

192 Bitter/Bangerter/Ramsauer (cf. note 119), p. 76.

193 StASG, W 354/2.061, correspondence between Pedro Sutter and couple in canton Bern, 17. 5. 1984 and 7. 5. 1985, juvenile court in Bombay, 29. 4. 1985, and the Asha Sadan Rescue Home in Bombay, 7. 5. 1985.

194 Cf. <https://www.srf.ch/news/schweiz/skandal-um-adoptierte-kinder-illegaler-babyschmuggel-aus-sri-lanka-in-die-schweiz>, broadcast on 16. 5. 2018, accessed 26. 2. 2024. Cf. also Otto Hostettler, “Man konnte auf Bestellung ein Kind ‘kaufen’”, *Beobachter*, 28. 12. 2023.

195 Cf. inter alia StASG, A 488/4.1, part 2, dossier III, Alice Honegger to government council member Florian Schlegel, 6. 12. 1979; idem, Alice Honegger to government council member Florian Schlegel, 5. 12. 1980; StASG,

Indian adoptees. It should be noted that in some cases Alice Honegger did not tell the supervisory authority whether the children she had placed with families in Switzerland came from Sri Lanka or India.¹⁹⁶ According to Back to the Roots, several adoptees who were brought to Switzerland by Alice Honegger have to this day not been able to find out whether they really came from Sri Lanka. These adoptees' records state that they were of Sri Lankan nationality, but the stories of their adoptive parents and the results of DNA tests support the theory that they could have come from elsewhere.¹⁹⁷ The case of Alice Honegger in India should therefore not yet be closed.

Conclusion

Except for the founder of the association Adoption International, the principal figures in the field of adoption placement were women of different professions who had several things in common. Whether psychologist, psychiatric nurse, nun, businesswoman or social worker, they established a niche for themselves in which they could engage in gainful employment, live abroad or travel extensively and make international contacts – at a time when some of their contemporaries in Switzerland still needed their husband's permission for certain things. Through their work in adoption mediation, they acquired significant autonomy, which can be seen in terms of emancipation and self-empowerment. It also gave them the power to select couples, allocate babies and decide who should become a parent. At the same time, the adoption mediators built their careers on the economic, social and gender disparities that existed in the children's countries of origin. In the process, they disregarded laws and regulations designed to protect children in Switzerland and abroad.

Adoption placements, for which couples in Switzerland paid between 6,000 and 20,000 francs, were also a way of earning money. For people in more affluent countries, they were a way to exploit their buying power. By offering these services, the adoption agents created demand and turned adoption into a commercial endeavour, a trend that has also been observed since

A 488/4.1, part III, G 1.5, letter from Alice Honegger to St Gallen cantonal justice and police department, 29. 12. 1990; letter from Alice Honegger to guardianship service of St Gallen cantonal justice and police department, 5. 1. 1992; idem, letter from St Gallen justice and police department to International Social Service Switzerland, 25. 10. 1996.

196 StASG, A 488/4.1, part 2, dossier III, Alice Honegger to government council member Florian Schlegel, 5. 12. 1980 and 26. 12. 1979.

197 Email from Sarah Ramani Ineichen to research team, 7. 2. 2024.

the mid-20th century in other countries including the United States.¹⁹⁸ The women who worked in this profession and the initiator of Adoption International were prepared to go to great lengths to further their cause, asking for donations, writing to federal councillors, sending their compliments to the authorities in Bern, presenting dignitaries with culinary treats from back home or appearing in magazines to promote the humanitarian nature of their activities.

Our findings on the placement of Indian children in Switzerland align with the overall conclusion of the study by Nadja Ramsauer, Rahel Bühler and Katja Girschik. The federal authorities and Swiss representations abroad were aware of numerous indications that the adoption of children involved illegal practices.¹⁹⁹

However, our study, based on a wider range of sources that included individual case files and numerous interviews with experts in India, arrives at a more nuanced and critical assessment of intercountry adoption practices in connection with India. Not only did the Swiss official representations in India, the federal authorities and the cantonal authorities have ample evidence of illegal adoptions from India, this evidence was literally on their doorstep. For example, the Swiss consulate general worked for years with a ‘lawyer of confidence’ by the name of Bertram D. Shenoï, who had been accused by the Bombay High Court of illegally transferring children from all over the subcontinent, treating them as objects in a “lucrative” international “export” operation and deceiving the court by disguising the children’s place of residence.²⁰⁰ This lawyer was also the cooperation partner of Christina Inderbitzin, the adoption agent from the Zurich area. Furthermore, the Swiss embassy in New Delhi had been presented with the case of an Indian child illegally transferred to Switzerland by the ‘lawyer of confidence’ in collaboration with Ingenbohl Sister Waldtraut. This child had to be returned to India because the biological mother claimed to have been tricked and demanded her child back.²⁰¹ Both Swiss representations were well acquainted with the adoption agents who applied for visas for the Indian children and worked with lawyers whose reputations had been called into question by the Indian authorities. The Swiss representations were not only presented with evidence of dubious or illegal adoption practices, they themselves encouraged such practices by working with named individuals known

198 Isabel Heinemann, “Adoptionswillige Paare, Geburtseltern und die Nation. Konflikte um Elternschaft und Familie in den USA der 1960er bis 1980er Jahre”, in: Bettina Hitzer, Benedikt Stuchtey (ed.), *In unsere Mitte genommen. Adoption im 20. Jahrhundert*, Göttingen 2022, p. 211–232.

199 Ramsauer/Bühler/Girschik (cf. note 5), p. 65–80.

200 Cf. p. 153 and 154.

201 Cf. p. 149.

to be involved in unlawful practices and the transfer of children to Switzerland in suspicious circumstances. Even in the face of scandals, there were no repercussions.

Back in Switzerland, the authorities not only had access to indications of illegal adoption, they also helped shape such practices by ignoring the regulations that had been put in place to protect children in Switzerland. The cantonal youth welfare offices in the cantons of Vaud, Geneva and Zurich, and the supervisory authority in the canton of Appenzell Ausserrhoden, allowed adoption agents based in Switzerland including Helga Ney, Jo Millar, Christina Inderbitzin and Elisabeth Kunz to operate for years without accreditation, contrary to the legal requirements. In the case of Elisabeth Kunz, the cantonal supervisory authority intervened on several occasions, but was unable to ensure compliance. Christina Inderbitzin had been arranging adoptions for some time before the youth welfare office, the supervisory authority in the canton of Zurich, retroactively granted her accreditation even though she did not meet basic requirements such as a professional qualification in children's social work.

Indian Adoptees in the Cantons of Zurich and Thurgau

SABINE BITTER

Of the 2,278 Indian girls and boys adopted in Switzerland between 1979 and 2002, 256 children, or 11 per cent, grew up in families in the canton of Zurich.¹ India was the most common country of origin of children brought to Zurich for adoption. India and Sri Lanka were also the main countries of origin for children adopted in the canton of Thurgau. In addition to 33 Sri Lankan children, 30 Indian children were adopted here during the focus period of the study.² Those looking for an Indian child to adopt often turned to one of two Swiss representations, in New Delhi or Bombay. In the autumn of 1972, for example, a couple from the canton of Zurich contacted the consulate general in Bombay. They had applied to the Asha Sadan Rescue Home for two little girls. Having received no response, they asked the consulate to contact the home to ask the reason for this “silence”.³

The Federal Aliens Police, which later became the Swiss Federal Aliens Office, were also involved in the arrangement of adoptions from India since they issued the entry permits for Indian children and authorised the Swiss representations to issue visas. In the context of these transfers of children, in 1977 the Indian Council for Child Welfare enquired how many Indian children had been brought to Switzerland so far, how the entry procedure was organised and whether there had been any difficulties.⁴ Although Terre des Hommes, Alice Khan-Meier and Elisabeth Kunz had long been placing Indian

1 “Adoptions selon le canton, le sexe et la nationalité de la personne adoptée avant l’adoption” [Adoptions by canton, sex and citizenship prior to adoption of the adopted person 1979–2020], table of the Federal Statistical Office, obtained on request, 28. 12. 2023. This table refers to the total number of adoptions that took place in Switzerland during this period. The actual numbers of Indian adoptees in the canton of Zurich and throughout Switzerland could be higher as this data was only collected from 1979 onwards. For the canton of Thurgau, comprehensive figures are available as the adoption decisions concerning the Indian children were all issued after 1979.

2 Ibid.

3 BAR, E2200.110#1991/106#31*, letter from prospective adoptive parents in canton Zurich to Swiss consulate general in Bombay, 21. 11. 1972.

4 BAR, E2200.64#2010/73#51*, letter from Indian Council of Social Welfare to Swiss embassy in New Delhi, 23. 3. 1977.

children for adoption in Switzerland, the Indian authorities apparently had little knowledge of what was going on.⁵

To gather information on Indian adoptees in Zurich and Thurgau it was necessary to consult various archives and different types of historical sources. In the canton of Zurich, information on the individual adoption cases had to be pieced together from documents located in the Zurich and Winterthur city archives, the archives of the cantonal office of municipalities and the cantonal archives (Zurich State Archives). In the Zurich cases, the Zurich immigration police files proved particularly useful because they listed the Indian and Swiss adoption agencies for each child entering Switzerland. For the canton of Zurich, three sub-samples were compiled comprising 60 or 30 cases (A1–60, B1–60, C1–30). The Thurgau cantonal archives (Thurgau State Archives in Frauenfeld) hold centralised records on nine adoption agencies, including Adoption International, an association that brought children from India and elsewhere to Switzerland for adoption.⁶ While the individual files vary in size, it was possible to compile a sample that includes all 30 Indian adoptions (D1–30) in this canton.⁷ To reconstruct how adoptions of Indian children in the two cantons were arranged, files from the Appenzell Ausserrhoden, Bern and St Gallen cantonal (state) archives and the Swiss Federal Archives were also consulted.

Based on these samples, it was possible to compile the first illustrative overview of Indian adoptive children in Switzerland as a whole, considering factors like gender, age, the Swiss and Indian adoption agencies involved, geo-

5 Cf. contribution "The Role of Adoption Agencies in the Placement of Children from India in Switzerland", Sabine Bitter, p. 139–171.

6 StATG, 4'635,0 Adoption International children's charity (canton Bern). The Thurgau cantonal archives also hold records on adoptions arranged by a number of other agencies: Vereinigung für Adoptionshilfe [Association for Adoption Aid] (canton Solothurn); Fondation Familles sans frontières [Families without Borders Foundation] (canton Vaud); Françoise Aebi (canton Vaud); Fondation Ouvrir tes mains SOS adoption [Open Your Hands SOS Adoption Foundation] (canton Fribourg); RomAdopt (canton Aargau); Verein Pro Kind [Pro Child Association] (canton Zurich); Lanka Child (canton Lucerne); Bureau genevois d'adoption [Geneva Adoption Bureau] (canton Geneva).

7 TG sample D1–30 contains all the files that could be found pertaining to the 30 Indian adoptees. Due to changes of residence, it also includes files from other cantonal archives in individual cases: D1: StATG, 4'635, 10/13, and StATG, 3'00'650, no. 1993 of 1980; D2: StATG, 4'631, 0/123, StASG, W 354/2.095, and StAZH, Z 527.469; D3: StATG, 3'00'722, no. 1683 of 1986; D4: StATG, 4'631, 0/120; D5: StATG, 4'635, 0/8, and StATG, 3'00'719, no. 1123 of 1986, and StATG, "Gemeindeakten" C 21, 2.2. VB W. "Adoptionen abgelegte Fälle 1983–1989" ("Zwischenarchiv"); D6: StATG, 4'635, 0/0, and "Gemeindeakten" C 21, 2.2. VB, W. "abgelegte Adoptionen 1983–1989" ("Zwischenarchiv"); D7: StATG, 4'635, 0/1; D8: StATG, 4'633, 0/39; D9: StATG, 4'635, 0/5, and StATG, 3'00'765, no. 1126 of 1990; D10: StATG, 4'631, 0/150, and StATG, 3'00'734, no. 1128 of 1987; D11: StATG, 4'631, 0/147; D12: StATG, 4'631, 0/169; D13: StATG, 4'631, 0/169; D14: StATG, 4'631, 0/162; D15: StATG, 4'633, 0/247; D16: StATG, 4'633, 0/243; D17: StATG, 4'633, 0/204; D18: StATG, 4'633, 0/255; D19: StATG, 4'633, 0/160; D20: StATG, 4'633, 0/261; D21: StATG, 4'631, 0/152; D22: StATG, 4'633, 0/1; D23: StATG, 3'00'775, no. 776 of 1991; D24: StATG, 4'631, 0/121; D25: StATG, 4'633, 0/43; D26: StATG, 4'631, 0/138, and StATG, 3'00'713, no. 2164 of 1985, and StATG, 4'635, 10/0; D27: StATG, 4'635, 0/4; D28: StATG, 4'633, 0/139; D29: StATG, 4'633, 0/79; D30: StATG, 4'633, 0/122, and StATG, "Gemeindeakten" C 16, 4.3. VB, E. "Ordner" 36/5 ("Zwischenarchiv").

Fig. 1: A 14-month-old girl's first photo in a children's home in Calcutta in 1979. The girl was placed with a Swiss couple in 1980. Photo: Private archive.



graphical origin, travel routes and transfers to Switzerland, in addition to the socio-economic backgrounds of the foster and future adoptive parents.

Girls preferred

Among the 30 Indian children adopted in the canton of Thurgau between 1973 and 2002, 18 were girls and 12 were boys, meaning roughly 60 per cent were girls.⁸ In the canton of Zurich there was also a higher proportion of girls. According to the Federal Statistical Office, of the 256 Indian children adopted in the canton of Zurich within the timeframe of the study, 183 (or 71 per cent) were girls and 73 (29 per cent) boys.⁹ The girl-to-boy ratio for the whole of Switzerland was similar. Of the 2,278 Indian children adopted prior to 2002, 1,550 were girls and 728 boys, meaning 68 per cent were girls and 32 per cent

⁸ Adoptions (cf. note 1).

⁹ Ibid.

boys. Thus in the cantons of Thurgau and Zurich, like in Switzerland as a whole, the large majority of the Indian adoptees were girls.¹⁰

This conspicuous girl-to-boy ratio was a topic raised both in Switzerland and in India at the time. In India, the gender balance was exactly the opposite. In his 1982 study of adoption practices in India, legal scholar M. J. Antony noted critically that Indian couples were very selective and usually wanted a healthy, light-skinned, intelligent boy from a good background. It was difficult to find a suitable family in India for a 'dark' child or a girl over one year old, he wrote, and almost impossible to place a child with a disability.¹¹ Male children were preferred in India for reasons of inheritance, dowry and patrilocality, the tradition whereby a couple moves to the husband's family home upon marriage. Patriarchal structures in Indian culture also played a role in that women occupied a subordinate position in the family and were dependent on men. Statistical surveys from the 1980s show that son preference could have serious consequences for daughters. Daughters were more likely to suffer from malnutrition and were less likely to receive medical care, leading to higher rates of morbidity and mortality among girls.¹²

Swiss couples looking to adopt a child from India, on the other hand, favoured girls and were often able to indicate this preference on the registration form. This was the case at Terre des Hommes and also Adoption International: "If there were no other option, they would also take the boy. But they are still set on a girl."¹³ Some couples explained their preference: "We would like another girl [...]. We have the feeling that we will have fewer problems with two girls."¹⁴ The Swiss Federal Aliens Office also saw this in terms of traditional gender roles: "Access to social and professional life also poses more challenges for boys than for girls."¹⁵

10 Ibid.

11 M. J. Antony, *Child Adoption. Law and Malpractices*, New Delhi 1984, p. 58.

12 Monica Das Gupta, Jiang Zhenghua, Li Bohua, Xie Zhenming, Woojin Chung, Bae Hwa-Ok, "Why is Son Preference so Persistent in East and South Asia? A Cross-Country Study of China, India and the Republic of Korea", *The Journal of Development Studies* 40/2 (2003), p. 153–187; Radha Bhatt, "Why Do Daughters Die?", in: Shakti (ed.), *In Search of Our Bodies. A Feminist Look at Women, Health and Reproduction in India, Bombay 1987*, p. 14–19, and contribution "The Stigmatisation of Unwed Mothers. Ethnographic Research in India", Andrea Abraham and Asha Narayan Iyer, p. 49–68.

13 D6: StATG, 4,635, 0/0, written record of phone call with Adint, 3. 1. 1984.

14 D7: StATG, 4,635, 0/1, letter from an adoptive mother to AdInt, 12. 2. 1987.

15 BAR, E4110.03#2001/64#205*, presentation "Die Praxis hinsichtlich der Erteilung von Aufenthaltsbewilligungen für ausländische Pflege- und Adoptivkinder in der Schweiz" [practice regarding the granting of residence permits for foreign foster and adoptive children in Switzerland] by René Pachter, Federal Aliens Police, at regional conference of directors of immigration police in the cantons of eastern Switzerland and their deputies on 8. and 9. 6. 1978 in Savognin.

A child, as small as possible

Many couples who were interested in adoption wanted the child to be “as small as possible”¹⁶ or hoped that the child would be “as young as possible” when transferred into their care.¹⁷ This desire was probably based on the idea in the attachment theory of British psychoanalyst and child psychiatrist John Bowlby that forming a close emotional bond early on is beneficial for the parent-child relationship and for the child’s development.

Of the 30 Indian children who were later adopted in Thurgau during the focus period of the study (sample D1–30), eight were between five and twelve months old.¹⁸ A further 13 girls and boys were between one and two years of age.¹⁹ There were also seven children aged between two and four years.²⁰ One child was already nine years old.²¹ The age of one child could not be determined due to conflicting information.²² Overall, a good two-thirds of the children adopted in the canton of Thurgau were under the age of two.

In the cases of 60 of the 256 Indian children adopted in the canton of Zurich (sub-sample A1–60), or almost a quarter of all cases, the age of the child was recorded. Only dates of birth were considered that were not in doubt due to conflicting information in the documents. Some 29 girls and boys, around half of the children, were under one year of age and still babies when they entered Switzerland.²³ The second largest age group consisted of 15 babies

16 D9: StATG, 4,635, 0/5, registration form, completed on 23. 8. 1984.

17 StAZH, Z 527.461, home study report, 19. 3. 1981.

18 D2: StATG, 3'00'685, no. 1515 of 1983 StASG, W 354/2.095, and StAZH, Z 527.469; D4: StATG, 4'631, 0/120; D6: StATG, 4'635, 0/0; D11: StATG, 4'631, 0/147; D19: StATG, 4'633, 0/160; D22: StATG, 4'633, 0/1; D24: StATG, 4'631, 0/121; D27: StATG, 4'635, 0/4. The age is calculated based on the difference between the date of birth and the date of entry to Switzerland.

19 D1: StATG, 4'635, 10/13, and StATG, 3'00'650, no. 1993 of 1980; D5: StATG, 4'635, 0/8, and StATG, 3'00'719, no. 1123 of 1986, and StATG, “Gemeindeakten” C 21, 2.2. VB W. “Adoptionen abgelegte Fälle 1983–1989” (“Zwischenarchiv”); D7: StATG, 4'635, 0/1; D8: StATG, 4'633, 0/39; D10: StATG, 4'631, 0/150, and StATG, 3'00'734, no. 1128 of 1987; D14: StATG, 4'631, 0/162; D17: StATG, 4'633, 0/204; D20: StATG, 4'633, 0/261; D21: StATG, 4'631, 0/152; D23: StATG, 3'00'775, no. 776 of 1991; D26: StATG, 4631, 0/138, and StATG, 3'00'713, no. 2164 of 1985, and StATG, 4'635, 10/0; D28: StATG, 4'633, 0/139; D29: StATG, 4'633, 0/79.

20 D13: StATG, 4'631, 0/169; D18: StATG, 4'633, 0/255; D25: StATG, 4'633, 0/43; D9: StATG, 4'635, 0/5, and StATG, 3'00'765, no. 1126 of 1990; D12: StATG, 4'631, 0/169; D15: StATG, 4'633, 0/247; D30: StATG, 4'633, 0/122, and StATG, “Gemeindeakten” C 16, 4.3. VB, E. “Ordner” 36/5 (“Zwischenarchiv”).

21 D16: StATG, 4,633, 0/243.

22 D3: StATG, 3'00'722, no. 1683 of 1986.

23 A6: StArZH, V.K.c.25.:5.2.326, and StAZH, Z 527.424; A7: StAZH, Z 1045.1646.10. StAZH, Z 527.501, and StAZH, Z 1045.1683; A14: StAZH, Z 527.412; A16: Zurich cantonal office of municipalities, “Ordner Adoptionen”, 1–80, 1986 and STAW, AV, on “Etat” 8576, as well as STAW, VB, “Etat” 8576; A17: STAW, AV, on “Etat” 10208, and STAW, VB, “Etat” 10208; A18: STAW, AV, on “Etat” 10012, and STAW, VB, “Etat” 10012; A20: STAW, AV, on “Etat” 8314, and STAW, VB, “Etat” 8314; A22: STAW, AV, on “Etat” 8659, and STAW, VB, “Etat” 8659; A23: STAW, VB, “Etat” 8602; A24: STAW, AV, on “Etat” 8410, and STAW, VB, “Etat” 8410; A25: STAW, AV, on “Etat” 8200, and STAW, VB, “Etat” 8200; A26: STAW, AV, on “Etat” 8461, and STAW, VB, “Etat” 8461; A27: STAW, AV, on “Etat” 9903, and STAW, VB, “Etat” 9903; A28: STAW, VB, “Etat” 9482; A31: StAZH, Z 58.499, STAW, AV, on “Etat” 10454, and STAW, VB, “Etat” 10454; A33: STAW, AV, on “Etat” 9008, and STAW, VB, “Etat” 9008; A34: STAW,



Fig. 2: A couple from Thurgau chose one of two children, numbered 'I' and 'II', from a Polaroid photo taken in 1985. Article from the *Thurgauer Zeitung*, no. 52, 4. 3. 1987, Swiss National Library Zf_1114-04-03-1987_p3.

between the ages of one and two years.²⁴ There were also 14 children between two and six years of age,²⁵ and two school-age children, a six-year-old and a 12 year-old.²⁶ The ages of the children in the Zurich sub-sample were similar to those in Thurgau. Some 44 out of 60 children, a good two thirds, were under two years old.

AV, on "Etat" 9383; STAW, VB, "Etat" 9383; A40: StASG, A 488/4.1, part 2, dossier III; A41: Hinwil district council adoption files, 1989–1990 and Wetzikon municipal adoption files (VB) 1987–1990; A43: StAZH, Z 527.545; A44: StAZH, Z 527.445; A46: StAZH, Z 527.411; A48: StAZH, Z, 181.17; A50: StAZH, Z 527.446; A51: StAZH, Z 427.457; A57: StAZH, Z 527.520; A59: StAZH, Z 527.546; A60: StAZH, Z 527.546.

- 24 A2: StArZH, V.K.c.25.:5.2.646, and StArZH, V.K.c.25.:4.1.402; A3: StArZH, V.K.c.15.: "Serie" 1998-2001.3759, and StArZH, V.K.c.25.:4.1.171, and StAZH, Z 887.964; A15: STAW, AV, on "Etat" 10126, and STAW, VB, "Etat" 10126; A19: STAW, AV, on "Etat" 9515, and STAW, VB, "Etat" 9515; A21: STAW, AV, on "Etat" 8644, and STAW, VB, "Etat" 8644; A32: StAZH, Z 58.499, STAW, AV, on "Etat" 11042, and STAW, VB, "Etat" 11042; A36: StAZH, Z 71.237; A37: StAZH, Z 887.587; A39: StAZH, Z 509.254; A45: StAZH, Z 527.411; A47: StAZH, P 711.31.5, and BAR, E2200.64#2002/12#36*; A49: StAZH, Z 527.433; A53: StAZH, Z 527.467; A54: StAZH, Z 527.484; A56: StAZH, Z 527.520.
- 25 A1: StArZH, V.K.c.25.:5.2.646, and StArZH, V.K.c.25.:4.1.402; A4: StArZH, V.K.c.15.: "Serie" 1988-1992.9980; A12: StAZH, Z 527.474, and StAZH, Z 1045.1678; A5: StArZH, V.K.c.15.: "Serie" 1993-1997.13702, and StArZH, V.K.c.25.:5.2.17, and V.K.c.15.: "Serie" 1993-1997.13699; A11: StAZH, Z 527.474, and StAZH, Z 1045.1678; A13: StAZH, Z 527.481, and STAW, AV, on "Etat" 8858; STAW, VB; A29: StAZH, Z 902.449, and STAW, VB, "Etat" 9009; A30: StAZH, Z 902.449, and StAZH, 797.3761; A35: STAW, AV, on "Etat" 11476, and STAW, VB, "Etat" 11476; A38: StAZH, Z 509.254; A42: StAZH, Z 527.545; A52: StAZH, Z 527.461; Zurich cantonal office of municipalities "Ordner Adoptionen" 161–230, 1986; A55: StAZH, Z 527.507, and StAZH, Z 815.5.15.61; A58: StAZH, Z 527.528.
- 26 A8: StAZH, Z 1045.1649, and StAZH, Z 527.413; A10: StAZH, Z 1045.1650, and StAZH, Z 1045.1547.

Missionaries of Charity a popular first point of contact

Of the 30 girls and boys adopted in Thurgau, 16 children – just over half – had been housed in an institution run by the Missionaries of Charity (Sisters of Mother Teresa) Catholic order in Bombay, Calcutta (since 2002 Kolkata), New Delhi or Amravati before their departure. Another three children were from the Shraddhanand Mahilashram and two were from the Asha Sadan Rescue Home in Bombay. All of these institutions still exist today.²⁷ Three children came from the Surabala Nilaya Sangha home in Bangalore, which no longer exists.²⁸ Two children came to Switzerland from the Shri Kathiawar Nirashrit Balashram in Rajkot. This institution, founded in 1907, claims to have placed thousands of children for adoption.²⁹ In addition, one child came to Thurgau from the Snehniketan Social Centre³⁰ in Pattuvam, another from the Mar Themotheos Memorial Orphanage³¹ in Trichur (since 1990 Thrissur) and a third child came from the Obra de Protecção a Mulher home in Panji.³² This means that 29 of the 30 girls and boys had been housed in an institution before travelling to Switzerland. One child had lived in a Terre des Hommes (India) Society apartment in Calcutta before leaving the country. The vast majority of the children taken to Switzerland for adoption therefore came from Bombay in the west of India, New Delhi in the north, Calcutta in the east and Bangalore in the south, and thus from India's most populous cities. Table 2 shows which institutions (agencies) in India and Switzerland were involved in arranging adoptions in the canton of Thurgau.

27 <https://shraddhanandmahilashram.org> and <https://indiapl.com/maharashtra/asha-sadan-rescue-home-38948>, 23. 2. 2024.

28 <https://karnataka.ozg.in/2012/08/fcra-cancelled-ngo-list-of-karnataka.html>, no. 261, 23. 2. 2024.

29 <https://www.kathiawarnirashritbalashram.org>, 23. 2. 2024.

30 <https://www.hilfswerk-schwesterpetra.de>, 23.2.2024.

31 <https://networkapple.weebly.com>, 23.2.2024.

32 StAZH, Z 527,545, entry permit application, 5. 11. 1986, and idem, entry permit from Swiss Federal Aliens Office, 16. 12. 1987.

T. 2: Swiss and Indian agencies involved in arranging the adoptions of Indian children in the canton of Thurgau, 1973–2002

Institution (agency) in India	State/national capital territory	Swiss adoption agency	No. of children
MOC, Calcutta	West Bengal	Terre des Hommes (VD)	5 ¹
MOC, Calcutta	West Bengal		1 ²
MOC, Bombay	Maharashtra		3 ³
MOC, Bombay	Maharashtra	Helga Ney (VD)	2 ⁴
MOC, New Delhi	Delhi	Jo Millar, Divali Adoption Service (GE)	3 ⁵
MOC, New Delhi	Delhi		1 ⁶
MOC, Amravati	Maharashtra		1 ⁷
Shraddhanand Mahilashram, Bombay	Maharashtra	Alice Honegger, Haus Seewarte child welfare agency (SG)	1 ⁸
Shraddhanand Mahilashram, Bombay	Maharashtra	Rupert Spillmann, Adoption International (TG and BE)	2 ⁹
Surabala Nilaya Sangha, Bangalore	Karnataka	Rupert Spillmann, Adoption International (TG and BE)	3 ¹⁰
Asha Sadan Rescue Home, Bombay	Maharashtra	Alice Honegger, Haus Seewarte child welfare agency (SG)	2 ¹¹
Shri Kathiawar Nirashrit Balashram, Rajkot	Gujarat	Seraphisches Liebeswerk (SO)	1 ¹²
Shri Kathiawar Nirashrit Balashram, Rajkot	Gujarat		1 ¹³
Snehaniketan Social Centre, Pattuvam	Kerala	Rupert Spillmann, Adoption International (TG and BE)	1 ¹⁴
Mar Themotheos Memorial Orphanage, Trichur	Kerala		1 ¹⁵
Obra de Proteccao a Mulher, Panji	Goa		1 ¹⁶
Centre (apartment) of Terre des Hommes (India) Society, Calcutta	West Bengal	Terre des Hommes (VD)	1 ¹⁷

Notes

- 1

D1: StATG, 4'635, 10/13, and StATG, 3'00'650, no. 1993 von 1980; D8: StATG, 4'633, 0/39; D15: StATG, 4'633, 0/247; D16: StATG, 4'633, 0/243; D17: StATG, 4'633, 0/204.
- 2

D18: StATG, 4'633, 0/255.
- 3

D25: StATG, 4'633, 0/43; D29: StATG, 4'633, 0/79; D30: StATG, 4'633, 0/122, and StATG, "Gemeindeakten" C 16, 4.3. VB, E. "Ordner" 36/5 ("Zwischenarchiv").
- 4

D20: StATG, 4'633, 0/261; D28: StATG, 4'633, 0/139.
- 5

D12: StATG, 4'631, 0/169; D13: StATG, 4'631, 0/169; D23: StATG, 3'00'775, no. 776 von 1991.
- 6

D19: StATG, 4'633, 0/160.
- 7

D11: StATG, 4'631, 0/147.
- 8

D2: StATG, 3'00'685 no. 1515 of 1983, StASG, W 354/2.095, and StAZH, Z 527.469.
- 9

D6: StATG, 4'635, 0/0; D27: StATG, 4'635, 0/4.
- 10

D5: StATG, 4'635, 0/8, and StATG, 3'00'719, no. 1123 von 1986, and StATG, "Gemeindeakten" C 21, 2.2. VB W. "Adoptionen abgelegte Fälle" 1983–1989 ("Zwischenarchiv"); D7: StATG, 4'635, 0/1; D9: StATG, 4'635, 0/5, and StATG, 3'00'765, no. 1126 von 1990.
- 11

D3: StATG, 3'00'722, no. 1683 von 1986; D4: StATG, 4'631, 0/120.
- 12

D22: StATG, 4'633, 0/1.
- 13

D21: StATG, 4'631, 0/152.
- 14

D10: StATG, 4'631, 0/150, and StATG, 3'00'734, no. 1128 von 1987.
- 15

D14: StATG, 4'631, 0/162.
- 16

D24: StATG, 4'631, 0/121.
- 17

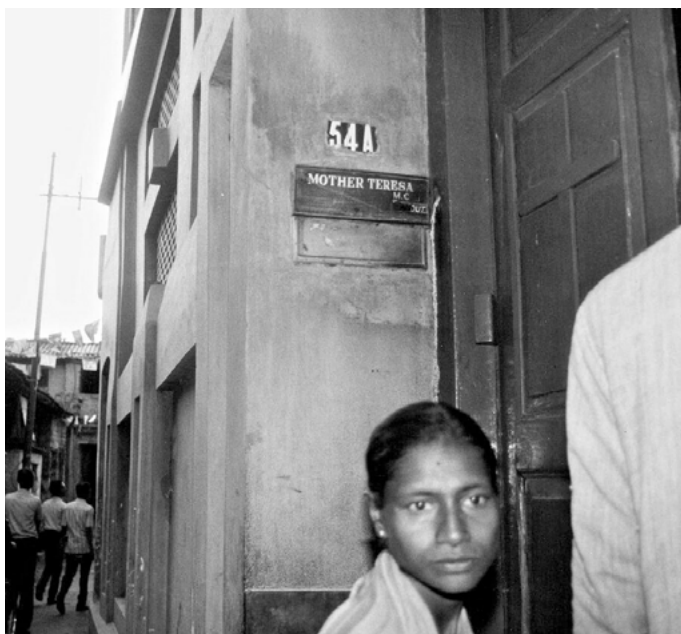
D26: StATG, 4631, 0/138, StATG, 3'00'713, no. 2164 von 1985, and StATG, 4'635, 10/0.

Fig. 3: Many Indian children taken to Switzerland for adoption came from the Missionaries of Charity's Nirmala Shishu Bhavan home in Bombay. Cf. tables on p. 180 and 186.

Photo: Andrea Abraham, Mumbai, 29. 1. 2023.



Fig. 4: The Missionaries of Charity also ran a home in Calcutta which housed children later taken to Switzerland for adoption. USC Libraries, the entrance to the Mother Teresa (Missionaries of Charity) home in Calcutta, North India, February 1990, CC UC1719541.



Among these Swiss adoption agencies, Adoption International and Terre des Hommes placed the most children with couples in Thurgau. Each organisation placed six children.³³ Jo Millar and Alice Honegger each placed three children with couples in this canton.³⁴ Two more were placed by Helga Ney.³⁵ Seraphisches Liebeswerk helped to arrange the placement of one child. In nine cases, that is just under a third, no adoption agency could be identified.³⁶

The Swiss adoption agencies collaborated with a small number of institutions in India that had the status of agencies from 1984 onwards.³⁷ In Bombay, Alice Honegger worked with the Shraddhanand Mahilashram of the Hindu Women's Rescue Home Society and the Asha Sadan Rescue Home of the Maharashtra State Women's Council. Terre des Hommes worked with the Missionaries of Charity home in Calcutta, while Helga Ney worked with the home in Bombay and Jo Millar the one in New Delhi. This means that four of the five agencies that placed Indian children in Thurgau had a clear geographical and institutional focus. Only Adoption International worked with homes in three different Indian cities, Bangalore, Bombay and Pattuvam. On the whole, however, the Swiss agencies kept to their own areas and partnerships, and avoided competing with each other.

For a sub-sample of 60 adoptions of Indian children in the canton of Zurich (B1–60), it was also possible to determine which Indian institutions and Swiss agencies and agents were involved. This analysis found that more than half of the children (33 girls and boys) came from Missionaries of Charity homes. The Swiss consulate general informed prospective adoptive parents that the Roman Catholic Mother Teresa homes were the most important points of

33 Arranged by AdInt: D5: StATG, 4'635, 0/8, and StATG, 3'00'719, no. 1123 of 1986, and StATG, "Gemeindeakten" C 21, 2.2. VB W. "Adoptionen abgelegte Fälle 1983–1989" ("Zwischenarchiv"); D6: StATG, 4'635, 0/0; D7: StATG, 4'635, 0/1; D9: StATG, 4'635, 0/5, and StATG, 3'00'765, no. 1126 of 1990; D27: StATG, 4'635, 0/4. Arranged by Terre des Hommes: D1: StATG, 4'635, 10/13, and StATG, 3'00'650, no. 1993 of 1980; D8: StATG, 4'633, 0/39; D15: StATG, 4'633, 0/247; D16: StATG, 4'633, 0/243; D17: StATG, 4'633, 0/204; D26: StATG, 4631, StATG, 4'635, 0/1; D9: StATG, 4'635, 0/5, and StATG, 3'00'765, no. 1126 of 1990; D27: StATG, 4'635, 0/4. Arranged by Terre des Hommes: D1: StATG, 4'635, 10/13, and StATG, 3'00'650, no. 1993 of 1980; D8: StATG, 4'633, 0/39; D15: StATG, 4'633, 0/247; D16: StATG, 4'633, 0/243; D17: StATG, 4'633, 0/204; D26: StATG, 4631, 0/138, and StATG, 3'00'713, no. 2164 of 1985, and StATG, 4'635, 10/0.

34 Arranged by Jo Millar: D12: StATG, 4'631, 0/169; D13: StATG, 4'631, 0/169, and StATG, 3'00'762, no. 606 of 1990; D23: StATG, 3'00'775, no. 776 of 1991. Arranged by Alice Honegger: D2: StATG, 3'00'685 no. 1515 of 1983, and StASG, W 354/2.095, and StAZH, Z 527.469; D3: StATG, 3'00'722, no. 1683 of 1986; D4: StATG, 4'631, 0/120.

35 D20: StATG, 4'633, 0/261; D28: StATG, 4'633, 0/139.

36 D11: StATG, 4'631, 0/147; D14: StATG, 4'631, 0/162; D18: StATG, 4'633, 0/255; D19: StATG, 4'633, 0/160; D21: StATG, 4'631, 0/152; D22: StATG, 4'633, 0/1; D24: StATG, 4'631 0/121; D25: StATG, 4'633, 0/43; D29: StATG, 4'633, 0/79; D30: StATG, 4'633, 0/122, and StATG, "Gemeindeakten" C 16, 4.3. VB, E. "Ordner" 36/5 ("Zwischenarchiv"). D11: StATG, 4'631, 0/147; D18: StATG, 4'633, 0/255; D19: StATG, 4'633, 0/160; D14: StATG, 4'631, 0/162; D21: StATG, 4'631, 0/152; D22: StATG, 4'633, 0/1.

37 BAR, E4300C-01#1998/299#1349*, "Liste der indischen Adoptivstellen" [list of Indian adoption agencies] from 1984, and BAR, E2200.110#2003/443#26*, "List of Indian Social/Child Welfare Voluntary Agencies recognized by Government of India for Intercountry Adoption of Children" from Ministry of Welfare (Central Adoption Resource Agency), 1. 3. 1993.

contact not only in the two cantons, but for Switzerland as a whole.³⁸ The relationship between the Missionaries of Charity and the Swiss authorities was so close that in 1987 Mother Teresa herself contacted the Swiss Federal Aliens Office to try to expedite the processing of entry permits.³⁹

According to Indian lawyer Rakesh Kapoor, there were agreements of a financial nature between the Indian and foreign adoption agencies. Indian homes such as the Missionaries of Charity received funding from Switzerland in return for Indian children.⁴⁰

The commercial interests pursued by the Missionaries of Charity have been criticised in a number of publications in recent years.⁴¹ Several Mother Teresa homes were forced to close when several nuns were accused of selling babies in 2018.⁴² In response, the Vatican claimed that the religious community was being targeted as a member of the country's Christian minority by the Indian authorities, which had prevented them from receiving annual "donations in the millions".⁴³

Table 3 shows which Indian and Swiss agencies were involved in arranging a sub-sample of 60 adoptions (B1–60) in the canton of Zurich. The Zurich sub-sample of 60 adoptions shows that a large proportion of the children (a third) were placed in the canton of Zurich by Helga Ney, based in Bretigny-sur-Morrens (canton of Vaud). The research team asked Ney for information about her activities in India at the end of 2022, but the request remained unanswered.⁴⁴ Files from the Swiss Federal Archives reveal that Helga Ney, like Christina Inderbitzin, arranged foster placements with a view to adoption for years without the proper authorisation.⁴⁵ In 1980 and 1982, she also placed two Indian children with a couple in the canton of Zurich.⁴⁶ The Vaud cantonal youth welfare office legalised her status when it issued the authorisation in 1984.⁴⁷

38 BAR, E2200.110#1994/350#19*, letter from the vice-consul, Swiss consulate general in Bombay, to prospective adoptive parents, 22. 2. 1984.

39 BAR, E4300C-01#1998/299#1349*, letter from Mother Teresa to Swiss Federal Aliens Office, 12. 10. 1987, cf. figures p. 184 and 185.

40 Cf. contribution "Provisions and Practice. International Adoptions and the Law in India", Asha Narayan Iyer, p. 91–107.

41 Aroup Chatterjee, *Mother Teresa. The Untold Story*, New Delhi 2016.

42 Cf. <https://hpd.de/artikel/schliessung-sieben-mutter-teresa-kinderheimen-15971>, 23. 2. 2024.

43 <https://www.vaticannews.va/de/welt/news/2022-01/indien-mutter-teresa-schwester-politik-schikanen-christen-druck.html>, 23. 2. 2024.

44 Cf. Interview request from research team to Helga Ney, Priti Aeschbacher and the Enfants-Espoir foundation, December 2022.

45 BAR, E4300C-01#1998/299#609*, letter from Vaud cantonal youth welfare office to Zurich cantonal immigration police, 7. 12. 1981.

46 StAZH, Z 527.445, entry permit issued by Swiss Federal Aliens Office, 26. 2. 1982, and letter from Zurich cantonal immigration police to the Swiss Federal Aliens Office, 18. 2. 1982.

47 BAR, E4110B#1988/166#396*, letter from Zurich cantonal youth welfare office to Helga Ney, 4. 4. 1984.



Shishu Bhawan, Church Rd, Vile Parle-W, Bombay-56

"As long as you did it to one of these My least brethren. You did it to Me"

Oct 12, '87

Ufficio Federale]
Degli Stranieri]
Bundesamt Fur
Auslanderfragen
Berne-Switzerland.

Dear Friend,

You may be aware that a number of the abandoned children in our care are being adopted by Swiss families.

To process their adoption-applications, one of the important documents required by the High Court of Bombay, is the Entry-permit for the child issued by your office. In most of the recent cases, as the entry-permit was not received in time for the court-hearing the cases were postponed, and the adoption proceedings were held-up. Though, the permission from the Federal Police is required for issuing entry-visa, the legal proceedings in the court will not be completed till the court makes sure this permission is sanctioned in each individual child's case. In view of this we request you to speed-up the sanctioning of the entry-permits to ensure that the children join their prospective parents at an early date. Much depends on the early-adoption of the child as it is essential to the child's adjustment and integration in her adoptive home.

Thanking you for your kind concern for our children and assuring you of our prayers that you may be God's Heart to love Him in the Poor and His Hands to serve Him in the poorest of the Poor.

*God bless you
Lu Teresa mo*

Fig. 5: In a letter dated 12 October 1987 to the Swiss Federal Aliens Office in Bern, Mother Teresa asks the federal authorities to speed up the issuing of entry permits for Indian children. BAR, E4300C-01#1998/299#1349*.



Church Rd, Vile Parle-West, Bombay-56

"As long as you did it to one of these My least brethren. You did it to Me"

Dec 28, 1987

Mr U Traber
Federal Aliens Office
Office federal des etrangers
Bern - Switzerland.

48-
27.12.87

Bundesamt für Ausländerfragen	
—	S 310-751
D	
S	25. JAN. 1988
GI	Se
GA	
V	

Dear Mr Traber,

I have just seen your reply of November, 1987 regarding entry-permits for our adopted children. Thank you for your kind assurance to speed up the procedure for issuing of entry-permits. Your kind assistance in this matter is of much help.

I take this opportunity to thank you for your readiness to expedite the issuing of the permits personally and also to assure you of our gratitude and prayers for all that your office does to enable our children to find loving homes for our children in Switzerland. Be God's Heart to love the Poor and be His Hands to serve them. Asking God's blessing on you and family in 1988 !

*God bless you
Lee Teresa MC*

Fig. 6: In a letter dated 28 December 1987, Mother Teresa thanks the Swiss Federal Aliens Office for speeding up the procedure for the issuing of entry permits on behalf of Indian children taken to Switzerland for adoption. BAR, E4300C-01#2021/126#1117*.

T. 3: Swiss and Indian agencies involved in arranging 60 adoptions of Indian children in the canton of Zurich, 1973–2002

Institution (agency) in India	State/national capital territory	Swiss adoption agency	Number of children
MOC, Bombay	Maharashtra	Helga Ney (VD)	14 ¹
MOC, Bombay	Maharashtra		7 ²
MOC, Calcutta	West Bengal	Terre des Hommes (VD)	5 ³
MOC, Calcutta	West Bengal	Helga Ney (VD)	2 ⁴
MOC, New Delhi	Delhi	Helga Ney (VD)	4 ⁵
MOC, New Delhi and Sister Waldtraut from the Ingenbohl order, New Delhi	Delhi		1 ⁶
Kusumbai Motichand, Pune, Bertram D. Sheno, Bombay	Maharashtra	Christina Inderbitzin (ZH)	4 ⁷
Ishaprema Niketan, Pune Bertram D. Sheno, Bombay	Maharashtra		2 ⁸
Indian Society for Rehabilitation of Children, Calcutta, Bertram D. Sheno, Bombay	West Bengal	Christina Inderbitzin (ZH)	2 ⁹
Obra de Protecção a Mulher, Panaji	Goa	Christina Inderbitzin (ZH)	1 ¹⁰
Terre des Hommes (India) Society, Calcutta, Milton McCann	West Bengal	Terre des Hommes (VD)	6 ¹¹
Surbala Nilaya Sangha, Bangalore	Karnataka	Rupert Spillmann, Adoption International, (TG and BE)	2 ¹²
Family Service Centre, Bombay	Maharashtra	Rupert Spillmann, Adoption International (TG and BE)	1 ¹³
Bethel Girls Town, Kochi	Kerala		1 ¹⁴
Society for Child Development, Caranzalem	Goa		2 ¹⁵
Mar Themotheos Memorial Orphanage, Trichur	Kerala		1 ¹⁶
At Homes, Madras	Tamil Nadu	Elisabeth Kunz, Helfende Hand (AR)	1 ¹⁷
Emmanuel Gospel Mission, Mettupalayam	Tamil Nadu		2 ¹⁸
Private individual, Bombay	Maharashtra	Alice Honegger, Haus Seewarte (SG)	1 ¹⁹
Private individual, Bombay	Maharashtra		1 ²⁰

- 1 B7: StArZH, V.K.c.25.:5.2.326, and StAZH, Z 527.424; B16: StAZH, Z 527.412; B17: STAW, AV, on "Etat" 10126, and STAW, VB, "Etat" 10126; B20: STAW, AV, on "Etat" 9778, and STAW, VB, "Etat" 9778; B21: STAW, AV, on "Etat" 10012, and STAW, VB, "Etat" 10012; B22: STAW, AV, on "Etat" 9515, and STAW, VB, "Etat" 9515; B24: STAW, AV, on "Etat" 8644, and STAW, VB, "Etat" 8644; B25: STAW, AV, on "Etat" 8659, and STAW, VB, "Etat" 8659; B32: StAZH, Z 902.449, and STAW, VB, "Etat" 9009; B41: StAZH, Z 527.411; B42: StAZH, Z 527.411; B48: StAZH, Z 527.461, and Zurich cantonal office of municipalities "Ordner Adoptionen" 161-230, 1986; B49: StAZH, Z 527.467; B50: StAZH, Z 527.467.
- 2 B23: STAW, AV, on "Etat" 8314, and STAW, VB, "Etat" 8314; B30: STAW, AV, on "Etat" 9903, and STAW, VB, "Etat" 9903; B31: STAW, VB, "Etat" 9482; B43: StAZH, Z 181.17; B44: StAZH, Z 181.17; B53: StAZH, Z 527.520; B54: StAZH, Z 527.520.
- 3 B1: StArZH, V.K.c.25.:5.2.646, and StArZH, V.K.c.25.:4.1.402; B2: StArZH, V.K.c.25.:5.2.646, and StArZH, V.K.c.25.:4.1.402; B3: StArZH, V.K.c.15.: "Serie" 1998-2001.3759, and V.K.c.25.:4.1.171, and StAZH, Z 887.964; B39: StAZH, Z 71.237; B55: StAZH, Z 527.528.
- 4 B38: STAW, AV, on "Etat" 11476, and STAW, VB, "Etat" 11476; B40: STAW, AV, on "Etat" 10731, and STAW, VB, "Etat" 10731.
- 5 B19: STAW, AV, on "Etat" 10208, and STAW, VB, "Etat" 10208; B33: StAZH, Z 902.449, and StAZH, Z 797.3761; B34: StAZH, Z 58.499, STAW, AV, on "Etat" 10454, and STAW, VB, "Etat" 10454; B35: StAZH, Z 58.499, STAW, AV, on "Etat" 11042, and STAW, VB, "Etat" 11042.
- 6 B4: StArZH, V.K.c.15.: "Serie" 1988-1992.9980.
- 7 B5: StArZH, V.K.c.15.: "Serie" 1993-1997.13702, and StArZH, V.K.c.25.:5.2.17, and StArZH, V.K.c.15.: "Serie" 1993-1997.13699; B6: StArZH, V.K.c.15.: "Serie" 1993-1997.13702, and StArZH, V.K.c.25.:5.2.17, and StArZH, V.K.c.15.: "Serie" 1993-1997.13699; B47: StAZH, Z 427.457; B56: StAZH, Z 527.546.
- 8 B58: BAR, E2200.110#1991/106#31*, and StAZH, Meilen district council, 'Zivilstandswesen', individual file Z 701.234.4.20; B59: StAZH, Meilen district council, 'Zivilstandswesen', individual file Z 701.235.5.13.
- 9 B37: STAW, AV, on "Etat" 9383, and STAW, VB, "Etat" 9383; B57: StAZH, Z 527.546.
- 10 B36: STAW, AV, on "Etat" 9008, and STAW, VB, "Etat" 9008.
- 11 B8: StAZH, Z 1045.1646; B9: StAZH, 1045.1649, and StAZH, Z 527.413; B11: StAZH, 1045.1650, and StAZH, 1045.1547; B12: StAZH, Z 527.474, and StAZH, Z 1045.1678; B13: StAZH, Z 527.474, and StAZH, Z 1045.1678; B51: StAZH, Z 527.471.
- 12 B14: StAZH, Z 527.481, and STAW, AV, on "Etat" 8858, and STAW, VB, "Etat" 8858; B15: StAZH, Z 527.481, and STAW, AV, on "Etat" 8858, and STAW, VB, "Etat" 8858.
- 13 B10: StAZH, Z 527.501, and StAZH, Z 1045.1683.
- 14 B28: STAW, AV, on "Etat" 8200; STAW, VB, "Etat" 8200.
- 15 B26: STAW, VB, "Etat" 8602; B27: STAW, AV, on "Etat" 8410, and STAW, VB, "Etat" 8410.
- 16 B52: StAZH, Z 527.484.
- 17 B45: StAZH, Z 427.446, and BAR, E4300C-01#1998/299#1349*, and StAAR, D.069-04-22-01.
- 18 B18: Zurich cantonal office of municipalities, 'Ordner Adoptionen', 1-80, 1986, and STAW, AV, on "Etat" 8576, and STAW, VB, "Etat" 8576. B29: STAW, AV, on "Etat" 8461; STAW, VB, "Etat" 8461.
- 19 B60: StASG, W 354/2.095, and StAZH, Z 527.469.
- 20 B46: StAZH, Z 527.446.

The Zurich sub-sample clearly shows that Terre des Hommes also transferred children to Switzerland from Missionaries of Charity homes. Christina Inderbitzin also features in the Zurich sub-sample along with her Indian lawyer Bertram D. Shenoi, who was in contact with the Kusumbai Motichand and Ishaprema Niketan homes in Pune and with the Indian Society for Rehabilitation of Children in Calcutta. Some of the Indian children were brought to the canton of Zurich with the help of Adoption International. And finally, Elisabeth Kunz and Alice Honegger also offered their services to couples hoping to adopt an Indian child.⁴⁸

‘Wild’ adoptions

In Thurgau, nine out of 30 adoption files do not indicate the involvement of a Swiss agency. In the canton of Zurich, the files of almost a third of the children, 17 out of 60, do not mention a Swiss agency.⁴⁹ The Ingenbohl nuns Sister Waltraut and Sister Hermann-Josef offered their services to couples who were looking to arrange their own adoption.⁵⁰ Such addresses were also passed on by word of mouth, for example by acquaintances of a couple in the canton of Zurich: “Through acquaintances who had also adopted a child from India, they found out about the possibility of adopting an Indian child through an agency in India.”⁵¹ Another girl later adopted by a couple in the canton of Zurich was found for them by a family acquaintance “in a group of children brought to Switzerland for future adoption” and had previously stayed with the family of a pastor who was acting as an adoption agent in India.⁵² “Concerned” by these “wild” adoption placements, in October 1983 the conference of the cantonal

48 Cf. contribution “The Role of Adoption Agencies in the Placement of Children from India in Switzerland”, Sabine Bitter, p. 139–171.

49 B23: STAW, AV, on “Etat” 8314, and STAW, VB, “Etat” 8314; B30: STAW, AV, on “Etat” 9903, and STAW, VB, “Etat” 9903; B31: STAW, VB, “Etat” 9482; B43: StAZH, Z 181.17; B44: StAZH, Z 181.17; B53: StAZH, Z 527.520; B54: StAZH, Z 527.520; B4: StArZH, V.K.c.15.: “Serie” 1988-1992.9980; B58: BAR, E2200.110#1991/106#31*, and StAZH, Meilen district council, civil registry, individual file Z 701.234.4.20; B59: StAZH, Meilen district council, civil registry, individual file Z 701.235.5.13; BAR, E4300C-01#1992/299#608*, magazine article by U. Dubois, Titel: “Nur stetige Bemühungen führen zum Ziel”, *Femina*, no. 18, 9. 9. 1981, p. 74 f.; B28: STAW, AV, on “Etat” 8200; STAW, VB, “Etat” 8200; B26: STAW, VB, “Etat” 8602; B27: STAW, AV, on “Etat” 8410, and STAW, VB, “Etat” 8410; B52: StAZH, Z 527.484; B18: Zurich cantonal office of municipalities, “Ordner Adoptionen”, 1–80, 1986 and STAW, AV, “Etat” 8576, and STAW, VB, “Etat” 8576; B23: STAW, AV, on “Etat” 8461, and STAW, VB, “Etat” 8461; B46: StAZH, Z 527.446.

50 Cf. contribution “The Role of Adoption Agencies in the Placement of Children from India in Switzerland”, Sabine Bitter, p. 139–171.

51 A20: STAW, AV, on “Etat” 8314, report by a social worker, 22. 5. 1981.

52 A16: STAW, VB “Etat” 8576, letter from a social worker to guardianship authority, 26. 9. 1983.

directors of youth welfare offices criticised the “inadequate legal handling” of the procedures and recommended a review of the applicable regulations.⁵³

Helpful airlines

Some of the Indian children travelled long distances within India before being flown to Switzerland for adoption. This was the case for six of the 30 children who were admitted to the canton of Thurgau. A girl was driven from the industrial city of Asansol to the home run by the Missionaries of Charity in Calcutta, 210 kilometres away.⁵⁴ A boy from the city of Katihar in the state of Bihar was also taken there,⁵⁵ a journey of around 420 kilometres that would take eleven hours by car. The first journey of their lives was probably even longer for two little boys from Darjeeling, who had to travel 650 kilometres to Calcutta.⁵⁶ The Missionaries of Charity in New Delhi in the state of West Bengal also housed babies who were brought to them from far away, such as a boy from Jaipur, the capital of the state of Rajasthan, 270 kilometres away.⁵⁷ A girl from the coal and steel industrial hub of Ranchi in the state of Jharkhand was also transferred to the Missionaries of Charity home 1,215 kilometres away.⁵⁸ The same journey was made in 1994 by a boy who was later adopted in the canton of Zurich.⁵⁹ A boy from Bombay travelled over 2,000 kilometres to the Missionaries of Charity home in Calcutta.⁶⁰ In other words, in all these cases, children were transported from far away for the purpose of being admitted to one of these institutions. This supports the argument of the Indian doctor Aroup Chatterjee, who comes from Calcutta and now lives in London. In his critical work about the Mother Teresa institutions, he points out that the Missionaries of Charity in Calcutta were not famous for taking in babies found abandoned on the streets of the city.⁶¹

53 BAR, E4110B#1998/166#396*, position statement from conference of cantonal directors of youth welfare offices to Federal Office of Justice, 25. 10. 1983, p. 1.

54 StATG, 4'633, 0/247.

55 StATG, 4'633, 0/204.

56 StATG, 4'633, 0/39, and StATG, 4'633, 0/255.

57 StATG, 4'631, 0/169.

58 StATG, 3'00'775, no. 776 of 1991.

59 STAW, AV, on “Etat” 10208, and STAW, VB, “Etat” 10208.

60 STAW, AV, on “Etat” 10731, and STAW, VB, “Etat” 10731.

61 Chatterjee (cf. note 41), p. 99 and video conversation between the research team and Aroup Chatterjee of 6. 10. 2022.



Fig. 7: A flight ticket for a girl aged 20 months who travelled from Calcutta via Bombay to Geneva for adoption in October 1980 accompanied by an Indian guardian. Private archive.

Some couples from Thurgau and Zurich travelled to India themselves to pick up their future adoptive child there, others had the child brought to them by a person instructed to do so by the adoption agency. Stewardesses also undertook such assignments, for example for *Terre des Hommes*.⁶² A set of guidelines at Adoption International stated, “The children are often brought by air hostesses.”⁶³ Flights left from Bombay, New Delhi, Calcutta or Bangalore and arrived at the airports of Zurich Kloten or Geneva Cointrin. In the Air India in-flight magazine, the adoption agent Jo Millar stated that this airline had “once again shown itself to be generous and helpful”.⁶⁴ Zurich adoption agent Christina Inderbitzin also made use of these services: “We have established a travel/transport agreement with a Swissair contact person in Switzerland and in Bombay that works very well.”⁶⁵ When announcing the birth, prospective adoptive parents portrayed the child’s arrival by plane as cosmopolitan.⁶⁶

In India, however, the ‘air escort system’ was criticised. According to the Indian legal scholar M. J. Antony in 1982, this transfer of babies abroad by off-

62 StATG, 4’635, 10/13, letter from TdH to airport infirmary in Geneva, 11. 4. 1978.

63 StATG, 4’635, 0/4, “Wegweiser Indien, Dokumente, nötig für Indien” [India guide, required documents for India] by AdInt, 1. 6. 1985.

64 BAR, E2200.64#1998/111#22*, Tara Ali Baig, “Adoption is a New Life”, *Swagat* (Air India inflight magazine), March 1989, p. 129.

65 BAR, E4300C-01#1998/299#608*, magazine article by Ursula Dubois, “Nur stetige Bemühungen führen zum Ziel”, *Femina*, no. 18, 9. 9. 1981, p. 75.

66 StArZH, V.K.c.25.:4.1.402., birth announcement from the period under investigation; StABE, BB 03. 4.861, birth announcement, 1983.

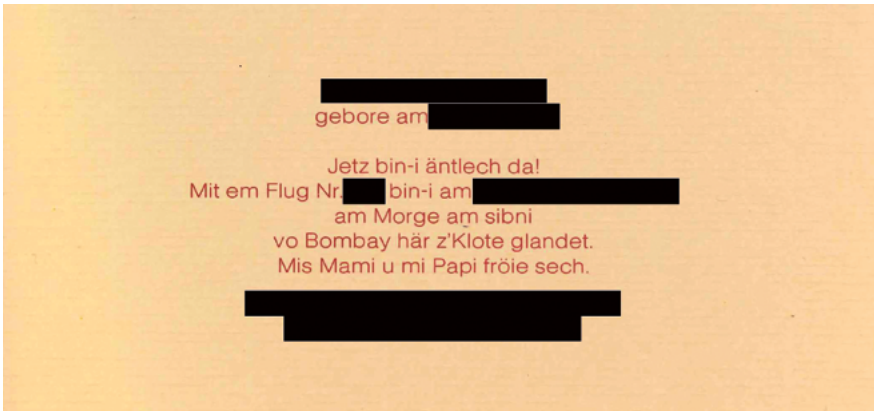
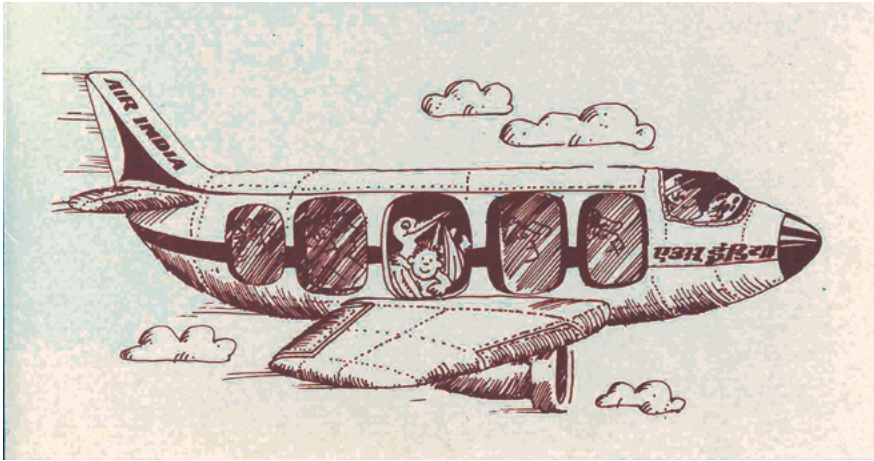


Fig. 8, 9: Some future adoptive parents sent out ‘birth announcement’ cards to friends and relatives as was the custom following the birth of a child. A plane with a child on board was a popular motif that signalled cosmopolitanism. StABE, BB 03.4.681.

duty airline staff was often “clandestine and inhumane”.⁶⁷ The renowned Indian lawyer Laxmikant Pandey, who took a critical stance on intercountry adoption at the time, also pointed out that the children risked their lives on the way to foreign countries, were often inadequately cared for abroad and were in danger of being exploited and abused. He therefore petitioned the Indian Supreme Court to establish guidelines to ensure the babies’ safety. The ‘Laxmikant-Pandey guidelines’ came into force following the court’s landmark judgment in 1984.⁶⁸

⁶⁷ Antony (cf. note 11), p. 15.

⁶⁸ <https://indiankanoon.org/doc/551554/>, 23.2.2024. Cf. also contribution “Provisions and Practice, International Adoptions and the Law in India”, Asha Narayan Iyer, p. 94.

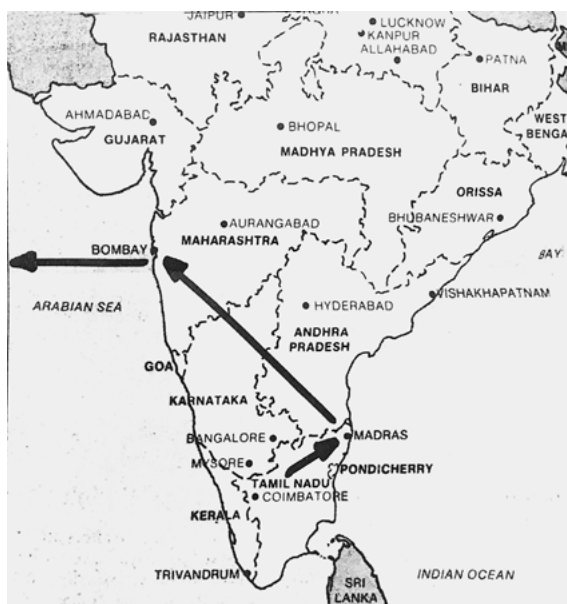


Fig. 10: In 1987, the *Thurgauer Zeitung* traced the long journey of an Indian girl brought to Thurgau for adoption. Original caption: “From the place she was found near Coimbatore to Madras, from Madras to Bombay, from Bombay to Switzerland.” Article from the *Thurgauer Zeitung*, no. 52, 4.3. 1987, Swiss National Library, Zf_1114-04-03-1987_S3.

Adoptive parents: married middle class couples

Everyone who adopted an Indian child in the canton of Thurgau was married, with one exception. Only one woman decided to adopt a girl on her own. She stepped in when Terre des Hommes had to arrange another foster placement because the family was no longer interested in adopting.⁶⁹ In addition to this case, 21 married couples in the canton of Thurgau took in one child and four couples took in two children (EP1–25 within sample D1–30). This passage gives an idea of the socioeconomic background of the prospective adoptive parents on the basis of information from their CVs and the home study reports. Since the adoptive parents’ education and occupation were not recorded using standardised categories and the employment of adoptive mothers is often not mentioned at all, this can only be an approximation. This analysis therefore looks at the occupational activity of the adoptive father and draws on the International Labour Organisation’s International Standard Classification of Occupations, which comprises nine major occupational groups: 1. managers, 2. professionals, 3. technicians and associate professionals, 4. clerical support workers, 5. service and sales workers, 6. skilled agricultural, forestry and fishery workers, 7. craft

⁶⁹ StATG, 4’633, 0/243, decision of VB, 13. 9. 2000, and StATG, 4’631, 10/3.

and related trades workers, 8. plant and machine operators, and assemblers, 9. elementary occupations.⁷⁰

All of the adoptive fathers were in full-time employment and the primary breadwinner, in conformity with the typical gender role assigned to men in middle class families at the time. Seven of the men were technicians or associated professionals.⁷¹ The same number worked in crafts or related trades.⁷² Five adoptive fathers were professionals working in jobs requiring academic qualifications.⁷³ Two others worked in the service sector.⁷⁴ And the remaining fathers included a manager,⁷⁵ a skilled agricultural worker,⁷⁶ a plant or machine operator,⁷⁷ and a worker in an elementary occupation.⁷⁸ Most of the men (18 of 25), thus had solid vocational training and professional qualifications as craftsmen, technicians or specialists in the service sector or agriculture. They are all likely to have earned a middle-class income, with the exception perhaps of the adoptive father employed in an elementary occupation.⁷⁹ Five of the 25 adoptive fathers (one fifth) worked as doctors, vets or engineers and had an academic background. This means that the adoptive fathers had a higher than average level of education. According to the Federal Statistical Office, in 1996 only ten per cent of the population born between 1932 and 1971, the age group to which the Thurgau adoptive fathers belonged, had a university degree.⁸⁰ The five men in question, like the bank manager in a leading position, are likely to have earned an upper middle-class income.

A sub-sample of 30 married couples including information on education and occupation was selected for the canton of Zurich. The adoptive fathers

70 <https://www.bfs.admin.ch/bfs/de/home/statistiken/arbeit-erwerb/nomenklaturen/isco-08.assetdetail.4082534.html>, 23. 2. 2024.

71 EP1: StATG, 4'635, 10/13, and StATG, 3'00'650, no. 1993 of 1980; EP3: StATG, 4'631, 0/120, and StATG, no. 3'00'722, no. 1683 of 1986; EP15: StATG, 4'633, 0/160; EP19: StATG, 4,631 0/121; EP21: StATG, 4631, 0/138, and StATG, 3'00'713, no. 2164 of 1985, and StATG, 4'635, 10/0; EP23: StATG, 4'633, 0/139; EP25: StATG, 4'633, 0/122, and StATG, "Gemeindeakten" C 16, 4.3. VB, E. "Ordner" 36/5 ("Zwischenarchiv").

72 EP4: StATG, 4'635, 0/8, and StATG, 3'00'719, no. 1123 of 1986; EP5: StATG, 4'635, 0/0, and StATG, 4'635, 0/1; EP7: StATG, 4'635, 0/5, and StATG, 3'00'765, no. 1126 of 1990. EP11: StATG, 4'631, 0/162; EP16: StATG, 4'633, 0/261; EP22: StATG, 4'635, 0/4; EP24: StATG, 4,633, 0/79.

73 EP10: StATG, 4,631, 0/169. EP13: StATG, 4'633, 0/204; EP17: StATG, 4'633, 0/152, and StATG, 4'633, 0/1; EP18: StATG, 3'00'775, no. 776 of 1991; EP20: StATG, 4,633, 0/43.

74 EP2: StATG, 3'00'685 no. 1515 of 1983, and StASG, W 354/2.095, and StAZH, Z 527.469; EP12: StATG, 4,633, 0/247.

75 EP14: StATG, 4,633, 0/255.

76 EP6: StATG, 4,633, 0/39.

77 EP9: StATG, 4,631, 0/147.

78 EP8: StATG, 4'631, 0/150, and StATG, 3'00'734, no. 1128 of 1987.

79 According to the Büro für Arbeits- und sozialpolitische Studien [Office for Labour and Social Policy Studies], a middle-class income in 1998 ranged from CHF 42,600 to CHF 100,500. Cf. https://www.buerobass.ch/fileadmin/Files/2010/Angest_CH_2010_Studie_Mittelstand.pdf, 23. 2. 2024. <https://www.bfs.admin.ch/bfs/de/home/statistiken/bildung-wissenschaft/bildungsindikatoren/themen/wirkung/bildungsstand.html>, 23. 2. 2024.

80 <https://www.bfs.admin.ch/bfs/de/home/statistiken/bildung-wissenschaft/bildungsindikatoren/themen/wirkung/bildungsstand.html>, 23. 2. 2024.

service adoptions
no. tél. direct 021/22 60 17

Monsieur, Madame [REDACTED]

ENF/4c
Lausanne, le 18 juillet 1977

Chère Madame,
Cher Monsieur,

Nous avons le plaisir de vous annoncer que nous venons de recevoir un rapport positif vous concernant du service de surveillance des enfants placés de votre commune, de sorte que, sur le plan suisse, votre dossier est parfaitement en ordre.

Nous ne pouvons toutefois, pour l'instant, que vous ajouter à notre liste d'attente de quelque deux cents couples. Durant le délai qui vous est ainsi demandé, nous vous donnerons volontiers, si vous nous appelez de trois mois en trois mois, des renseignements quant à votre progression sur cette longue liste.

Croyez, chère Madame et cher Monsieur, à l'assurance de nos sentiments les meilleurs.

13. 10. 77

160 St.

14. 12. 77

150 St.

24. 2. 78

135 St.

18. 12. 78

80 St.

2. 5. 78

70 St.

15. 8. 79

59 St.

11. 79

38 St.

Indien Mädden

Colombien

2-4 jahren

25. 1. 80 5000 Fr.

Secrétariat: 22 route du Signal, 1018 Lausanne Tél. (021) 22 60 63/4
Urgences, heures non ouvrables:
Tél. 26 71 11 - 29 83 16 - 37 76 97 - 35 08 19 - 99 17 77 - 22 69 88

Télégramme: «Terredeshommes Lausanne»
Telex: 24 042 Lausanne
CCP 10-11504

Fig. 11: An interested couple receives confirmation from Terres des Hommes that they will be placed on the waiting list for a child. The couple kept track of where they were on the waiting list. The sum of CHF 5,000 is noted next to the last entry in January 1980. The child placed in their care travelled to Switzerland in October 1980. Private archive.

(AV1–30 within the sub-sample C1–30) were, like those in Thurgau, in full-time employment and the breadwinners of the household, with the exception of one foreign doctor who was a stay-at-home husband.⁸¹ Of the 30 men, eight were craftsmen or tradesmen.⁸² Seven were employed in services or sales.⁸³ Two accountants, one auditor and one bank employee belonged to the clerical support major occupational group.⁸⁴ One electrical engineer, one occupational therapist and one chemist were technicians or associate professionals.⁸⁵ These 22 men had had several years of vocational education and are likely to have earned a middle-class income. Among the 30 adoptive fathers were also eight men with university degrees: two doctors, two theologians, two engineers, one teacher and one economist.⁸⁶ This means that a good quarter of the adoptive fathers had an academic education and thus an above-average level of education. All (perhaps with the exception of the stay-at-home father) are likely to have provided their families with an upper middle-class income.

In the Zurich sub-sample, it was possible to obtain more information on the education and occupations of the adoptive mothers (AM1–30 within the sub-sample C–130) than in the Thurgau sample. Seven of the women worked in education as teachers, speech therapists and early childhood educators.⁸⁷ Eight adoptive mothers had learned a nursing profession.⁸⁸ Another was a social worker.⁸⁹ Some 16 women were qualified to work with children with special needs or disabilities. Six women, or one fifth of the 30 adoptive mothers, had a high school leaving certificate. This means that the adoptive mothers in the canton of Zurich also had an above-average level of education. However, as stipulated by the Zurich immigration police, after taking in an Indian child the mothers were not allowed to continue working: “The entry of a foreign child with a view to future adoption will, however, only be

81 AV2: StArZH, V.K.c.15.: “Serie” 1988-1992.9980.

82 AV6: StAZH, Z 527501; AV7: StAZH, 1045.1650; AV12: STAW, VB, “Etat” 8576; AV14: STAW, AV, on “Etat” 10012, and STAW, VB, “Etat” 10012; AV22: StAZH, Z 427446; AV24: StAZH, Z 527461; AV26: StAZH, Z 527484; AV28: StAZH, Z 527528.

83 AV1: StAZH, Z 887964; AV16: STAW, AV, on “Etat” 8659, and STAW, VB, “Etat” 8659; AV18: StAZH, Z 58499; AV19: STAW, AV, on “Etat” 9008, and STAW, VB, “Etat” 9008; AV20: StAZH, Z 527451; AV27: StAZH, Z 527520; AV30: StAZH, Z 527469.

84 AV3: StAZH, Z 527424; AV21: StAZH, Z 181.17; AV25: StAZH, Z 527467; AV29: StAZH, Z 527546.

85 AV4: StAZH, Z 1045.1646; AV8: StAZH, Z 527474; AV10: StAZH, Z 527.412.

86 AV2: StArZH, V.K.c.15.: “Serie” 1988-1992.9980; AV5: StAZH, 1045.1649; AV9: StAZH, Z 527481; AV11: STAW, AV, zu “Etat” 10126; AV13: STAW, AV, on “Etat” 9778, and STAW, VB, “Etat” 9778; AV15: STAW, AV, on “Etat” 9515, and STAW, VB, “Etat” 9515; AV17: StAZH, Z 902.449; AV23: StAZH, Z 427.457.

87 AM4: StAZH, Z 1045.1646; AM5: StAZH, 1045.1649; AM9: StAZH, Z 527.481; AM17: StAZH, Z 902.449; AM20: StAZH, Z 527.451; AM11: STAW, AV, on “Etat” 10126; AM19: STAW, AV, on “Etat” 9008, and STAW, VB, “Etat” 9008.

88 AM1: StAZH, Z 887.964; AM7: StAZH, 1045.1650; AM8: StAZH, Z 527.474; AM13: STAW, AV, on “Etat” 9778, and STAW, VB, “Etat” 9778; AM18: StAZH, Z 58.499; AM22: StAZH, Z 427.446; AM23: StAZH, Z 427.457; AM28: StAZH, Z 527.528.

89 AM15: STAW, AV, on “Etat” 9515, and STAW, VB, “Etat” 9515.

authorised if one of the parents gives up work so that the child can be cared for by the future adoptive parents and does not need external childcare.”⁹⁰

Conclusion

India was the main country of origin of the children adopted through inter-country adoption in the canton of Zurich. In the canton of Thurgau, India was the second most common country of origin after Sri Lanka. There was a similar pattern to the placements in both cantons. Girls were favoured over boys, as with the Sri Lankan children brought to Switzerland for adoption.⁹¹ One third of the Indian children who entered Switzerland were infants aged between five and twelve months or toddlers aged between one and two years. Among the Sri Lankan children there had been newborn babies. There were no Indian newborns in any of the cases in the canton of Thurgau.⁹² This is probably due to the fact that most of the Indian children placed in Switzerland had already spent several months in institutions before being taken abroad. Many of the children travelled to these institutions from distant locations. The Mother Teresa (Missionaries of Charity) homes in Bombay, New Delhi and Calcutta served in both cantons as the main points of contact. According to Indian lawyer Rakesh Kapoor, the Swiss agencies had agreements with the Roman Catholic religious order whereby they would provide funding in return for children that could be placed for adoption. This had already been the arrangement at the time of the first Swiss adoption agent in India, Alice Khan-Meier, who had used funding from the Federation of Swiss Women’s Associations to build an extension to the Asha Sadan Rescue Home to house children before they were placed in Switzerland.

Couples who wanted to adopt without going through an adoption agency were also able to access these institutions. The couples who adopted Indian children in the cantons of Zurich and Thurgau had a higher than average level of education and income and would have been able to contact Indian homes themselves in English and travel to India to collect a child. And if the future adoptive parents were unable to pick up the child themselves, an off-duty air hostess would be found to bring the child over for them.

90 StAZH, Z 527.501, letter to couple from Zurich cantonal immigration police, 4. 9. 1987.

91 Sabine Bitter, Annika Bangerter, Nadja Ramsauer, *Adoptionen von Kindern aus Sri Lanka in der Schweiz 1973–1997. Zur Praxis der privaten Vermittlungsstellen und der Behörden. Historische Analyse betreffend das Postulat Ruiz 17.4181 im Auftrag des Bundesamts für Justiz*, 2020, p. 248.

92 Idem, p. 99, 114, 117, 122, 198, 245.

An Analysis of 24 Cases of Adoption of Indian Children in the Cantons of Zurich and Thurgau

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Using the case study of Saira as a starting point,¹ a sample of 24 cases of Indian children adopted in Switzerland was analysed to assess compliance with four key legal requirements. The study aimed to ascertain whether the required authorisation was obtained for placement of the child in foster care and was issued prior to entry to Switzerland, what kind of legal representation was provided for the child and whether the documentation included a 'deed of surrender', a declaration of consent by the child's biological parents. The 24 cases were selected on the basis of several criteria that took into account the geographical focus (cantons of Zurich and Thurgau) and historical timeframe (1973–2002) of the study and ensured a broad selection of Swiss adoption agencies. It also seemed sensible to include both rural and urban areas to clarify whether the authorities in rural areas where 'people know each other' reviewed applications in the same way as the authorities in urban areas, where there is more anonymity. Time management was also a consideration. The Thurgau cantonal archives in Frauenfeld held comprehensive adoption files, including those from the municipalities. In the canton of Zurich, however, many of the adoption decisions had to be assembled from the decentralised archives of municipalities and districts. One exception was the rural district of Andelfingen, which had transferred the adoption files from its different municipalities to the cantonal archives. To obtain a sample combining urban and rural areas in the canton of Zurich within a reasonable timeframe, adoption decisions from this district were selected in addition those from the cities of Zurich and Winterthur. The research could thus focus on three archives: the Zurich cantonal archives (Zurich State Archives) and the archives of the cities

1 The names of the children in this article are pseudonyms taken from a list of Indian first names, <https://www.familie.de/schwangerschaft/vornamen/indische-vornamen-die-50-schoensten-namen-aus-indien/>, 23. 2. 2024.

of Zurich and Winterthur. The sample based on these criteria (sample E1–24) includes six cases each from the canton of Thurgau, the district of Andelfingen in the canton of Zurich and the cities of Zurich and Winterthur.²

A warm and loving home?

Saira had “settled in wonderfully with our family” wrote the Rieders,³ a couple from the canton of Zurich, in their adoption application of summer 1983.⁴ The Rieders had adopted Saira as an infant two and a half years earlier. An employee of Terre des Hommes (India) Society, an organisation that worked with Terre des Hommes in Lausanne, was involved in arranging the placement.⁵ The district court in Alipore, a suburb of Calcutta, had transferred custody of the child to this employee in February 1981 and allowed her to bring the child to Switzerland.⁶ According to the adoption application, the child was born in 1980 and had been “found abandoned”.⁷ The Rieders attached the Indian court documents to the application “instead of the birth certificate of the child and deed of surrender from the mother”.⁸ The guardianship authority at their place of residence did not consider this documentation to be adequate and pointed out that legally, “The consent of the father or mother of the child must be obtained.”⁹

Despite the missing deed of surrender, the guardian appointed for Saira, who also needed to approve the adoption, wrote in favour of the application

2 Sample E1–24 with Amita: StATG, 4'635, 10/13, and StATG, 3'00'650, no. 1993 of 1980. Deshna: StATG, 4'631, 0/123, and StASG, W 354/2.095, and StAZH, Z 527.469. Dayita: StATG, 4'631, 0/120. Laya: StATG, 4'635, 0/0, and StATG, “Gemeindeakten” C 21, 2.2. VB W. “Adoptionen abgelegte Fälle” 1983–1989 (“Zwischenarchiv”). Jaspal: StATG, 4'635, 0/8, and StATG, 3'00'719, no. 1123 of 1986, and StATG, “Gemeindeakten” C 21, 2.2. VB W. “Adoptionen abgelegte Fälle” 1983–1989 (“Zwischenarchiv”). Esha: StATG, 4'635, 0/4. Saira: StAZH, Z 1045.1646. Jevaan: StAZH, Z 1045.1650. Sadhana: StAZH, Z 527.413, and StAZH, 1045.1649. Mani: StAZH, Z 1045.1683. Priya and Rinara: StAZH, Z 527.474, and StAZH, 1045.1678. Navin: StAZH, Z 527.424, and StArZH, V.K.c.15.: “Serie” 1998-1992.8856, and StArZH, V.K.c.25.: 5.2.326. Yuva: V.K.c.15.: “Serie” 1993-1997.13702. Rahul: StArZH, V.K.c.15.: “Serie” 1988-1992.9980. Tamani: StAZH, Z 887.964, and StArZH, V.K.c. 25.: 4.1.171, and StArZH, V.K.c. 15: “Serie” 1998-2001.3759. Vanita: StArZH, V.K.c.25.: 5.2.17, and StArZH, V.K.c.15.: “Serie” 1993-1997.13699. Yasha: StArZH, V.K.c.25.: 4.1.402, and StAZH, Z 71.237. Gita: STAW, AV, on “Etat” 8314, and VB, “Etat” 8314. Gopal: STAW, VB, “Etat” 10126, and STAW, AV, on “Etat” 10126. Devi: Private archive and STAW, VB, “Etat” 9008, and STAW, AV, on “Etat” 9008. Balu: STAW, AV, on “Etat” 9383, and STAW, VB, “Etat” 9383; Jaya: STAW, VB, “Etat” 8576, and STAW, AV, on “Etat” 8576. Kanti: STAW, AV, on “Etat” 10097, STAW, VB, “Etat” 10097, and StAZH, Z 902.449, and StAZH, 797.3761.

3 The surname ‘Rieder’ is a pseudonym.

4 StAZH, Z 1045.1646, adoption application, 15. 9. 1983.

5 On the collaboration between TdH Lausanne and TdH (India) Society, cf. p. 210–211.

6 StAZH, Z 1045.1646, “Entscheide des Bezirksgerichts Alipur” [orders of the Alipore district court], 16. and 20. 2. 1981, original (English, without the signature of the judge) with stamp (illegible).

7 StAZH, Z 1045.1646, adoption application, 15. 9. 1983.

8 Ibid.

9 Saira: StAZH, Z 1045.1646, request from VB, written record from municipal council, 30. 1. 1984.

that the child had “become used to” the family “very quickly”, had “developed very well” and that a “truly loving relationship” had formed. “I would be very much in favour of an adoption [...], if only for the well-being of the child, a good upbringing and the requisite warm and loving home”, he wrote.¹⁰ This assessment is surprising given that the official guardian of the child had been informed by the district youth welfare service [*Jugendsekretariat*] in the summer of 1983 that there had been “complaints about mistreatment of the foster child”.¹¹ The neighbours of the Rieders had reported that the family had cut off all contacts, the foster mother had been making a “big fuss” about little things and “didn’t calm down for hours”. “Recently, she apparently said to [Saira], who was sobbing loudly, ‘You’ll get a beating if you take the pacifier’”, wrote the youth welfare service.¹² The youth welfare service had also heard that the foster father was “quick-tempered” and that the family “absolutely” needed help.¹³ It ordered the official guardian to investigate.¹⁴ A few weeks later, the guardian said that he had had several conversations with the Rieders, had received the impression that the “accusations” were “in part greatly exaggerated”, and that they wanted to address the “problem of isolation” together.¹⁵ The youth welfare service was satisfied with this response.¹⁶ The guardianship authority considered it “unsatisfactory”,¹⁷ however, and instructed a foster carer to check up on the family. In the end, the report of the carer was positive. Saira was described as a “cheerful and lively child” who behaved “like a child of her age”, had “caught up in her development” and “obviously felt at ease”.¹⁸ The Rieders then submitted a second adoption application in spring 1984, which the district council granted.¹⁹

The legal framework for foster placements and adoption

Several important laws and regulations governed the adoption of children in Switzerland during the focus period of our study. The amendments of 1 April 1973 to the adoption provisions which were first enshrined in the *Swiss Civil*

10 Idem, letter from guardian to municipal council, 20. 9. 1983.

11 Idem, request from VB, written record from municipal council, 30. 1. 1984.

12 Idem, letter from district youth welfare service to guardian, 14. 7. 1983.

13 Ibid.

14 Ibid.

15 Idem, letter from guardian to district youth welfare service, 4. 8. 1983.

16 Idem, letter from district youth welfare service to VB, 27. 10. 1983.

17 Idem, letter from VB to district youth welfare service, 11. 11. 1983.

18 Idem, report from a foster carer to VB, 22. 12. 1983.

19 Idem, adoption decision of district council, 6. 6. 1984.

Code (CC) of 1907/12 provided the overall legal framework.²⁰ This was supplemented by the more detailed provisions of the *Ordinance on the Placement of Children in Foster Care* (FCAO), which came into force in 1978 and was revised again in 1989. A third source of regulation and guidance were the cantonal ordinances and official memos circulated by local authorities.

Under the new provisions of the *Swiss Civil Code*, from 1 April 1973 married couples and individuals were permitted to adopt a child even if they already had children of their own, as long as they were at least 35 years old or had been married for at least five years.²¹ The revised provisions were based on a new concept. Until the new provisions were introduced, certain legal ties, such as visitation rights and rights of inheritance, were preserved between the child and the biological parents of the child. There had been increasing criticism that this did not adequately integrate adopted children into their new families.²² In the 1972 revision, the concept of ‘simple adoption’²³ was replaced by ‘full adoption’.²⁴ Full adoption dissolved all ties between the child and their family of origin. In the adoptive family, the child had the same rights as biological children. This decoupling was anchored in a newly introduced provision on ‘adoption secrecy’.²⁵ The biological parents were now no longer permitted to know who had adopted their child.²⁶ At the time of the amendment, the term ‘best interests of the child’ was often used. In hindsight, family law expert Ingeborg Schwenzer notes that this was less about the needs and interests of children and more about creating families in the ‘bourgeois family model’. Any deviations from this ideal, such as a childless marriage or a birth out of wedlock, could have been concealed by means of an adoption.²⁷ The revised law stipulated that an adoption could only be granted “after a thorough investigation of all material circumstances”.²⁸ These circumstances included the character and state of health of the prospective adoptive parents and their relationship with the child. The future adoptive parents also ought to be in a position to care for, raise and provide for the child financially. It was also necessary to examine

20 Federal Act of 30. 6. 1972 on the Amendment of the Swiss Civil Code (Adoption and Art. 321), entry into force 1. 4. 1973. Cf. https://www.fedlex.admin.ch/eli/oc/1972/2819_2873_2653/de, 23. 2. 2024.

21 CC 1972, Art. 264b and Art. 264 para. 1.

22 *Erläuternder Bericht zur Änderung des Zivilgesetzbuches (Adoptionsrecht)* [explanatory report on the amendment of the Swiss Civil Code (Adoption Law)], 9. 12. 2013, p. 5, <https://www.news.admin.ch/news/message/attachments/80032.pdf>, 23. 2. 2024.

23 *Idem*, p. 4.

24 *Idem*, p. 5.

25 *Idem*, p. 34.

26 CC 1972, Art. 268b.

27 Ingeborg Schwenzer, *Internationale Adoption (Schriftenreihe zum Familienrecht FamPra.ch, hg. von Ingeborg Schwenzer und Andrea Büchler)*, Bern 2009, p. 98.

28 CC 1972, Art. 268a para. 1.

the foster care relationship to date and the motives of the adoptive parents.²⁹ The revised legislation also included provisions on the biological parents, who had to wait six weeks after the birth before consenting to an adoption.³⁰ This was followed by a further six-week period in which they could revoke their decision.³¹ It was a key requirement under the adoption legislation that both biological parents consent to the adoption.³² If the child had an official guardian, this guardian also had to agree to the adoption.³³

Each canton could decide for itself which authority was competent to decide in adoption cases. In the canton of Zurich, the competent authorities were the district councils [*Bezirksräte*].³⁴ In the canton of Thurgau, the government council, the executive body of the cantonal government [*Regierungsrat*], assumed this role.³⁵ Before issuing an adoption order, the authorities were obliged to check whether the requirements for adoption had been met.³⁶ This included ensuring that the child had been in the foster care of the prospective adoptive parents for two years prior to the adoption.³⁷ The placement of children in foster care was regulated for the first time at the national level by the *Ordinance on the Placement of Children in Foster Care* (FCAO), which came into force on 1 January 1978. Under this ordinance, authorisation was needed to foster a child.³⁸ In the canton of Thurgau, the orphans' office [*Waisenamt*] in each municipality was responsible for overseeing foster care arrangements.³⁹ In the canton of Zurich, it was the foster child services [*Pflegekinderfürsorge*] attached to the official guardianship authority [*Vormundschaftsbehörde*] in each municipality that issued the authorisation.⁴⁰ However, the guardianship authority was permitted to delegate investigation of a family's circumstances to the youth welfare service [*Bezirksjugendsekretariat*] at the district level.⁴¹

29 Idem, Art. 268a para. 2.

30 Idem, Art. 265b para. 1.

31 Idem, Art. 265b para. 2.

32 Idem, Art. 265a para. 1.

33 Idem, Art. 265 para. 3.

34 StAZH, MM 3.138 RRB 1973/4350 concerning act on amendment of procedures in civil matters, 29. 8. 1973, p. 6.

35 BAR, E4110-03#2001/64#204*, list of authorities authorised to grant adoptions under the Swiss Civil Code.

According to the Thurgau cantonal legislation implementing the provisions of the Swiss Civil Code, 1991, § 11 para. 3.5, this responsibility could be delegated to a department designated by the government council.

36 Cyril Hegnauer, *Grundriss des Kindesrechts und des übrigen Verwandtschaftsrechts*, 4th, revised edition, Bern 1994, p. 92.

37 CC 1972, Art. 264.

38 FCAO 1977, Art. 1 para. 1.

39 *Verordnung des Regierungsrates betreffend Aufsicht über die Pflegekinder* [Thurgau cantonal Ordinance of the Government Council on the Supervision of Children in Foster Care] of 26. 3. 1946, § 4. Even after its revision in 1981, the ordinance did not go beyond the *Ordinance on the Placement of Children in Foster Care* of 1978.

40 *Verordnung über die Pflegekinderfürsorge des Kantons Zürich* [Zurich cantonal Ordinance on Foster Care] of 11. 9. 1969, § 1.

41 Idem, § 5.

Supervision of the foster care arrangement fell to the district youth welfare commission [*Bezirksjugendkommission*], but this responsibility could also be delegated to an authority at municipal level with the agreement of the cantonal department of education.⁴² The government council was responsible for overall supervision.⁴³ This means that in the canton of Zurich, responsibility for checking the requirements and supervising any foster care arrangement could be shifted back and forth between different authorities.

The *Ordinance on the Placement of Children in Foster Care* stipulated that foster care of a child with a view to subsequent adoption could only be authorised if there were “no legal obstacles”.⁴⁴ The municipal orphans’ authorities in the canton of Thurgau and the municipal guardianship authorities in the canton of Zurich were only allowed to grant authorisation to foster a child if the prospective foster parents were up to the task. As in the case of adoption, the foster parents had to be healthy, suited to raising a child, provide good living conditions and be able to provide the child with an education.⁴⁵ They were also required to undergo inspections in the form of an annual home visit by the foster child services of their municipality,⁴⁶ which could also be delegated to an adoption agency.⁴⁷ According to the revised ordinance of 1989, special care also had to be taken to assess the suitability of foster parents if they took more than one child into their care at the same time or if the child had a disability.⁴⁸ Already under the first ordinance, the local authority had the power, in the event of problems, to withdraw any authorisation that had been granted to the foster parents, in consultation with the biological parents or a guardian, and to order that the child be placed elsewhere.⁴⁹ The issue of such a measure is likely to have been raised in the case of Saira.

Entry to Switzerland with no proof of identity

Foreign children who were taken into the care of foster parents in Switzerland with a view to subsequent adoption required an entry permit from the Federal Aliens Police (from 1980, the Swiss Federal Aliens Office).⁵⁰ The *Ordinance*

42 *Idem*, § 15.

43 *Idem*, § 4.

44 FCAO 1977, Art. 5 para. 3.

45 *Idem*, Art. 5 para. 1.

46 *Idem*, Art. 7 para. 1.

47 *Idem*, Art. 7 para. 2.

48 FCAO 1988, Art. 5 para. 3b, 3d and 3e.

49 FCAO 1977, Art. 11 para. 1 and 3.

50 *Idem*, Art. 6 para. 2a.

on the Placement of Children in Foster Care also stipulated that authorisation was required to foster a child, and that this could only be issued for a specific, identified, child.⁵¹ This condition was relaxed somewhat in the revised ordinance that came into force in 1989. If the required personal details were not available, provisional authorisation could still be granted.⁵² This was not relevant, however, to the Thurgau cases examined in sample E1–24, as the authorisations had already been issued prior to 1989. It was also not relevant to the Zurich cases in the sample, because in this instance, there was a cantonal ordinance that superseded the *Ordinance on the Placement of Children in Foster Care*. The cantons were permitted to take a more restrictive approach.⁵³ The cantonal ordinance did not provide for the granting of provisional authorisation and specified that the application must include the personal details of both the child and the parents of the child.⁵⁴ In the cases examined in both cantons, officially registered information regarding the baby or infant was therefore required, in line with standard international practices, as such information appeared in a birth certificate or an extract from a birth register issued by a civil registry office.

Under Indian law, the registration of births had been required since 1969.⁵⁵ An entry in an Indian birth register includes the name and surname of the child, the names of the biological parents of the child (or at least that of the biological mother of the child) and the date and place of birth of the child.⁵⁶ In the Thurgau sample cases, the files of all six children indicate that the child had no birth certificate.⁵⁷ Out of a total of 30 cases of Indian children adopted in Thurgau, a birth certificate or an extract from a birth register was available in only two of the cases.⁵⁸

Officially registered personal details were also missing from the files of all six Indian foster children in the rural district of Andelfingen. In the case of Saira, a “letter from India” was provided instead of a birth certificate.⁵⁹ The file

51 Idem, Art. 8 para. 2.

52 FCAO 1988, Art. 8a para. 1.

53 FCAO 1977, Art. 3 para. 1.

54 StAZH, OS 43, “Verordnung über die Pflegekinderfürsorge” [Ordinance on Foster Care], 11. 9. 1969, § 4, p. 365–368.

55 <https://indiankanoon.org/doc/1636244>, 23. 2. 2024.

56 Devi: Private archive, birth register extract from the Directorate of Planning, Statistics and Evaluation Office in Goa with file note dated 1985, obtained in 2011.

57 Amita: StATG, 4’635, 10/13, letter from foster mother to TdH, 12. 4. 1980. Deshna: StATG, 4’631, 0/123, decision of orphans’ office, 2. 6. 1983. Dayita: StATG, 4’631, 0/120, written record from orphans’ office, 1. 3. 1983. Laya: StATG, 4’635, 0/0, declaration from Shraddhanand Mahilashram in Bombay, 16. 4. 1984. Jaspal: StATG, 4’635, 0/8, “Deed of Adoption”, 7. 12. 1983. Esha: StATG, 4,635, 0/4, declaration from Shraddhanand Mahilashram in Bombay, 21. 1. 1984.

58 StATG, 4’631, 0/152; StATG, 4’631, 0/121.

59 Saira: StAZH, Z 1045.1646, adoption application, 15. 9. 1983.

of Jeevan indicated that he was a “foundling” and thus had no surname.⁶⁰ In the case of Mani, a declaration from the agency in India was provided instead of a birth certificate.⁶¹ The file for Sadhana was also missing such a document and there appears to have been some doubt as to her year of birth in addition.⁶² For Priya and Rinara, there were also no birth certificates. In their cases, there were even several different dates of birth indicated for each of them. When the foster parents asked how this could happen, Terre des Hommes in Lausanne explained that “the [...] dates of birth of the girls do not correspond to those in their passports [...], but are much closer to the real age of the children [...]”.⁶³

It was a similar story for the six Indian children who were placed in foster care in Zurich. Navin and Rahul had no birth certificates⁶⁴ and the applications of four other children were missing officially documented personal details. In the cases of Tamani and Yasha, the Missionaries of Charity themselves pointed this out.⁶⁵ In the cases of Vanita and Yuva, the information in the documents is contradictory.⁶⁶ The foster parents of Yuva thus filed a complaint about this to the Zurich district court in 1996, stating that “neither Ms Inderbitzin nor her Indian lawyer, Mr Shenoi, knew how this change had come about”.⁶⁷

The same thing happened with the six Indian children fostered by families in Winterthur. All of them entered the country without a birth certificate.⁶⁸ This was explicitly indicated in the Jaya and Balu cases.⁶⁹ For Gita, Gopal and Kanti, the Missionaries of Charity submitted replacement documentation drawn up by themselves, which they labelled “Certificate” or “Birth Certificate” to make them look official.⁷⁰ Kanti was already identified in the documentation by the surname of the foster parents.⁷¹ Devi also arrived in Switzerland

60 Jeevan: StAZH, Z 1045.1650, report from district youth welfare service to VB, 16. 7. 1984.

61 Mani: StAZH, Z 1045.1683, declaration from Family Service Centre in Bombay, 8. 12. 1987.

62 Sadhana: StAZH, Z 1045.1649, order of the Alipore district court (year of birth corrected by hand), 19. 4. 1982.

63 Priya and Rinara: StAZH, Z 1045.1678, declaration of consent from guardian and TdH employee, 12. 9. 1989. Cf. also “assumed” date of birth of Dayita: StATG, 4,631, 0/120, written record from orphans’ office, 1. 3. 1983.

64 Navin: StAZH, Z 527.424, and StArZH, V.K.c.15.: “Serie” 1998-1992.8856. Rahul: StArZH, V.K.c.15.: “Serie” 1988-1992.9980.

65 Tamani: StArZH, V.K.c.15.: “Serie” 1998-2001.3759, declaration from MOC, 29. 3. 1997. Yasha: StAZH, Z 71.237, and StArZH, V.K.c.25.:4.1.402, declaration from MOC, n.d.

66 Vanita: StArZH, V.K.c.25.:5.2.17, and StArZH, V.K.c.15.: “Serie” 1993-1997.13699. Contradictory information is provided about the place of birth. Cf. Declaration from Kusumbai Motichand, 9. 5. 1991, and child study report, 18. 8. 1990.

67 Yuva: V.K.c.15.: “Serie” 1993-1997.13702, declaratory petition to district court, 2. 1. 1996.

68 Gita: STAW, AV, on “Etat” 8314, and VB, “Etat” 8314. STAW, VB, “Etat” 10126, and STAW, AV, on “Etat” 10126. Devi: private archive and STAW, VB, “Etat” 9008, and STAW, AV, on “Etat” 9008. Balu: STAW, AV, on “Etat” 9383, and STAW, VB, “Etat” 9383; Jaya: STAW, VB, “Etat” 8576, and STAW, AV, on “Etat” 8576. Kanti: STAW, AV, on “Etat” 10097, STAW, VB, “Etat” 10097, and StAZH, Z 902.449, and StAZH, 797.3761.

69 Jaya: STAW, VB, “Etat” 8576, application by foster parents and guardian, 8. 10. and 22. 11. 1985. Balu: STAW, AV, on “Etat” 9383, communication from AV to VB Winterthur, 24. 8. 1990.

70 Gita: STAW, AV, on “Etat” 8314, replacement document from MOC, 5. 8. 1981. Gopal: STAW, AV, on “Etat” 10126, ‘Certificate’ from MOC, n.d.; Kanti: STAW, AV, on “Etat” 10097, ‘Birth Certificate’ from MOC, n.d.

71 Kanti: STAW, AV, on “Etat” 10097, ‘Birth Certificate’ from MOC, n.d.

without any officially registered personal details, but was able to obtain an extract from a birth register in 2011.⁷²

In the sample of 24 cases examined in the cantons of Zurich and Thurgau (E1–24), officially certified personal details were missing from the files of all of the children. Similarly, the analysis of all 30 Thurgau cases (D1–30) indicated that the personal details of 28 Indian children were missing. The children had thus entered Switzerland without any proof of identity or with documents containing fabricated personal details. This became obvious when several dates of birth appeared in the documents and no birth certificate was available, for example. According to Indian lawyer Rakesh Kapoor, the Indian passport authorities relied on the information from the court order. Whatever the judge had decided was included in the passport.⁷³ The fact that judges had the power to create an identity for the child is demonstrated by a copy of the passport of a girl who was taken into foster care by a couple in the canton of Thurgau with a view to adoption. The would-be adoptive father was already listed as “father” in the Indian passport, even though no adoption had taken place in either India or Switzerland.⁷⁴ The Swiss authorities ignored missing or blatantly false information about parents and children, and were satisfied with unofficial substitute documentation, even if the information it contained was contradictory.

Retroactive approval of foster care applications

Sample E1–24 is examined in the following to determine whether a further legal requirement was met, namely whether the prospective foster parents had obtained approval before taking the child into their care.⁷⁵

In the case of Amita in the canton of Thurgau, neither the *Terre des Hommes* file nor the file on the adoption decision contained any confirmation that the foster parents had obtained approval from the authorities to take the child into their care. There is no indication in any of the files that the orphans’ office had ever approved such an application.⁷⁶ In the case of Deshna, the files did state “that approval from all Swiss authorities” had been obtained,⁷⁷ but

72 Devi: Private archive, adoption file.

73 Cf. contribution “Provisions and Practice. International Adoptions and the Law in India”, Asha Narayan Iyer, p. 100.

74 Deshna: StATG, 4’631, 0/123, copy of passport.

75 FCAO 1977, Art. 8 para. 1.

76 Amita: StATG, 4’635, 10/13, and StATG, 3’00’650, no. 1993 of 1980.

77 Deshna: StATG, 4’631, 0/123, decision of orphans’ office, 2. 6. 1983.

such a decision is not documented in any of the files on this child in the three cantonal archives.⁷⁸ Although documents exist to show that the adoptive parents of Dayita, Laya and Jaspal had applied for and received approval in Switzerland, the approvals were only issued after the children had arrived in Switzerland.⁷⁹ Only Esha met the legal requirements for entry, as the foster care approval had been granted prior to her arrival.⁸⁰

In the Zurich district of Andelfingen, there is no document granting approval of the foster care application in the files of Saira, Jeevan and Sadhana.⁸¹ Mani's foster parents only received foster care approval after the child had already entered the country.⁸² In the case of Priya and Rinara, approval was also only granted after their arrival (in their first place of residence in the canton of Bern).⁸³ The same finding applies in Zurich. The necessary approval was missing from the files of the four children Navin, Yuva, Rahul and Vanita.⁸⁴ In the cases of Tamani and Yasha, approval was only granted after their arrival.⁸⁵ In Winterthur, foster care approval was missing for one child, Gita.⁸⁶

78 Deshna: StATG, 4'631, O/123, and StASG, W 354/2.095, and StAZH, Z 527.469.

79 Dayita: StATG, 4'631, O/120, written record from orphans' office, 24. 2. 1981. According to this document, a foster care application was only submitted on 27. 1. 1981. The placement had already taken place in December 1980, however. Cf. StATG, 4'631, O/120, no. 811 1983/9, formal written record from district council, 21. 4. 1983. Laya: StATG, "Gemeindeakten" C 21, 2.2. VB W. "Adoptionen abgelegte Fälle" 1983–1989 ("Zwischenarchiv"), written record from VB, 21. 11. 1984. The foster care authorisation is dated 21. 11. 1984, although the child entered Switzerland in May 1984. Cf. StATG, "Gemeindeakten" C 21, 2.2. VB W. "Adoptionen abgelegte Fälle" 1983–1989 ("Zwischenarchiv"), standard letter from residents' registry office to orphans' council, 11. 5. 1984. Jaspal: StATG, "Gemeindeakten" C 21, 2.2. VB W. "Adoptionen abgelegte Fälle" 1983–1989 ("Zwischenarchiv"), decision of orphans' office, 10. 5. 1984. The foster care authorisation is dated 10. 05. 1984 although Jaspal entered Switzerland in February 1984. Cf. idem, follow-up report by AdInt, 4. 5. 1984.

80 Esha: StATG, 4'635, O/4, foster care authorisation, 1. 12. 1983. Cf. idem, phone call record, file note dated 7. 2. 1984. This document indicates the date of Esha's arrival in Switzerland.

81 Saira: StAZH Z 1045.1646. Jeevan: StAZH, Z 1045.1650. Sadhana: StAZH, Z 527.413, letter from Zurich cantonal immigration police to district youth welfare service, 25. 5. 1984. This mentions two documents from the district youth welfare service granting approval. The documents themselves were not enclosed. According to the report, one of the documents was dated from before Sadhana entered the country. It is unclear whether this document was the foster care authorisation.

82 Mani: StAZH, Z 1045.1683, decision of VB, 29. 2. 1988. The child arrived in December 1987. Cf. StAZH, Z 1045.1683, report from guardian to VB, 30. 1. 1990.

83 Priya and Rinara: StAZH, Z 527.474, foster care authorisation for both children, 20. 10. 1987. The children entered Switzerland earlier, in September 1987. Cf. idem, residence permit issued by Zurich cantonal authority, 30. 3. 1988.

84 Navin: StAZH, Z 527.424, and StArZH, V.K.c.15.: "Serie" 1998-1992.8856. Yuva: V.K.c.15.: "Serie" 1993-1997.13702. Rahul: StArZH, V.K.c.15.: "Serie" 1988-1992.9980. Vanita: StArZH, V.K.c.25.:5.2.17.

85 Tamani: StAZH, Z 887.964, definitive foster care authorisation, 12. 6. 1997. The child entered Switzerland in April 1997. Cf. StArZH, V.K.c. 25.:4.1.171, written record sheet of foster services unit of the Zurich city social services department, file note dated 24. 4. 1997. Yasha: StArZH, V.K.c.25.:4.1.402, definitive foster care authorisation from foster services unit of Zurich city social services department, 7. 5. 1993. The child had entered Switzerland prior to 20. 04. 1993. Cf. idem, written record sheet of foster services unit of Zurich city social services department, file note dated 20. 4. 1993.

86 Gita: STAW, AV, on "Etat" 8314, and STAW, VB, "Etat" 8314.

For the five other children, Gopal, Devi, Balu, Jaya and Kanti, approval was only granted retroactively.⁸⁷

In a total of nine of the 24 cases examined in the cantons of Zurich and Thurgau, there is no documented proof that the foster parents had been granted approval to foster the child. In 14 other cases, the approval was only issued after arrival of the child in Switzerland. This means that the foster care application was only checked and approved after the child was already living with the foster family. In only one case was there evidence that approval was issued in accordance with the law prior to the child's arrival in Switzerland.

In 1988, the Federal Council issued a circular stating that efforts by local authorities to vet parents who applied to foster a child with a view to adoption were generally inadequate and that this could have serious consequences. "Once the child is placed, the authorities are often faced with a *fait accompli* [...]. An examination of problematic cases has shown, however, that various difficulties with adopted children could have been avoided if the adoptive parents had been chosen more carefully."⁸⁸

Inadequate supervision by an appointed guardian

The Indian court orders granted Swiss foster parents custody but not 'parental authority' (nowadays 'parental responsibility') over the child. They only received parental authority once the adoption decision had been issued in Switzerland. This meant that from the moment the court order was issued until their departure, including while being transferred between continents, the Indian children had no one to ensure that their rights were respected. The child was no longer in the care of the biological parents and they no longer had 'parental authority' over the child, but neither did the Swiss couple, and in some circumstances, the child was not yet in their care. The *Swiss Civil Code*

87 Gopal: STAW, AV, on "Etat" 10126, letter from official guardian to VB Winterthur, 3. 7. 1997. The child had entered Switzerland in April 1994. Approval of the foster care application was not granted until July 1994. Cf. STAW, VB, "Etat" 10126, written record from VB Winterthur, 8. 7. 1994. Devi: Private archive, copy of passport with entry stamp dated 11. 8. 1986. The foster care authorisation was only issued later. Cf. STAW, VB, "Etat" 9008, foster care authorisation, 5. 9. 1986. Balu: STAW, AV, on "Etat" 9383, residence permit from Zurich cantonal immigration police, 19. 8. 1988. This document shows that the child entered Switzerland in August 1988. The foster care application was granted months later. Cf. idem, foster care authorisation, 10. 11. 1988. Jaya: STAW, VB, on "Etat" 8576, written record from VB Winterthur, 11. 10. 1983. Document shows that approval of foster care application was only granted after child had entered country. Kanti: STAW, AV, on "Etat" 10097, application for definitive foster care authorisation from Youth and Family Counselling Service to VB, 21. 3. 1994. Kanti had already entered Switzerland when the application was submitted. Cf. StAZH, Z 902.449, copy of passport mentioning the date of entry of 18. 1. 1994.

88 Archiv des Jugendamts des Kantons ZH [Zurich cantonal youth welfare office archives], circular from Federal Council to foster care and adoption agency supervisory authorities, 21. 12. 1988, p. 2.

stipulated that a child who is not (or can no longer) be represented by their biological parents needs a legal guardian.⁸⁹ This statutory requirement arose the moment the child entered Switzerland. The following section examines whether a legal guardian was appointed for the Indian children within the reasonable timeframe of four weeks from the date of their entry into Switzerland.

The documents relating to the six Indian children in the canton of Thurgau in the sample show that they were not adequately represented by an appointed guardian. In the case of Jaspal, the official guardian was only appointed two months after his arrival in Switzerland.⁹⁰ The same applied in the case of Dayita, who was furthermore assigned a person who was biased: the orphans' office appointed her foster father as her guardian.⁹¹ An official guardian for Laya was only appointed after half a year.⁹² It took a whole year for a guardian to be appointed for Esha.⁹³ Amita and Deshna were without a guardian for the entire duration of their foster care. In their case, a person appeared shortly before the adoption in order to give the required guardianship consent.⁹⁴

In the canton of Zurich, only four of the 18 children were appointed a guardian within four weeks⁹⁵ of their arrival.⁹⁶ In the remaining 14 cases, the children were inadequately represented by an official guardian. The four girls went unrepresented by an official guardian for over a month.⁹⁷ Two of

89 CC 1907, Art. 327a.

90 Jaspal: StATG, 4'635, 0/8, written record from orphans' office, 24. 2. 1981. The child entered Switzerland in December 1980. Cf. idem, formal written record from district council, 21. 4. 1983.

91 Dayita: StATG, 4'631, 0/120, written record from orphans' office, 1. 3. 1983. The official guardian assumed guardianship on 24. 2. 1981, although the child entered Switzerland on 28. 12. 1980.

92 Laya: StATG, "Gemeindeakten" C 21, 2.2. VB W. "Adoptionen abgelegte Fälle" 1983–1989 ("Zwischenarchiv"), written record from VB, 21. 11. 1984. Laya had already arrived in May 1984. Cf. StATG, 4,635, 0/0, "Eröffnungsblatt" [newsletter] of AdInt.

93 Esha: StATG, 4'635, 0/4, memo of phone call by AdInt, 13. 2. 1985. By this point, Esha had already been in Switzerland for a year. Cf. idem, letter from foster parents to AdInt, 23. 2. 1984.

94 Amita: StATG, 4'635, 10/13, letter from VB to foster parents, 10. 4. 1980. At this point, Amita had already been in Switzerland for two years. Cf. idem, note "Arr. 12. 4. 1978 La Tour Meyrin". Deshna: StATG, 4'631, 0/123, decision of orphans' office, 2. 6. 1983. The child had entered Switzerland more than two years earlier, on 25. 3. 1981. Cf. StAZH, Z 527.469, residence permit, 9. 4. 1981.

95 The Swiss Civil Code (Art. 327a) states that if a child is not subject to parental responsibility, the child protection authority must appoint a guardian. This was the case for the Indian children from the moment the Indian court ordered the transfer of custody, if not before. The children would thus have needed representation by a guardian from the first day they entered Switzerland.

96 Navin: StArZH, V.K.c.15.: "Serie" 1998-1992.8856, formal written record from district council, adoption decision, 14. 11. 1985. Yuva: V.K.c.15.: "Serie" 1993-1997.13702, final report by child deputy, 30. 10. 1995. The child deputy assumed her role on 24. 10. 1993 upon the arrival of the child in Switzerland. Cf. V.K.c.15.: "Serie" 1993-1997.13702, letter from child deputy to orphans' council within VB, 26. 11. 1993. Jaya: STAW, VB, "Etat" 8576, written record from VB, 11. 10. 1983. Jaya arrived in mid-September 1983. Cf. idem, home study report, 6. 11. 1985. Sadhana: StAZH, Z 1045.1649, report by guardian, 17. 6. 1984. The appointed guardian assumed this role in June 1982 upon arrival of the child in Switzerland. Cf. StAZH, Z 527.413, letter from Zurich cantonal immigration police to district youth welfare service, 25. 5. 1984.

97 Vanita: StArZH, V.K.c.25.:5.2.17, certificate of appointment from VB, chamber II, 29. 7. 1991. The guardian was appointed six weeks after Vanita's arrival. Cf. idem, residence permit listing date of entry as 15. 6. 1991. Devi,

them had Terre des Hommes staff appointed as their guardians. These staff members were located far away from where the girls lived and were also not impartial, as they had organised adoption placements on behalf of Terre des Hommes.⁹⁸ A further seven children were not appointed a guardian to represent them until several months after they had entered the country.⁹⁹ In one case, it remains unclear when the guardian was appointed.¹⁰⁰ Two children were not represented by an official guardian at all. In the case of Rahul, a guardian was explicitly appointed for the sole purpose of consenting to the adoption.¹⁰¹ For Yasha, the file said that “Apparently all those involved were of the opinion that a guardian had been appointed; this was, however, not the case”.¹⁰²

The jurist and children’s rights expert Robert Zuegg had criticised the general inadequacy of the supervision of children in foster care evidenced by this “regrettable lack of representation”¹⁰³ as early as the 1980s. Serious situations arose in the cases of Indian children placed in the care of families in the cantons of Zurich and Thurgau, in which the involvement and dedication of an appointed guardian would have been particularly important. Three years after entering Switzerland in early 1997, suspicions arose that Gopal may have been sexually assaulted before or during his journey to Switzerland, as was the case with three other Indian children who had been brought to the canton of Zurich. The cantonal police informed the guardianship authority, and it informed the two official guardians responsible for these four children, that

Private archive, written record from VB, 29. 9. 1986. Devi was taken into the care of the foster family on 11. 8. 1986. Cf. application form for foster care authorisation, 26. 8. 1986. Priya and Rinara: StAZH, Z 527.474, written record of guardianship and welfare commission meeting of a municipality in canton Bern, 20. 10. 1987. Cf. idem, residence permit issued by Zurich cantonal authority, 30. 3. 1988. This lists the date of entry as 14. 9. 1987.

98 Priya and Rinara: StAZH, Z 1045.1678, guardian’s declaration of consent to child’s adoption, 12. 9. 1989.

99 Gita: STAW, AV, on “Etat” 8314, extract of written record from Winterthur VB, 2. 11. 1981. Gita had entered Switzerland on 4. 9. 1981. Cf. idem, residence permit issued by Zurich cantonal immigration police, 14. 9. 1983. Tamani: StArZH, V.K.c.15:-Serie 1998-2001.3759, written record from VB, 3. 7. 1997. The child had entered Switzerland in April 1997. Cf. StArZH, V.K.c.25:-4.1.171, form issued by foster services unit of Zurich city social services department, file note dated 28. 10. 1999. Balu: STAW, AV, on “Etat” 9383, written record from VB Winterthur, 22. 12. 1988. Document shows guardian was appointed on 9. 1. 1989. Balu had entered Switzerland in August 1988. Cf. also residence permit, 19. 8. 1988. Gopal: STAW, AV, on “Etat” 10126, written record from VB Winterthur, 12. 7. 1994. Document shows guardian assumed this function on 4. 8. 1994. Gopal had already arrived four months earlier. Cf. idem, ‘B’ residence permit, 28. 4. 1994. Kanti: STAW, AV, on “Etat” 10097, written record from VB Winterthur, 26. 4. 1994. Document shows Kanti had entered Switzerland more than three months previously. Cf. StAZH, Z 902.449, copy of passport indicating date of entry 18. 1. 1994. Saira: StAZH, Z 1045.1646, adoption application, 15. 9. 1983. Saira had been in Switzerland since August 1981. A guardian was not appointed until January 1982. Cf. idem, letter from guardian to municipal council, 20. 9. 1983. Mani: StAZH, Z 1045.1683, decision of VB, 29. 2. 1988. Document shows guardian only assumed mandate two months after Mani’s arrival in December 1987.

100 Jeevan: StAZH, Z 1045.1650.

101 Rahul: StArZH, V.K.c.15:- “Serie” 1988-1992.9980, VB written record book, file note dated 22. 5. 1985.

102 Yasha: StArZH, V.K.c.25:-4.1.402, letter from orphans’ council within VB to foster parents, 31. 8. 1995.

103 Robert M. Zuegg, *Die Vermittlung ausländischer Adoptivkinder als Problem des präventiven Kinderschutzes*, Zurich 1986, p. 78.

an investigation was underway. This investigation had been launched after a district attorney's office pointed out this "strong suspicion".¹⁰⁴ The cantonal police asked the official guardians to provide information on the agencies involved in India and in Switzerland and also wanted to know whether they had any relevant information. The guardians answered that the four children had been placed by the home of the Missionaries of Charity in Bombay.¹⁰⁵ One of the official guardians also mentioned that the two children for whom he was responsible had come to Switzerland with the help of the adoption agent Helga Ney.¹⁰⁶ Both official guardians stated that they had seen no evidence of sexual abuse.¹⁰⁷ Despite extensive research in the Zurich cantonal archives, it was not possible to find out whether the Zurich cantonal police investigation ultimately revealed more information than that which could be gathered from the statements of the two official guardians. While the authorities in the canton of Zurich were dealing with this investigation, Terre des Hommes was struggling with another scandal involving alleged abuse. At the end of 1996, Terre des Hommes parted ways with its longstanding cooperation partner, Milton McCann, over allegations of paedophilia and filed a complaint against him in India.¹⁰⁸ The foundation had cooperated with Milton McCann through the Terre des Hommes (India) Society, which Milton McCann founded in the 1970s in partnership with a Swissair pilot.¹⁰⁹ According to the Swiss embassy, Milton McCann was the official representative of Terre des Hommes in India.¹¹⁰ Despite the suspension of Milton McCann in 1996, Terre des Hommes in Lausanne today downplays its association with the entity in India, claiming that the Terre des Hommes (India) Society had "always legally been an organisation completely independent of the foundation".¹¹¹

In 2000, the South Asia correspondent of the daily newspaper *Neue Zürcher Zeitung*, Bernard Imhasly, brought to public attention the fact that Milton McCann had never been tried.¹¹² Terre des Hommes stated at the time that the

104 STAW, AV, on "Etat" 10126, and STAW, AV, on "Etat" 9903, same letter from VB, Winterthur city social services department, to two official guardians, 1. 7. 1997.

105 STAW, AV, on "Etat" 9903, and STAW, AV, on "Etat" 10012, one letter each from two official guardians to VB Winterthur, 3. 7. 1997.

106 STAW, AV, on "Etat" 10012, letter from official guardian to VB Winterthur, 3. 7. 1997.

107 STAW, AV, on "Etat" 9903, and STAW, AV, on "Etat" 10012, one letter each from two official guardians to VB Winterthur, 3. 7. 1997.

108 <https://www.swissinfo.ch/eng/charity-rejects-cover-up-claim-in-paedophile-case/1607256>, 23. 2. 2024.

109 <https://davel.vd.ch/detail.aspx?ID=836505>, 23. 2. 2024.

110 Letter from Mr Jean-Pierre Keusch, chargé d'affaires ad interim of Swiss embassy in India, to Directorate of Political Affairs of Swiss Federal Political Department, 4. 8. 1978, <https://dodis.ch/52022>, 23. 2. 2024.

111 Letter from TdH to research team, 9. 1. 2023.

112 Bernard Imhasly: "Konflikt um 'Terre des Hommes' in Indien", *Neue Zürcher Zeitung*, 11. 8. 2000, p. 13, and "Pädophilen-Skandale im Kinderhilfswerk", *Der Bund*, 11. 8. 2000, p. 5.

West Bengal judicial authorities were responsible for this failure.¹¹³ In January 2001, the Swiss French-language daily newspaper *Le Temps* reported that the complaint filed by Terre des Hommes in 1997 was now being dealt with by the courts. McCann had been released on bail and had not yet appeared in court.¹¹⁴ The *Indiankanoon* platform, a comprehensive database of court judgments from the 19th century to the present, does not indicate any judgment in the case, which suggests that the proceedings were never brought to a conclusion. An authoritative source contacted by the research team confirmed this but asked that their response be kept “confidential”.¹¹⁵

Despite the paedophilia allegations against him, which had never been refuted, Milton McCann continued to work in children’s aid in India as the executive director of the Swiss foundation Usthi.¹¹⁶ This foundation had links to the aid organisation Wecare, founded in Zurich-Witikon in 2002, where Milton McCann was also employed in the position of secretary general until his death in 2011.¹¹⁷ In other words, two Swiss aid organisations allowed a man who had been suspended by Terre des Hommes in 1996 due to allegations of paedophilia to continue working in children’s aid.

In summary, in the sample of 24 cases in the cantons of Zurich and Thurgau, only four children, that is only one sixth, were appointed an official guardian within one month of their arrival. The vast majority were inadequately represented by a guardian during their time in foster care. In three cases, the future adoptive father of the child or an employee of the agency that arranged their placement was appointed as guardian of the child, which was conducive to conflicts of interest and was contrary to the legal requirements.¹¹⁸ The investigation launched by the Zurich cantonal police into allegations of sexual assault before or during the journey of the children to Switzerland illustrates just how important it would have been for the children to have been appointed a dedicated guardian at a much earlier stage. Since the boy in question was not appointed a guardian until months after his arrival in Switzerland, the guardian was not in a position to judge the state of the child upon arrival and thus saw no evidence of abuse. There is no indication in the files that he insisted on any further investigation of the alleged abuse.

113 <https://www.swissinfo.ch/eng/charity-rejects-cover-up-claim-in-paedophile-case/1607256>, 23. 2. 2024.

114 Jean-Claude Pécllet, “Une accusation de pédophilie déchire deux œuvres d’entraide suisse en Inde”, *Le Temps*, 22. 1. 2001, p. 31.

115 Enquiry from the research team, 3. 11. 2023, and response to research team, 21. 12. 2023.

116 Bernard Imhasly, “Konflikt um ‘Terre des Hommes’ in Indien”, *Neue Zürcher Zeitung*, 11. 8. 2000, p. 13, and “Pädophilen-Skandale im Kinderhilfswerk”, *Der Bund*, 11. 8. 2000, p. 5. “*Rundschau*” publication of the Swissair airline pilots association (aeropers) 32/259 (1985), p. 42. Cf. also <https://usthi.ch/en/who-we-are/>, 21. 10. 2023.

117 <https://www.we-care.ch/wp-content/uploads/2023/05/jahresbericht-we-care-2011.pdf>, 2024.

118 CC 1907, Art. 392 para. 2.

Absent fathers

Before placing a foster child in foster care with a view to subsequent adoption, the local authority not only had to carefully vet the family, it also had to clarify whether the conditions for adoption were met at the end of the two-year foster care relationship.¹¹⁹ In other words, it had to know beforehand whether the biological parents of the child consented to subsequent adoption before it approved the foster care application. The revised *Ordinance on the Placement of Children in Foster Care*, which came into force in 1989, downplayed this necessity. In the absence of the consent of the biological parents, foster parents could instead submit a statement from an authority in the country of origin explaining why consent could not be obtained.¹²⁰ In the canton of Zurich, however, the requirement remained strict. Around the time when the revised ordinance came into force, the Zurich cantonal immigration police expressly stated in a circular that it was necessary to clarify whether the biological parents consented to an adoption before a foreign child entered Switzerland.¹²¹ This easing of regulations in the revised *Ordinance on the Placement of Children in Foster Care* also had no impact on the Thurgau adoption cases in the sample E1–24, as the children were adopted prior to 1989.¹²²

Consent of the biological parents to an adoption was also one of the essential requirements in the *Swiss Civil Code*.¹²³ Moreover, the consent of *both* parents was required. The consent of one parent could only be waived under certain circumstances, namely if they or their whereabouts were unknown, if they had not taken care of the child or if they lacked capacity of judgement.¹²⁴ A Thurgau ordinance of 1991 also stipulated that the guardianship authority had to explain to the biological parents the consequences of adoption and their rights with regard to the withdrawal of consent.¹²⁵ It was also required to ‘hear’ the parent before dispensing with their consent.¹²⁶ Thurgau adoption law thus even required a hearing in the physical presence of the biological parents. Owing to the requirement to obtain the consent of

119 *Idem*, Art. 5 para. 3.

120 FCAO 1988, Art. 6 para. 2c.

121 Archiv des Jugendamts des Kantons ZH [Zurich cantonal youth welfare office archive], circular from Zurich cantonal immigration police, 15. 8. 1989.

122 *Cf.* p. 203, note 57.

123 CC 1972, Art. 265a para. 1. *Cf.* also: This consent was also required by the *European Convention on the Adoption of Children* of 24. 4. 1967, ratified by Switzerland on 29. 12. 1967, entry into force in Switzerland on 1. 4. 1973, Art. 5 para. 1(a).

124 *Idem*, Art. 265c para. 1 and 2.

125 *Verordnung des Regierungsrates über die Tätigkeit der vormundschaftlichen Behörden* [Ordinance of the Government Council on the Activities of the Guardianship Authorities], of 3. 12. 1991, § 6.

126 *Idem*, § 7.

both parents, the general rule in Switzerland was that they had the right to challenge an adoption retroactively if their consent had not been obtained.¹²⁷

The consent of the father was missing from the files of the six children adopted in the canton of Thurgau in the sample (E1–24). This was the case in all of the 30 Indian adoptions in this canton.¹²⁸ Similarly, the six children whose adoption was decided by the Zurich district council did not have the consent of the fathers.¹²⁹ This was also the case in the six adoption decisions by the Winterthur district council¹³⁰ and in the district of Andelfingen.¹³¹ In this rural district, the name and address of a father was included in the Indian court document only in the case of one set of siblings. The man was therefore known to the court and to Terre des Hommes (India) Society, which arranged the placement. His signature is nevertheless missing from the court document.¹³² In the passports of the children, the address of the Terre des Hommes (India) Society is listed instead of his.¹³³ When the question of the consent of the father arose during these adoption proceedings, Terre des Hommes in Lausanne stated that it had not been possible to trace him even after an “extensive search”.¹³⁴

The consistent lack of declarations of consent from the fathers raises an important question, which is whether the Indian lawyers, courts and authorities were informed about the requirement in Switzerland for consent from both biological parents. One adoption file contained a document that helps to answer this question. The document, which the agent Christina Inderbitzin sent to her Indian lawyer Bertram D. Sheno in 1984, contains a notarised English translation of articles from the *Swiss Civil Code*. A closer inspection of this document sent to India revealed that certain articles were missing, namely

127 CC 1972, Art. 269 para. 1.

128 Thurgau sample D1–30, cf. contribution “Indian Adoptees in the Cantons of Zurich and Thurgau”, Sabine Bitter, p. 174, note 7.

129 Navin: StAZH, Z 527.424, and StArZH, V.K.c.15.: “Serie” 1998-1992.8856, and StArZH, V.K.c.25.: 5.2.326. Yuva: V.K.c.15.: “Serie” 1993-1997.13702. Rahul: StArZH, V.K.c.15.: “Serie” 1988-1992.9980. Tamani: StAZH, Z 887.964, and StArZH, V.K.c. 25.:4.1.171, and StArZH, V.K.c. 15: “Serie” 1998-2001.3759. Vanita: StArZH, V.K.c.25.:5.2.17, and StArZH, V.K.c.15.: “Serie” 1993-1997.13699. Yasha: StArZH, V.K.c.25.:4.1.402. and StAZH, Z 71.237.

130 Gita: STAW, AV, on “Etat” 8314, and VB, “Etat” 8314. Gopal: STAW, VB, “Etat” 10126, and STAW, AV, on “Etat” 10126. Devi: Private archive and STAW, VB, “Etat” 9008, and STAW, AV, on “Etat” 9008. Balu: STAW, AV, on “Etat” 9383, and STAW, guardianship authority on “Etat” 9383; Jaya: STAW, VB, on “Etat” 8576, and STAW, AV, on “Etat” 8576. Kanti: STAW, AV, on “Etat” 10097, STAW, VB, “Etat” 10097, and StAZH, Z 902.449, and StAZH, 797.3761.

131 Saira: StAZH, Z 1045.1646. Sadhana: StAZH, Z 1045.1649. Jeevan: StAZH, Z 1045.1650. Mani: StAZH, Z 1045.1683.

132 Pryia and Rinara: StAZH, Z 1045.1678, copy of the Alipore district court order, 2. 5. 1987.

133 Idem and copies of passports, 27. 8. 1987.

134 StAZH, Z 1045.1678, declaration by guardian and TdH employee, 25. 10. 1989.

those requiring the consent of both parents.¹³⁵ The letter thus withheld from the cooperation partner in India one of the most important legal requirements for adoption in Switzerland.

No declaration of consent by the mothers

Not only were the declarations of consent by the fathers missing in all cases in the sample (E1–24), the officially registered personal details of the mothers and, just as consistently, their declarations of consent to the adoption of their child were also missing.¹³⁶ This striking finding was confirmed when the remaining 24 cases of the entire Thurgau sample (D1–30) were analysed¹³⁷ in addition to the six Thurgau cases that are part of the sample (E1–24). In none of these case files was the name of the mother mentioned, nor was there any signature or fingerprint to indicate that she had given her consent.¹³⁸ In summary, the study found that in a total of 48 adoption cases in the cantons of Zurich and Thurgau, there was no declaration of consent by either the father or the mother on file.

The following section examines the justifications given for this systematic absence of key documentation establishing the legally required consent of the biological parents, and of the mothers in particular.

In the canton of Thurgau, it was the responsibility of the district council to examine any adoption application and to then forward it to the government council for a decision. In the case of Amita, the district council noted: “The consent of the unknown and absent biological parents of the adoptive child in India cannot be obtained.”¹³⁹ The use of the German expression “*unbekannt abwesend*” indicates that the reason for the failure to obtain consent from the parents was twofold: the parents of the child were ‘absent’ and their whereabouts were unknown. In the case of Dayita, the orphans’ office stated that the parents were “also not known to the Indian authorities”,¹⁴⁰ suggesting that here too, further enquiry would be useless. The same reasoning was applied in the case of Esha.

135 Devi: private archive, document containing summary of Swiss Civil Code articles on adoption law, with notarised translation certified by the chancellery of the Zurich cantonal government, 13. 4. 1984. Articles 265a, 265b and 265c governing the consent of the biological parents were omitted.

136 Cf. sample E1–24 p. 198, cf. note 2. In one exception, the file of a person adopted contains an extract from the birth register, but this was only obtained in 2011. Cf. Devi: private archive, adoption file.

137 Thurgau sample D1–30 p. 174, cf. note 7.

138 Some documents from India and Sri Lanka pertaining to the surrender of a child contain the fingerprint of the mother instead of a signature, for example where the mother did not know how to write.

139 Amita: StATG, 4’635, 10/13, formal written record from district council, 9. 10. 1980.

140 Dayita: StATG, 4’631, 0/120, written record from orphans’ office, 1. 3. 1983.

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 Lagerhausstrasse 6
 8402 Winterthur

Kurzmitteilung [Redacted]

Wir senden Ihnen die hier aufgeführten Beilagen ohne Brief:

1 Reisepass
 - Verzichtserklärung der leiblichen Mutter und Geburtsurkunde
 sind nicht vorhanden.

☒ gemäss Ihrem Wunsch	_____
☐ gemäss (tel.) Besprechung	_____
☐ gemäss Ihrem Brief	_____
☐	_____
☐ zu unserer Entlastung zurück	_____
☒ zur Kenntnis	_____
☐ zur Prüfung/Abklärung bis:	_____
☐ zur Erledigung bis:	_____
☐ zur Stellungnahme bis:	_____
☐ zur Unterschrift bis:	_____
☐ zu Ihren Akten	_____
☐	_____
☐ bitte zurücksenden an:	bis: _____
☐ bitte weiterleiten an:	_____
☐ bitte anrufen; Tel.-Nr.:	_____
☐	_____

Unser Sachbearbeiter: [Redacted]
 Datum: 24. August 1990
 Mit freundlichen Grüßen [Redacted]

Fig. 1: Despite over 20 years of experience in handling the cases of Indian children placed for adoption in Switzerland, the local authorities, in this case those of the city of Winterthur, accepted applications that were missing a birth certificate for the child and the deed of surrender signed by the biological parents of the child. Winterthur city archives, official guardian on "Etat" 9383, letter from the official guardian at the Winterthur city social services department to the Winterthur guardianship authority, dated 24 August 1990.

The government council argued that the consent of the parents could be dispensed with because the parents were “unknown”.¹⁴¹ The reasoning in the case of Laya was the same,¹⁴² even though in her case, Adoption International knew the name of the home in which her mother had stayed for a month and had breastfed the child.¹⁴³ The unmarried mother of Jaspal was also known to the agency in India. The agency had informed Adoption International that she was unable to take her son home with her.¹⁴⁴

In the district of Andelfingen, the guardianship authority simply highlighted the unsatisfied legal requirement for the adoption of Saira, being that “The consent of the father or mother of the child must be obtained.”¹⁴⁵ In the case of Sadhana, the district council argued that consent from the biological parents could be dispensed with since they were “unknown”.¹⁴⁶ With regard to Jeevan, the district youth welfare service argued that he was a “foundling” and that “not even the name” of his parents was known.¹⁴⁷ In the case of Mani, the guardian referred to the “consent of the country of origin” instead of the consent of the mother.¹⁴⁸ The court order, the only available Indian document, did not mention one word about the mother, however.¹⁴⁹ In the case of the adoptions of Priya and Rinara, the district council relied on the assertion made by Terre des Hommes that the mother had abandoned both her two children and their father.¹⁵⁰

The reasons for the lack of consent of the parents were similar in Zurich. In the cases of Vanita and Yuva, this was considered permissible because the parents were unknown.¹⁵¹ In the case of Tamani, the argument was that the mother had died.¹⁵² The Indian court order does not mention this, however, and there is also no documentation to prove that she had died.¹⁵³ The fact that the consent of the mother was not documented was also accepted in the case of the adoption of Navin, even though the identity of the mother was known

141 Esha: StATG, 4'635, O/4, RRB, 30. 9. 1986.

142 Laya: StATG, 4'635, O/O, RRB, 18. 11. 1986.

143 Idem, sheet, n.d., with photo of Laya and note.

144 Jaspal: StATG, 4'635, O/8, copy of “Deed of Adoption”, 7. 12. 1983.

145 Saira: StAZH, Z 1045.1646, request from VB and written record from municipal council, 30. 1. 1984.

146 Sadhana: StAZH, Z 1045.1649, district council adoption decision, 15. 8. 1984.

147 Jeevan: StAZH, Z 1045.1650, report from district youth welfare service to VB, 16. 7. 1984.

148 Mani: StAZH, Z 1045.1683, report from guardian to VB, 30. 1. 1990.

149 Idem, order issued by Bombay Civil Court, 25. 11. 1987, and letter from Family Service Centre in Bombay, 8. 12. 1987.

150 StAZH, Z 1045.1678, declaration by guardian and TdH employee, 25. 10. 1989.

151 Vanita: StArZH, V.K.c.15.: “Serie” 1993-1997.13699, written record from chamber II of VB, decision no. 1270, 12. 7. 1993. Yuva: StArZH, V.K.c.15.: “Serie” 1993-1997.13702, district council decision, 7. 3. 1996.

152 Tamani: StArZH, V.K.c.15.: “Serie” 1998-2001.3759, decision no. 1969 of 9. 9. 1999, written record from chamber I of VB.

153 Idem, order issued by Calcutta Civil Court, 19. 2. 1997.

to the Missionaries of Charity in Bombay.¹⁵⁴ In the case of Yasha, the Zurich authorities stated that she was a “complete orphan”, which implies that there was no mother left to give consent.¹⁵⁵ This reasoning was also implied in the case of Rahul, who came as a “foundling” from a Mother Teresa home in New Delhi.¹⁵⁶

In the adoption decision for Balu and Gopal, the Winterthur district council did not even mention that the consent of the mother was missing from the files.¹⁵⁷ In the case of Gita, the guardian made reference to the Indian court order, which he said was “to be interpreted as rendering the child free for adoption”.¹⁵⁸ On this basis, the Winterthur guardianship authority concluded, without any proof, that the mother had “consented to the adoption of her child”.¹⁵⁹ In the case of Jaya, the same authority relied solely on the statement of the Swiss foster parents: “Mr and Mrs [...] confirm that [Jaya] has been given up for adoption by the Indian mother.”¹⁶⁰ In the case of Kanti, the official guardian stated that the mother had died.¹⁶¹ In the case of Devi, it was said that the mother had given her consent in the presence of witnesses in a home.¹⁶² There is no evidence of any such consent in the very extensive file.¹⁶³

In summary, in the sample of 24 adoption decisions analysed, the Zurich and Thurgau authorities involved in the cases never insisted on obtaining the legally required consent of the mother from the Swiss adoption agencies, the Indian agencies or the courts. In 1982, the Swiss consulate general in Bombay was quick to deny that this was a serious shortcoming, with the vice consul noting in a memo that Indian homes would only place a very specific category of child, a “free child”, whose mother was known and had given her written consent.¹⁶⁴ The consulate general thus accepted the arguments of Indian agencies without any verification.

154 Navin: StArZH, V.K.C.15.: “Serie” 1998-1992.8856, letter from foster child services to VB, 8. 9. 1983.

155 Yasha: StAZH, Z 71.237, and StArZH, V.K.c.25.:4.1.402.

156 Rahul: StArZH, V.K.c.15.: “Serie” 1988-1992.9980, VB records, file note dated 20. 12. 1985.

157 Balu: STAW, AV, on “Etat” 9383, district council adoption decision, 26. 10. 1990. Gopal, STAW, AV, on “Etat” 10126, written record from VB, 19. 8. 1996, and STAW, AV, on “Etat” 10126, district council adoption decision, 27. 9. 1996.

158 Gita: STAW, VB, on “Etat” 8314, copy of adoption application from married couple and official guardian, 30. 9. 1983.

159 Gita: STAW, AV, on “Etat” 8314, extract from written record from VB, 11. 10. 1983.

160 Jaya: STAW, VB, “Etat” 8576, file note “Eheleute [...] auf Büro” [couple [...] in office], 30. 9. 1983.

161 Kanti: StAZH, Z 797.3761, letter from official guardian to “Beratungsstelle für Adoption” [Adoption Counselling Service] in Zurich, 21. 4. 1995.

162 Devi: Private archive, copy of “Child Study Form”, 6. 1. 1986.

163 Idem and STAW, AV, on “Etat” 9008, and STAW, VB, “Etat” 9008.

164 StASG, A 488/4.1, part 2, dossier IV, memo concerning “Adoptionsfälle” [adoption cases] by vice consul of Swiss consulate general in Bombay, 6. 8. 1982.

Conclusion

In the cantons of Zurich and Thurgau, easily verifiable legal requirements concerning the adoptive parents were consistently met, for example the fact that they had to foster the child for two years prior to adoption, be at least 35 years of age or have been married for five years.¹⁶⁵ It was a different story for legal provisions that went beyond compliance with a deadline, but were nonetheless essential for the well-being of the Indian children.

Contrary to what was already required by law in Switzerland, the foster care application, which must be approved before a child can be placed in foster care, included neither the officially registered personal details of the child nor those of the biological parents of the child.

In the case of more than half of the girls and boys (14 out of 24 children) placed in foster care with a view to adoption, approval of the foster care application was granted only after their placement in foster care. The granting of approval thus became a mere legal formality. By allowing children to be placed in foster care without checking whether the criteria were fulfilled for their foster placement and subsequent adoption, the responsible authorities created a *fait accompli* for themselves: they could no longer reject the applications because this would have resulted in them having to find another foster placement for the children and to relocate them, which would have been costly.

During their time in foster care, 20 out of 24 children were in a legally precarious situation because they were only appointed a guardian months after their arrival or only shortly before adoption in order to fulfil the formal legal requirements for the adoption.

The authorities in Zurich and Thurgau were aware of and accepted the fact that Swiss adoption agencies were working in collaboration with agencies in India to bring children to Switzerland for adoption without proof of consent from the biological parents of the children, in what can only be described as a systematic, officially sanctioned breach of legal regulations. The authorities relied on documentation drawn up by Indian institutions and the adoption agencies themselves, or on court orders that asserted but did not prove that the mothers had given their consent. According to Indian adoption lawyer Rakesh Kapoor, the documents that were sealed at the time remain under seal in the archives of the courts to this date.¹⁶⁶ The frequent reference to the children as 'abandoned', 'surrendered' or 'foundlings' supported a well-established narra-

165 Sample E1–24 cf. p. 198, note 2.

166 Cf. contribution "Provisions and Practice. International Adoptions in India", Asha Narayan Iyer, p. 101.

tive that legitimised intercountry adoptions by establishing “the legal requirement of not having parents”, making the child “adoptable”.¹⁶⁷

The law was broken not once but several times in each of the 24 cases investigated. Those involved consistently failed to heed the warnings of the experts of the time, such as Cyril Hegnauer, a jurist and expert in adoption matters, who had cautioned the authorities against granting adoptions if even one of the legal requirements was not met.¹⁶⁸

It is difficult to understand why the authorities responsible for adoptions in the cantons of Zurich and Thurgau waived the obligation to provide proof of parental consent and chose instead to pursue a practice that did not respect the legal regulations. One explanation could be that the civil servants thought they could trust a well-known aid organisation such as Terre des Hommes and institutions associated with renowned Nobel Peace Prize winner Mother Teresa and her order, the Missionaries of Charity. It was probably easier and more cost effective to give them the benefit of the doubt than to investigate cases submitted without the declaration of consent of the birth mother, and in one case without even a death certificate, even though the mother was said to have died. Another explanation could be that social workers, appointed guardians and members of the government councils or district councils lacked the necessary expertise to check the documentation. The Indian court orders were written in English but used a formal legal style and jargon that was difficult to understand. In 1983, in reference to the case of a child who lived first in the canton of Zurich and later in the canton of Thurgau, an inspector from the Thurgau civil registry office pointed out to the government council that those who were required to check the documents were not competent to do so. “The files illustrate once again that certain authorities in this country are declared responsible for handling matters that they know very little about. The guardianship authority of Adliswil, the district council of Horgen and the orphans’ office of Sirmach repeat more or less verbatim in their reports that the couple [...] had already adopted their foster child in accordance with Indian law (apparently no one took the trouble to study the English-language document from Bombay).”¹⁶⁹ This suggests that bodies composed of laypersons

167 Anja Sunhyun Michaelsen, “Vom Verschwinden im postkolonialen Adoptionsarchiv. Südkorea – Westdeutschland, 1964/1979”, in: Bettina Hitzer, Benedikt Stuchtey (ed.), *In unsere Mitte genommen. Adoption im 20. Jahrhundert*, Göttingen 2022, p. 109–120, here p. 109.

168 Cyril Hegnauer, *Berner Kommentar. Das Familienrecht, 2. Abteilung: Die Verwandtschaft, Sonderband: Die Adoption. Artikel 264–269c ZGB und 12a–12c SchIT*, Bern 1975, p. 65.

169 Deshna: StATG, 4’631, O/123, letter from cantonal civil status inspector to Thurgau cantonal department of justice, police and welfare, 29. 8. 1983.

such as the district councils were especially ill-equipped to deal with the subject matter.

If the Zurich and Thurgau authorities had rejected adoptions on the basis of lack of consent of the birth parents, it would have resulted in a stressful situation for the married couples, who had already dedicated themselves to the foster child for at least two years. Moreover, in such cases, the authorities would have been required to contact the Indian authorities to negotiate repatriation of the child or the arrangement of another foster placement in Switzerland.¹⁷⁰ This would have cost the authorities considerable time and money. A district council or cantonal government council would certainly not have made many friends by rejecting an application. This would also have called into question two pre-conceived ideas: firstly, the social consensus that couples in this country should (absolutely) be able start a family and are “entitled to protection by society and the State”,¹⁷¹ and secondly, the assumption that hosting a child from the global South in affluent Switzerland was a humanitarian act, as the child would have a better chance at life here. Given these factors, some public officials may have considered it justifiable to overlook certain legal requirements.

170 For more detail, cf. contribution “Provisions and Practice. International Adoptions and the Law in India”, Asha Narayan Iyer, p. 105.

171 Cf. <https://www.humanrights.ch/de/ipf/grundlagen/rechtsquellen-themen/schutz-familie>, 23. 2. 2024.

Adoptive Parents and their Responses to Racism in Switzerland

NADINE GAUTSCHI

Adopting a child from India in Switzerland

“For us, it was clear that we would go and get Suhana ourselves. It was important for me in any case, and for my husband too. She was from the Mother Teresa home. For my husband, it was an absolute shock. [...] I already knew the home. It had become more familiar for me. It’s just very impressive, a home full of children. All of them would like to have parents, really. A challenging situation, I think. They introduced us to Suhana, and she was curious but kept herself hidden. We spent four or five days playing with the children in the children’s home, but she never joined in. She was always watching in the background. That also worried me a little. I kept wondering, ‘Will she come with us or not?’ Then came the day on which we were due to leave. We had to go from Calcutta to Delhi to get the visa. And then we were able to take the bus from the Mother Teresa home to the airport, and Suhana screamed and cried. The flight was two hours late and she just sobbed for two hours. We were really thinking, ‘Shall we take her back, or shall we just take her with us now, what shall we do?’ She knew who we were. We had made her a photo album and she was well prepared. She knew she was getting on the plane and flying away with us, but at the airport she just screamed and screamed. Then we got on the plane and it was ok.”¹

Mrs Amsler’s description of her first encounters with three-year-old Suhana, who was to become her adoptive daughter, is illustrative of the intense emotions, challenges, uncertainties, doubts and overwhelming situations faced by the adoptive parents interviewed in this contribution. The interviewees were adoptive parents who between 1973 and 2022 adopted one or several child-

1 Amsler, 34–54; all of the names that feature in this contribution are pseudonyms. The interviews took place in Swiss German.

ren in the Swiss cantons of Zurich and Thurgau, and who agreed to tell me their stories of how they came to adopt and what it was like to be an adoptive parent. In the interviews, the parents referred to themselves simply as 'mother' and 'father' and to their children as 'daughter', 'son' or 'child' whereas I refer to them here as 'adoptive parents' and 'adoptive children'.

The adoptive parents I interviewed made the decision to adopt for one of two reasons: either they were unable to have children of their own or they already had children of their own and wanted to provide a home for another child who did not have one. The majority of the adoptive parents interviewed could also have imagined adopting a child from Switzerland. According to the parents, they chose intercountry adoption because the barriers to adoption in Switzerland were higher. Mrs Amsler describes her memory of this in no uncertain terms.

"Then we began making enquiries. We were too old for a Swiss adoption, that was very clear. There was an age limit, and we were over it, so that wasn't an option – even though we knew that there were adoptive children in children's homes in Switzerland who couldn't be placed. We were also told, 'We have homes and they need to be filled and managed, that is why the children are not placed for adoption'. That certainly gave us pause for thought, but we didn't get too hung up on it because we thought that an intercountry adoption would also be okay."²

The fact that the adoptive children came from India was coincidental. Mrs Amsler and her husband had initially considered adopting a child from South America before the adoption agency suggested an Indian child. The Amsler family could imagine adopting a child from India because they already knew a little about the country from their travels. Other adoptive parents who were interviewed had no connection to India until the adoption.

Adopting a child from a different cultural context raises a number of questions, including the issue of what role the adoptive child's Indian origins should play in everyday family life. Like Mrs Amsler, some adoptive parents said they had made a conscious decision to talk about the child's Indian background from the outset. They described their efforts to create a positive image of India and the family from which the adopted child came. Some had travelled to India with their adopted child. They had visited the children's home where the child had lived before coming to Switzerland and had explored Indian culture by reading books and watching films. Others tended to talk very little about India with their adoptive child, did not want to emphasise the child's Indian origins too much in

2 Amsler, 8–16.

the child's upbringing, and hardly showed any interest in Indian culture, as was the case with Mr Bertschi, who said, "We were perhaps very lucky; everything just worked out well for us. Even if they [the adoptive children] had been [used to] eating Indian food when they left, here they were eating bratwurst [laughs]. That's just how it went." (Bertschi, 884 f.)

Standing out as a family with adoptive children from India

The adoptive children's Indian roots were also evident in their physical appearance. The adoptive children grew up as people of colour – virtually the only people of colour in their family circles, at school and in the village – in the Swiss society of the 1980s, 90s and 2000s. Mrs Faber, who adopted a child in the mid-1990s together with her husband, explained the impact that being a family whose members looked different from each other had on their lives:

"People always stared at us, maybe also because we parents are both white and we were with a dark-skinned girl. Not necessarily disapprovingly – just out of curiosity. But after a while it simply gets annoying because you just want to be a normal family. We were just a family like any other."³

Attracting attention when they were with their adoptive children was an experience shared by all the adoptive parents interviewed. Like Mrs Faber, a number of the interviewees said they had wanted to be perceived and treated as a 'normal family', and had instead felt that society would not allow their family to be 'normal'. 'Interracial families', families with members of visibly different origins, are still the exception in European and North American countries today. In the context of intercountry adoption, however, they are the norm. Families with children adopted from other countries tend to be made up of white adoptive parents and adoptive children of colour.⁴ It also bothered the adoptive parents that, unlike the families of white parents who adopted white children, their family's difference was always visible. Because they looked different to their children, their parenthood was also questioned more than was the case for other adoptive parents. International studies have shown that adoptive parents frequently encounter prejudice because of their family model. Their parenthood may be called into question and they may face uncomfortable situations or be

³ Faber, 505–511.

⁴ Richard M. Lee, "The Transracial Adoption Paradox. History, Research, and Counseling Implications of Cultural Socialization", *The Counseling Psychologist*, 31/6 (2003), p. 711–744, <https://doi.org/10.1177/0011000003258087>.



Fig. 1: A girl from India adopted in eastern Switzerland stands next to a big snowman in the winter of 1982. Photo: Private archive.

asked intrusive questions about the adoption.⁵ For example, adoptive parents are sometimes asked where the child's 'real' mother is or how much they paid for the child.⁶

Adoptive parents' responses to race

Throughout the interviews, the adoptive parents tended to minimise the importance of their adoptive children's physical appearance in the family's everyday life, while at the same time repeatedly making reference to it. This

5 Solène Brun, "What Non-White Kids Do to White Parents. Whiteness and Secondary Socialization in the Case of White Parents of Mixed-Race and Internationally Adopted Children in France", *Genealogy* 6/2 (2022), p. 31, <https://doi.org/10.3390/genealogy6020031>; Heather M. Dalmage, *Tripping on the Color Line. Black-White Multiracial Families in a Racially Divided World*, New Brunswick 2000, <https://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=56360>; Elizabeth A. Suter, Kristine L. Reyes, Robert L. Ballard, "Parental Management of Adoptive Identities during Challenging Encounters. Adoptive Parents as 'Protectors' and 'Educators'", *Journal of Social and Personal Relationships* 28/2 (2011), p. 242–261, <https://doi.org/10.1177/0265407510384419>; Meredith Marko Harrigan, "The Contradictions of Identity-Work for Parents of Visibly Adopted Children", *Journal of Social and Personal Relationships* 26/5 (2009), p. 634–658, <https://doi.org/10.1177/0265407509353393>.

6 Suter/Reyes/Ballard (cf. note 5), p. 244.

contribution seeks to explore this observation by examining how adoptive parents talked about this issue in the interviews, why it is so difficult to talk about the importance of differences in physical appearance between family members, and what societal factors contribute to this. To facilitate the discussion of these issues, I will briefly explain how the terms 'race', 'white' and 'people of colour' are used in this contribution. The conscious use of these terms is important because science and society long supported the view that that hierarchies could be established between different 'races' of people on the basis of physical characteristics. The German term 'Rasse' is associated with this concept, while in modern English usage, the term 'race' has different connotations and is used here and in the original German version of this contribution to refer to racialisation in Swiss society. 'White people' refers to people who are not affected by racism. The term 'people of colour' is a common term used by and to refer to those affected by racism.

Being an 'interracial family' in Switzerland carries potential for conflict. Because they looked different, the adoptive children found themselves in the minority not only in society but often also in their families.⁷ It is important to point out that racial discrimination is not a historical phenomenon and still affects people of colour in the global North today. Racism manifests itself in various ways, from staring and insults to violence, but also in laws, regulations and social norms that deliberately or inadvertently perpetuate racial discrimination. For example, people of colour often have more difficulty finding a job than similarly qualified white people and face more obstacles in the housing market. Consequently, racism must be understood as a phenomenon that permeates everyday life at all levels of society.⁸ White people, on the other hand, are not usually confronted with their whiteness and thus assume that their own experiences of society are the norm. This means that they often have little or no awareness that people of colour have very different experiences of society, and as a result, white people have little idea of the obstacles faced by those affected by racism. Solène Brun, a French sociologist who conducts research into 'interracial families' points out that white people do not talk about race and do not see the implications of racism. They can "navigate the world pretending race does not matter".⁹ In academic discourse, this is often referred to as 'white ignorance'.¹⁰

7 [Social Science Quarterly 97/5 \(2016\), p. 1189–1207.">https://Rose M. Kreider, Elizabeth Raleigh, "Residential Racial Diversity. Are Transracial Adoptive Families More Like Multiracial or White Families?", *Social Science Quarterly* 97/5 \(2016\), p. 1189–1207.](https://Rose M. Kreider, Elizabeth Raleigh,)

8 Leonie Mugglin, Denise Efonayi-Mäder, Didier Ruedin, Gianni D'Amato, *Grundlagenstudie zu strukturellem Rassismus in der Schweiz*, Neuchâtel 2022.

9 Brun (cf. note 5), p. 6.

10 Charles W. Mills, "White Ignorance", in: Shannon Sullivan, Nancy Tuana (ed.), *Race and Epistemologies of Ignorance*, Albany, New York 2007, p. 21–49.

T. 4: Sample overview

Pseudonym	Number of adoptive children and year of arrival in the family	Age of children when they arrived in the family	Adoption agency, agent
Bertschi	2 boys, 1979, 1981	aged 3 and 2	Terre des Hommes, Lausanne; Jo Millar
Hagenbuch	a girl, 1981	9 months	Terre des Hommes, Lausanne
Gerodetti	a boy, 1983	6 months	Helga Ney
Iff	2 girls, 1984, 1988	both 1 year old	direct contact with children's home in India; Seraphisches Liebeswerk Solothurn
Krämer	a girl, 1984	3.5 years	Adoption International
Monet	2 girls, 1985, 1987	unclear	Jo Millar
Lambrecht	2 boys and a girl, 1988, 1990, 1993	6.5 years; 5 years; 3.5 years	Helga Ney
Denzler	3 girls, 1992, 1995, 1995	8, 5 and 7 years	2 daughters from terminated placements in Switzerland; Helga Ney
Amsler	2 girls, 1994, 1998	3 and 5 years	Terre des Hommes, Lausanne
Faber	a girl, 1995	2 years	Terre des Hommes, Lausanne
Meister	a girl, 1996	1.5 years	Terre des Hommes, Lausanne
Engel	a girl, 1999	2 years	Terre des Hommes, Lausanne
Noser	a girl, 2001	1 year	Terre des Hommes, Lausanne

In the next section of this contribution, I first examine why also in Swiss society it is often still so hard to talk about race. Since individuals are always influenced by the societies in which they live, it is important to examine the interviews in this context. I then go on to show how the obstacles to talking about race in Swiss society affected the adoptive parents interviewed and how they describe their experiences and efforts to deal with the topic of race. My approach to the topic of race is also influenced by my social background. In my analysis of these interviews I therefore also reflect on my role as interviewer. This study examines thirteen interviews with adoptive parents who adopted children from India between 1973 and 2002. Eleven of the adoptions took place

in the canton of Zurich, and two in the canton of Thurgau. The discussions took the form of narrative interviews, which were then analysed by means of well-established qualitative methods for social science research.¹¹

Table 4 lists the pseudonyms of the interviewees, how many children they adopted and the year the children arrived in the adoptive family, as well as the age of the children on arrival in the adoptive family and the name of the adoption agency or agent that arranged the placement.

Race as a taboo subject in Swiss society

The difficulty of discussing race in continental Europe has to do with the Second World War and the racist genocide of the Jewish population. Since the end of the war, the most common approach in European countries has been to present race as non-existent and racism as a non-issue. This has led to a silence about race and racism that persists to this day in large sections of society across the European continent. The silence has enabled these countries to perpetuate the myth that they are not racist,¹² to the point that people fear even talking about race could be perceived as racist.¹³ The reluctance to acknowledge that racism exists has created a tendency to plead innocence and adopt a discourse of defensiveness and denial when racism is called out. One example are the campaigns of the Swiss People's Party, which have repeatedly made use of imagery reinforcing the stereotype of the 'unassimilable Other', as political scientist Noëmi Michel noted with regard to the 2007 'black sheep' campaign¹⁴ by the Swiss People's Party. Those responsible claimed that it was not intended to be racist and thus could not be considered racist.¹⁵ In Switzerland, racism is often perceived to be a relic of times past, as a problem that primarily affected Europe beyond its borders and is no longer an issue in modern Switzerland.¹⁶

11 Anselm L. Strauss, Juliet M. Corbin, *Grounded theory. Grundlagen qualitativer Sozialforschung*, Weinheim 1996.

12 Alana Lentin, "Europe and the Silence about Race", *European Journal of Social Theory* 11/4 (2008), p. 487–503, <https://doi.org/10.1177/1368431008097008>.

13 Noëmi Michel, "Racial Profiling und die Tabuisierung von 'Rasse'", in: Jovita dos Santos Pinto, Pamela Ohene-Nyako, Mélanie-Evely Pétrémont, Anne Lavanchy, Barbara Lüthi, Patricia Purtschert, Damir Skenderovic (ed.), *Un/doing race. Rassifizierung in der Schweiz*, Zurich 2022, p. 101–119.

14 Personified animals were used to disguise the overt racism of a campaign that pitted white against black. The campaign posters showed a white sheep kicking a black sheep out of an area emblazoned with a Swiss cross, with the black sheep representing unwanted non-European migrants and the white sheep symbolising the purity of the Swiss nation. Noëmi Michel, "Sheepology. The Postcolonial Politics of Raceless Racism in Switzerland", *Postcolonial Studies* 18/4 (2015), p. 410–426, here p. 412, <https://doi.org/10.1080/13688790.2015.1191987>.

15 Noëmi Michel, "Racial Profiling und die Tabuisierung von 'Rasse'", in: Jovita dos Santos Pinto, Pamela Ohene-Nyako, Mélanie-Evely Pétrémont, Anne Lavanchy, Barbara Lüthi, Patricia Purtschert, Damir Skenderovic (ed.), *Un/doing race. Rassifizierung in der Schweiz*, Zurich 2022, p. 101–119.

16 Stefanie Claudine Boulila, "Race and Racial Denial in Switzerland", *Ethnic and Racial Studies* 42/9 (2019), p. 1401–1418, <https://doi.org/10.1080/01419870.2018.1493211>; Astrid Messerschmidt, "Distanzierungsmuster.

The Swiss philosopher Patricia Purtschert and her colleagues further contextualise this, noting that Switzerland's lack of official colonies distinguished it from other European nations, contributing to the widespread perception that race never played a major role in Swiss society.¹⁷ Race is thus largely ignored and considered taboo in institutions, public discourse and even interpersonal relationships.¹⁸ The fact that, according to the adoptive parents interviewed, the issue of race was hardly ever raised by the adoption agencies is evidence of this. It also had consequences for the adoptive parents, which will be discussed in more detail later in this contribution.¹⁹

Movements to combat racism in Switzerland have their roots in the 1970s²⁰ and have gained traction in Swiss society in recent years.²¹ However, as Swiss sociologist Rohit Jain notes, there is a lack of vision in politics and society as a whole with regard to how Switzerland, as a society shaped by colonialism²² and migration, should address these issues.²³ Recent studies commissioned by the Swiss government have also confirmed that public and academic debate on race and racism in Switzerland lags behind other countries.²⁴

Race in the stories of the adoptive parents

As a first step, it is important to ask why the adoptive parents attach little importance to race overall. Some describe raising adoptive children from India in Switzerland as being no different from raising any other child: "We simply brought them up like normal children here. They were just children

Vier Praktiken im Umgang mit Rassismus", in: Anne Broden, Paul Mecheril (ed.), *Rassismus bildet. Bildungswissenschaftliche Beiträge zu Normalisierung und Subjektivierung in der Migrationsgesellschaft*, Bielefeld 2010, p. 41–57.

17 Patricia Purtschert, Barbara Lüthi, Francesca Falk (ed.), *Postkoloniale Schweiz. Formen und Folgen eines Kolonialismus ohne Kolonien*, Bielefeld 2012, p. 51, <https://www.h-net.org/reviews/showrev.php?id=43576>.

18 Michel (cf. note 13).

19 On the deep-rooted racism in Swiss society in the 1950s in the context of intercountry adoptions, cf. contribution "The Zurich Region as an Early Pioneer in Intercountry Adoption", Sabine Bitter, p. 133.

20 Michel (cf. note 14).

21 One example is the black feminist network Bla*sh, whose activities include highlighting racism in children's and schoolbooks, and which has been organising panel discussions and readings since 2016 (<https://histnoire.ch/material/blasch>, December 2023). Another is the Institute New Switzerland (INES), a network that deals with issues of racism and migration and seeks to develop visions for an inclusive democratic future (<https://institut-neueschweiz.ch/De/Community>, December 2023).

22 Switzerland's ties to colonialism included economic, military and scientific interests. For example, Swiss actors were involved in the transatlantic slave trade, Swiss soldiers participated in efforts to reintroduce slavery in Haiti and Swiss researchers were active in colonialist intellectual networks. Patricia Purtschert, Harald Fischer-Tiné (ed.), *Colonial Switzerland. Rethinking Colonialism from the Margins*, Hampshire, UK, New York 2015.

23 Rohit Jain, "Schwarzenbach geht uns alle an! Gedanken zu einer vielstimmigen, antirassistischen Erinnerungspolitik", in: Jovita dos Santos Pinto, Pamela Ohene-Nyako, Mélanie-Evely Pétrémont, Anne Lavanchy, Barbara Lüthi, Patricia Purtschert, Damir Skenderovic (ed.), *Un/doing race. Rassifizierung in der Schweiz*, Zurich 2022, p. 309–329.

24 Mugglin et al. (cf. note 8).

to us and not special. I mean, children are always special, but it's not like, 'Oh, look, they're ...!' They were just here, and we started a normal family."²⁵

The quote illustrates a tendency among the adoptive parents to avoid adoption-related²⁶ and race-related topics to a large extent. Some of the parents had wanted to impart a sense of normality to their children ("We simply brought them up like normal children here."), and subsequently avoided attaching any particular importance to race. The fact that these adoptive parents say that they 'don't even see' and 'don't register' the skin colour of their adoptive children any more is illustrative of this reluctance to broach the topic of race. The adoptive parents explain that they see their child's unique personality and thus race plays no role in how they see their child: "And you don't even see this colour anymore, Tina is just Tina and I just don't register the colour."²⁷

The widespread, well-meaning conviction that race does not or should not play a role is referred to in academic discourse on the subject as colour blindness.²⁸ According to this logic, actively addressing the issues could have led to the adoptive child's physical appearance being regarded as problematic. Adoptive parents who largely ignored the topic and only addressed it to a very limited extent sought to convey to their adoptive children a sense of normalcy and belonging that they believed should not be called into question.

In the case of other adoptive parents, it seems to have been the adoptive children who showed more reluctance to discuss race. Mr Engel, for example, says that as adoptive parents they spoke to their adoptive daughter about adoption and India in a very open and positive way, and that it was important to them that she be proud of her heritage and know that she was someone "special". This had not gone down well with the adoptive daughter, who had insisted that she wanted to be like the others. This suggests that it was diffi-

25 Bertschi, 408–412.

26 The extent to which the adoptive parents interviewed discussed the topic of adoption with their adoptive children varied greatly. While for some it was important to actively address the topic within the family from day one, others decided not to focus too much attention on the fact of the child's adoption.

27 Faber, 509–511.

28 Caitlin Killian, Nikki Khanna, "Beyond Color-Blind and Color-Conscious. Approaches to Racial Socialization Among Parents of Transracially Adopted Children", *Family Relations* 68/2 (2019), p. 260–274, <https://doi.org/10.1111/fare.12357>; Kathleen Ja Sook Bergquist, Mary E. Campbell, Yvonne A. Unrau, Caucasian Parents and Korean Adoptees, *Adoption Quarterly* 6/4 (2003), p. 41–58, https://doi.org/10.1300/J145v06n04_03; Harrigan (cf. note. 5); Abbie E. Goldberg, Nora McCormick, Emma Kironde, Haylie Virginia, Maddie Logan, "White Parents of Adopted Black Children in an Era of Racial Reckoning. Challenges, Tensions, and Strategie", *Journal of Marriage and Family* 84/5 (2022), <https://doi.org/10.1111/jomf.12867>; Brun (cf. note 5); Katie M. Hrapczynski, Leigh A. Leslie, "Engagement in Racial Socialization Among Transracial Adoptive Families With White Parents", *Family Relations* 67/3 (2018), p. 354–367, <https://doi.org/10.1111/fare.12316>; Jaegoo Lee, Nan Sook Park, "Latent Profile Analysis of Cultural and Racial Socialization among White Adoptive Mothers of Chinese girls", *Children and Youth Services Review*, 100 (2019), p. 344–352, <https://doi.org/10.1016/j.childyouth.2019.03.019>; Carla Goar, Jenny L. Davis, Bianca Manago, "Discursive Entwinement. How White Transracially Adoptive Parents Navigate Race", *Sociology of Race and Ethnicity* 3/3 (2017), p. 338–354, <https://doi.org/10.1177/2332649216671954>.



Fig. 2: A girl adopted from India recites a verse in front of *Samichlaus* and his helper in 1984. Photo: Private archive.



Fig. 3: A girl adopted from India experiences her first winter in Switzerland in 1981 and attends Swiss ski school. Photo: Private archive.



Fig. 4: A girl adopted from India takes part in a ski race at the ski school in 1983.
Photo: Private archive.

cult for some adoptive parents to discuss race because their children refused to entertain the topic.²⁹ However, also in these cases, the adoptive parents typically reported that race was not a major issue within their families. These patterns indicate that the adoptive parents may have chosen to avoid discussing race to protect their relationships with their adoptive children.

The interviews revealed that following their decision to adopt a child from India, some of the adoptive parents anticipated that race might be an issue. The next passage discusses their efforts to deal with these consequences.

Anticipating and witnessing racism

One of the adoptive fathers said that he had decided to adopt a girl because he thought men of colour faced more prejudice in society than women of colour. “We felt that we would like [to adopt] children – girls – from India, simply because they are disadvantaged. Not boys – you don’t get given boys anyway – and we wouldn’t have wanted one. I think a boy who is dark-skinned has a harder time here with the army³⁰ and all that.”³¹ This shows that the adoptive father was aware of the racism his adoptive child might face but thought that this racism would be worse depending on the child’s sex.

Another adoptive father read me a document from the adoption procedure, which took place in the 1990s, in which he had had to explain to the Swiss adoption agency his motivation and his thoughts about becoming an adoptive parent. In the letter, he anticipated that a “foreign child may have a hard time due to the *Fremdenfeindlichkeit* [hostility towards foreigners, xenophobia] in our country”. He was optimistic, however, because he had heard that another “*dunkles Kind*” [lit. ‘dark’ child] had been welcomed in the village. He thought that an “*aufgenommenes Kind*” [lit. a ‘taken-in child’] would “probably” even help to combat the “racist tendencies” in society. In hindsight, he said in the interview that this notion had been “idealistic”.³²

One couple chose a first name that is common in Switzerland in the hope of avoiding discrimination. Another couple decided to adopt two children on the grounds that the children might be a support for one another.

29 I would like to point out, however, that the adoptive parent’s characterisation of their adoptive daughter as “special” because of her skin colour is problematic from a race-conscious perspective, and that understood in the context of the overall case, this statement is likely to refer to both adoption and race.

30 Military service is compulsory for Swiss men.

31 Iff, 12–15.

32 Engel, 106–113.

All of the adoptive parents recount acts of racism experienced by their children when they were young. In some cases, the adoptive parent was with the child when the incident took place. In other cases, the children had told them about something that had happened to them at school or in their free time. The experiences range from racist language and insults to someone refusing to shake the child's hand or sit next to them, unsolicited touching and grabbing their hair and being stared at by strangers in a way that made them feel uncomfortable. Some adoptive parents said that their now adult adoptive children still talk to them about racist encounters in their current lives. These included experiences of racial profiling,³³ of being addressed in standard German by people who assume they do not understand the local German dialect or being asked about their origins, of not being taken seriously by doctors and of adoptive daughters being harassed by older men on public transport. Others shared their adoptive children's experiences of racism in the workplace and in the armed forces.³⁴

The word racism was rarely used by the parents or myself in the interviews. Instead, we spoke of 'bad experiences', 'reservations', 'odd'³⁵ or 'these/such' 'experiences', 'uncomfortable situations', 'jibes' or '(stupid) remarks' and 'comments', as illustrated by Mrs Amsler's statement "The thing with the comments didn't happen a lot."³⁶

Subjective feelings and views on racism

Overall, there is a wide range of views among the adoptive parents interviewed about the extent to which their adoptive children experience racism. Some adoptive parents suspect that their adoptive children did not tell them everything they experienced, either as children or as adults. Some say that they do not know whether their adoptive children experienced racism, while others say that they had never noticed anything themselves, but could not rule out the possibility that people were being racist behind their backs. Some of

33 According to the Alliance Against Racial Profiling, racial profiling refers to any police action that targets groups of people based on assumptions about their 'foreignness', nationality or religion derived from their physical appearance. Consulted at www.stop-racial-profiling.ch, January 2024.

34 International research confirms that white adoptive parents are confronted with acts of racism against their adoptive children: Mary Elizabeth Rauktis, Rachel A. Fusco, Sara Goodkind, Cynthia Bradley-King, "Motherhood in Liminal Spaces. White Mothers Parenting Black/White Children", *Affilia* 31/4 (2016), p. 434–449, <https://doi.org/10.1177/0886109916630581>; Carina Tigervall, Tobias Hübinette, "Adoption with Complications. Conversations with Adoptees and Adoptive Parents on Everyday Racism and Ethnic Identity", *International Social Work*, 53/4 (2010), p. 489–509, <https://doi.org/10.1177/0020872809359272>; Harrigan (cf. note 5); Suter/Reyes/Ballard (cf. note 5).

35 "*Komisch*" (Swiss-German dialect): strange/odd.

36 Amsler, 619 f.

the parents are adamant that racism is not a problem for their adopted child: "I've also never heard that she [my adopted daughter] felt that she encountered racism. I never heard anything. [...] I'm not aware of anything serious."³⁷

Sometimes the adoptive parents downplay the racist encounters experienced by their adoptive children by explaining, for example, that it only happened rarely: "So we had very few problems with [racism], because children themselves simply accept each other as they are."³⁸

Others normalised certain racist experiences that they considered unavoidable, "There were certainly comments [...] about skin colour and everything. But it is how it is. She is dark brown."³⁹

In some cases, adoptive parents equated racism with other forms of mockery or teasing, "Some are up against [their] skin colour, others are too fat and still others are too thin. Children can be very brutal."⁴⁰

Other adoptive parents consider racism a thing of the past and believe that it is no longer a major issue because Switzerland has become more diverse, "Eritrea ... devil knows how many there are here. Pakistanis and who knows what. You don't really stand out any more if you have dark skin."⁴¹

The adoptive parents interviewed are often surprised and outraged by other people's racism, which they wholeheartedly condemn. Mr and Mrs Meister told of a racist encounter involving a woman from the same village that left them speechless.

AM: "And then, this one from the village, a farmer's wife. Overly conservative. What it's like? 'Looking at these black heads every morning.'"

AF: "Having to look at them."

AM: "Having to look at them. We were completely perplexed."

AF: "We couldn't believe it. We hadn't even [...]. It's so awful [...]. Our neighbour also just sat there, frozen, and sort of didn't know what to do."

AM: "That's when you realise what people are like."

NG: "And were you surprised? You didn't expect it to be so extreme?"

AM: "No!"

AF: "That didn't happen a lot, though."⁴²

37 Noser, 1119–1121, 1130.

38 Faber, 523 f.

39 Noser, 1137–1139.

40 Denzler, 664–666.

41 Krämer, 897–899. International research suggests that adoptive parents tend to relativise and normalise acts of racism, for example showing understanding when others want to touch their adoptive children's hair. Karen Smith Rotabi, Nicole F. Bromfield, *From Intercountry Adoption to Global Surrogacy*, Abingdon 2016; Darron T. Smith, Brenda G. Juarez, Cardell K. Jacobson, "White on Black. Can White Parents Teach Black Adoptive Children how to Understand and Cope with Racism?", *Journal of Black Studies* 42/8 (2011), p. 1195–1230, here p. 1216, 1219, <https://doi.org/10.1177/0021934711404237>.

42 Meister, 1701–1785.

The adoptive parents emphasise that this woman and her racism are the exception, as the excerpt from the interview shows. During the discussion, neither the adoptive parents nor I label these encounters as racism. When they say “that didn’t happen a lot”, the adoptive parents downplay what happened. The commonly held view that racism is a private matter and concerns the isolated actions of ignorant individuals leads to an underestimation of the extent of the societal dimension of racism.

In addition, the above quote shows that the adoptive parents sometimes did not verbally counter the racist remarks when the situation was too much for them. Other adoptive parents, such as Mr and Mrs Iff, did label the incidents they told of as racism and were very critical of the current situation in society: “But when it comes to real acceptance [of people affected by racism] or inclusion in society, I think there’s even further to go.”⁴³

Adoptive parents reported that their adoptive children reacted to racist experiences in different ways. Some said that their adoptive children stood up to racism, as Mrs Bertschi remembers: “And then this one time, Ravi showed up and said: ‘Hey, today someone told me I was a smoked sausage.’ [laughs] We asked him, ‘So what did you answer?’ ‘I told him he was a chipolata.’ And that was it for that topic [laughs]. You see, things like that. They were also able to stand up for themselves.”⁴⁴ Others said that their adoptive children were annoyed by racist experiences or took them with humour. Finally, some of the adoptive parents, like Mr Noser, believed that their adoptive children were indifferent to racism and ignored it: “No, she [adoptive daughter] doesn’t worry about stuff like that. She couldn’t care less.”⁴⁵

The interviews did not explicitly ask to what extent the adoptive parents believe that racism is an important issue for their adoptive children. None of the interviewees expressed any concerns that this could be an issue that worried their adoptive children in the past or present or could have a long-term impact. All of them reported that their adoptive children had not experienced any race-related disadvantages in the education system or in the labour market when it came to finding an apprenticeship or a job.

43 Iff, 564–566.

44 Bertschi, 220–223.

45 Noser, 1489 f.

Dealing with racism

How and to what extent did the adoptive parents address issues of racism with their adoptive children? The parents' responses to racism went from actively supporting their children to ignoring and downplaying incidents.

On various occasions, the adoptive parents had encouraged their children to fight back. Mrs Amsler explains how she and her adoptive daughter would role play situations in which the daughter might be accosted by 'older Swiss men' on public transport. "Then we practised how she could respond in role plays. Honestly, we just role-played it until we laughed ourselves to tears. She simply said, 'It helps me to do that. Sometimes I can let a comment go or it doesn't bother me as much. I can take my distance.'"⁴⁶

Some of the adoptive parents say that they felt it important to actively help their children feel comfortable with their skin colour and origins. Mr Engel explains that he and his wife thought it important to help their adoptive daughter Reena feel confident in herself. "We didn't always succeed, but we did manage to ensure that she [adoptive daughter] has good self-confidence and is not so bothered when accosted by others or things like that."⁴⁷

Some adoptive parents took action when their adoptive children were subjected to racist abuse. They had conversations with individual schoolchildren or gave a talk about India and adoption to the kindergarten class. It is clear from these stories that some adoptive parents had their adoptive children's backs and were aware of the importance of standing up to racism.⁴⁸

Some adoptive parents report that they sometimes deliberately ignored racist comments or avoided certain types of people, as Mr Engel describes: "Perhaps we were able to simply ignore certain things or look the other way and not associate with people who think like that, or had a thicker skin or enough self-confidence."⁴⁹

While deliberately ignoring and evading the issue might imply that the adoptive parents do not want to accord it much importance, this could also be seen as a strategy to avoid being confronted with the difficult question of how to deal with potential racism. Mr Engel's testimony also shows that it

46 Amsler, 637–640.

47 Engel, 1069–1071.

48 These findings align with the results of studies in other countries that suggest adoptive parents who are aware of the importance of the topic of race speak about it more often with their children, help them come up with strategies for dealing with everyday racism, foster pride in their children's origins and defend them when they suffer racist abuse. Goldberg et al. (cf. note 28); Katie M. Hrapczynski, Leigh A. Leslie, HaeDong Kim, "Family Functioning and Racial Socialization in Transracial Adoptive Families", *Family Relations* 71/5 (2022), p. 1917–1932, <https://doi.org/10.1111/fare.12692>; Smith/ Juarez/Jacobson (cf. note 41); Suter/Reyes/Ballard (cf. note 5).

49 Engel, 1037–1040.



Fig. 5: A couple from eastern Switzerland anticipating the arrival of an Indian child in 1980 with a basket of dolls of different skin colours. Photo: Private archive.

took strong nerves and a lot of self-confidence to respond to racist comments, suggesting that he may have been troubled by the issue. Finally, some adoptive parents said that they made an effort to downplay the racist incidents experienced by their children. Mr Hagenbuch commented, “The appearance thing, you tone that down a bit. So I also said to her, ‘You mustn’t think ... Anita also gets teased, she has ginger hair – and you’re a bit darker. I mean, she was also always teased about it at school.’”⁵⁰

The adoptive parents therefore adopted a range of different strategies, for example choosing a supportive approach or ignoring racism, depending on the situation.

⁵⁰ Hagenbuch, 1334–1338.

Discussion

This contribution examines how adoptive parents who adopted children from India in Switzerland between 1973 and 2002 talk about race in interviews. The study involved 13 interviews conducted with one or both adoptive parents of children adopted in the cantons of Zurich and Thurgau. In the interviews, the adoptive parents discussed how they came to adopt and their experiences of living together as a family with an adopted child from India. There were no fundamental differences in the stories about race told by parents who adopted in the 1980s and those who adopted in the early 2000s.

In contemporary Swiss society, the widespread view of race as a taboo subject constitutes a social norm, which although increasingly challenged, remains visible in the fact that it is hardly ever talked about or only in a very limited manner. The analysis conducted in this study also found evidence of this social silence in interviewees' narratives recounting incidents involving race and racism – a silence that is indicative of a bias that I, the researcher, also acknowledge in myself and that can lead to the avoidance of certain terms or reproduction of certain patterns of behaviour. The US-American political scientist Kennan Ferguson notes that individuals and communities are shaped, among other things, by social norms of silence.⁵¹ When these social norms are broken, for example by talking about taboo subjects within the family, it can disrupt relationships and lead to conflict.⁵² A key finding of this analysis was that adoptive parents seek to protect their relationships with their adoptive children by largely avoiding any discussion of race. That there was little or no discussion of race in the families is consistent with international findings.⁵³ Parents' uncertainty and feeling overwhelmed by the topic of race were recurring themes in the interviews and provide a plausible explanation as to why adoptive parents generally avoided raising the issue with their adoptive children. Closely associated with the adoptive parents' lack of confidence and feeling out of their depth faced with the topic of race were fears that they might be doing something wrong in this regard or inadvertently harming their adoptive children. Such patterns of avoidance must be considered against the backdrop of society's silence on race. Finding a vocabulary to talk about race where

51 Nadine Kennan Ferguson, "Silence. A Politics", *Contemporary Political Theory* 2/1 (2003), p. 49–65, <https://doi.org/10.1057/palgrave.cpt.9300054>.

52 Nadine Gautschi, Andrea Abraham, "Breaking the Silence About Compulsory Social Measures in Switzerland. Consequences for Survivor Families", *Social Inclusion* 12 (2024), <https://doi.org/10.17645/si.7691>.

53 Sara Docan-Morgan, "'They don't know what it's like to be in my shoes'. Topic Avoidance About Race in Transracially Adoptive Families", *Journal of Social and Personal Relationships* 28/3 (2011), p. 336–355, <https://doi.org/10.1177/0265407510382177>; Harrigan (cf. note 5).

none exists is a daunting prospect for all involved.⁵⁴ The limited communication about race in the families of the adoptive parents interviewed here is also reflected in the fact that the adoptive parents do not know to what extent their adoptive children experienced racism or still experience it as adults, and in some cases assume that their children do not encounter racism. They portray their adoptive children as being generally resistant or indifferent to racism. Studies from Europe, North America and Australia show, however, that experiences of racism and discrimination can have an impact on the well-being of adopted people of colour, are associated with increased levels of stress and can lead to depression.⁵⁵ Furthermore, they show that adopted people of colour sometimes hide their experiences of racism from their adoptive parents and avoid the topic altogether because their adoptive parents do not want to discuss it, they do not want to draw attention to themselves in the family or do not want to burden their adoptive parents.⁵⁶ Further research is needed in Switzerland into adoptive children's own experiences of race in their adoptive families and in society. Importantly, the adoptive parents' perceptions of the health of their relationships with their adoptive children varied widely. While some describe very close and loving relationships, others spoke of conflict and distance or said that their children had broken off contact in adolescence or adulthood. Some adoptive parents also described close and beautiful relationships with their adoptive children even though it became clear from the interviews that they had taken very little interest in their children's Indian roots and the topic of race. This indicates that the factors discussed here do not necessarily determine whether the relationship with the adoptive child is experienced as fulfilling from the parent's perspective.

Based on the present analysis, it must be assumed that the adoptive children were only able to discuss how race impacted their lives in a very lim-

54 Rautkis et al. (cf. note 34); Michel (cf. note 13).

55 Tobias Hübinette, Carina Tigervall, "To be Non-white in a Colour-Blind Society. Conversations with Adoptees and Adoptive Parents in Sweden on Everyday Racism", *Journal of Intercultural Studies* 30/4 (2009), p. 335–353, <https://doi.org/10.1080/07256860903213620>; Maarit G. Koskinen, "Racialization, Othering, and Coping Among Adult International Adoptees in Finland", *Adoption Quarterly* 18/3 (2015), p. 169–195, <https://doi.org/10.1080/010926755.2014.895467>; Jaemin Ahn, "Effects of Negative Adoptee Experiences and Mediation of Attitudes Toward Adoption on Life Satisfaction among International Adoptees from South Korea", *Asian Social Work and Policy Review* 14/3 (2020), p. 222–234, <https://doi.org/10.1111/aswp.12211>; Patricia Fronek, Lynne Briggs, "A Qualitative Exploration of the Adult Intercountry Adoptee Experience in Australia", *Adoption Quarterly* 21/3 (2018), p. 161–181, <https://doi.org/10.1080/10926755.2018.1488330>; Candice Presseau, Cirleen DeBlaere, Linh P. Luu, "Discrimination and Mental Health in Adult Transracial Adoptees. Can Parents Foster Preparedness?" *The American Journal of Orthopsychiatry* 89/2 (2019), p. 192–200, <https://doi.org/10.1037/ort0000385>; Samantha M. Schires, NiCole T. Buchanan, Richard M. Lee, Matt McGue, William G. Iacono, S. Alexandra Burt, "Discrimination and Ethnic-Racial Socialization Among Youth Adopted From South Korea Into White American Families", *Child Development* 91/1 (2020), p. e42–e58, <https://doi.org/10.1111/cdev.13167>.

56 Docan-Morgan (cf. note 53).

ited way with their adoptive parents. International research shows that being inadequately prepared to deal with the consequences of race can be associated with significant psychological distress for the adoptee. In the interviews, I asked the adoptive parents if they received support from the adoption agencies. Notably, none of the adoptive parents interviewed reported receiving any information about race or said that the adoption agency had drawn their attention to possible issues, either during or after the adoption process. The analysis suggests that adoptive parents were largely left to their own devices and that how they dealt with race and the support they could offer their children depended on their existing skills and resources. There is also evidence that some of the adoptive parents were troubled by these experiences. Being both adoptive parents and members of an 'interracial family', the adoptive parents were exposed to a double dose of stigma that they were ill-prepared to face. Studies show that the stigma to which adoptive parents are exposed in relation to adoption is associated with lower levels of satisfaction with family life and with the parent-child relationship and can also be linked to depression.⁵⁷ It is not possible to say based on the interviews to what extent this was the case for this group of adoptive parents, but drawing on such studies, it could be hypothesised that the adoptive parents were reluctant to address issues of race because they sought to protect themselves from realising the far-reaching consequences for their adoptive children. Their acquired parenthood and any associated feelings of failure may make adoptive parents feel especially vulnerable when faced with such issues.⁵⁸ More data would be needed to test this hypothesis.

57 Kaylee J. Hackney, Matthew J. Quade, Dawn S. Carlson, Ryan P. Hanlon, Gary R. Thurgood, "Welcome to Parenthood!? An Examination of The Far-Reaching Effects of Perceived Adoption Stigma in the Workplace", *Human Relations* (2023), p. 25, <https://doi.org/10.1177/00187267231164867>.

58 Yvonne Gassmann, "Fragiler Beziehungs-und Erziehungsalltag von Pflege-und Adoptiveltern. (Re-)Konstruktionen des Elternselbst-Leitbildes als Ansatzpunkt für Präventionsarbeit bei 'erworbener' Elternschaft", in: Elke Schierer, Annette Rabe, Birgit Groner (ed.), *Institutional and Professional Approaches to Child Protection*, Wiesbaden 2022, p. 63–93.

Adoption as a Pivotal Experience with Health Implications

A Conversation

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At the heart of many of the issues discussed in this volume are the interrelated themes of health, the body and adoption. In this paper we bring together the different perspectives of our contributors to explore this relationship. The starting point for our discussion is the case of Amita, an Indian girl who was brought to Switzerland for adoption at the end of the 1970s. Sabine Bitter has reconstructed the child's story on the basis of documents from the Swiss Federal Archives in Bern and records from her adoption file.¹ Amita's adoption file also contains records on the medical treatments and examinations that the young patient received in a hospital in the canton of Geneva. Medical historian Iris Ritzmann and pharmacologist Stephan Krähenbühl provided medical and pharmaceutical expertise for the analysis of the patient's medical history.

Based on the reconstruction of this case history, Rita Kesselring, Nadine Gautschi and Andrea Abraham discuss the complex links between adoption, the body and mental health from their research perspective with Sarah Ineichen, president of the Back to the Roots association, member of the expert group on intercountry adoption of the Federal Department of Justice and Police and qualified midwife. Together, they explore the question of how the physical and psychological impairments that the Indian children brought with them affected their later lives and what would be needed to lighten the often heavy burden borne by those affected.

1 This file is listed in the holdings of the Thurgau cantonal archives [*Staatsarchiv des Kantons Thurgau*], but the physical documents are held in the Vaud cantonal archives [*Archives cantonales vaudoises*] because the child was placed through Terre des Hommes in Lausanne – which illustrates how key documents from the files of adopted individuals have to be retrieved from various locations.

From airport to quarantine

One morning in April 1978, Amita² was put on an Air India flight out of Calcutta by a stewardess.³ The two-year-old had been placed in the Swiss canton of Thurgau with the Voser family,⁴ who were on the Terre des Hommes adoption waiting list. The Vosers had only learned of her arrival the day before and were unable to travel to Geneva at such short notice to collect the child. This was anyway not the plan. Amita was to be taken directly from the airport to the Hôpital de La Tour and Pavillon Gourgas in Meyrin (canton of Geneva) for “quarantine”,⁵ where she would stay for three weeks. Two months later, on 1 July 1978, the Indian newspaper *Ananda Bazar Patrika* accused Terre des Hommes of having taken Indian children out of the country in 1977 and 1978, ostensibly for adoption, when they had in fact been used for research purposes. The chargé d'affaires ad interim of the Swiss embassy in New Delhi, Jean-Pierre Keusch, sent a copy of the article with an English translation to the Federal Political Department. He pointed out that Switzerland was mentioned in the report, which described the children as “guinea pigs”.⁶ The Indian Central Bureau of Investigation had determined that 18 children were affected, some of whom had been “procured” for payment.⁷ The Missionaries of Charity (Sisters of Mother Teresa) and Terre des Hommes were involved. From Terre des Hommes (India) Society representative Milton McCann, he had also learned that the agency in Calcutta had already been inspected by the police on two occasions. The police had asked the missionary house for the addresses of the foreign couples in whose homes the children had been placed and detectives would now be visiting Switzerland with this list. Jean-Pierre Keusch was sceptical about the allegations and contacted Bern to ask how he should proceed.⁸

This report and initial research into the matter in India raised a number of questions for the research team. Was it true that Amita had been used for research? What were the reasons for her ‘quarantine’? We had medical and pharmaceutical experts review the documents in the child’s adoption file. According to medical historian Dr Iris Ritzmann, in 1978 it was the responsibility of the cantonal health authority, in this case the Geneva cantonal medical officer, to order quarantines for the isolation of persons entering Switzerland

2 For reasons of anonymity, the child’s first name has been changed.

3 StATG, 4,635, 10/13, letter from Suzanne Bettens, TdH, to foster care inspectorate, 14. 4. 1978, and to Geneva Cointrin airport infirmary, 11. 4. 1978.

4 For reasons of anonymity, the child’s family name has been changed.

5 StATG, 4’635, 10/13, letter from Suzanne Bettens, TdH, to Voser couple, 11. 4. 1978.

6 <https://dodis.ch/52022>, 21. 10. 2023.

7 Ibid.

8 Ibid.

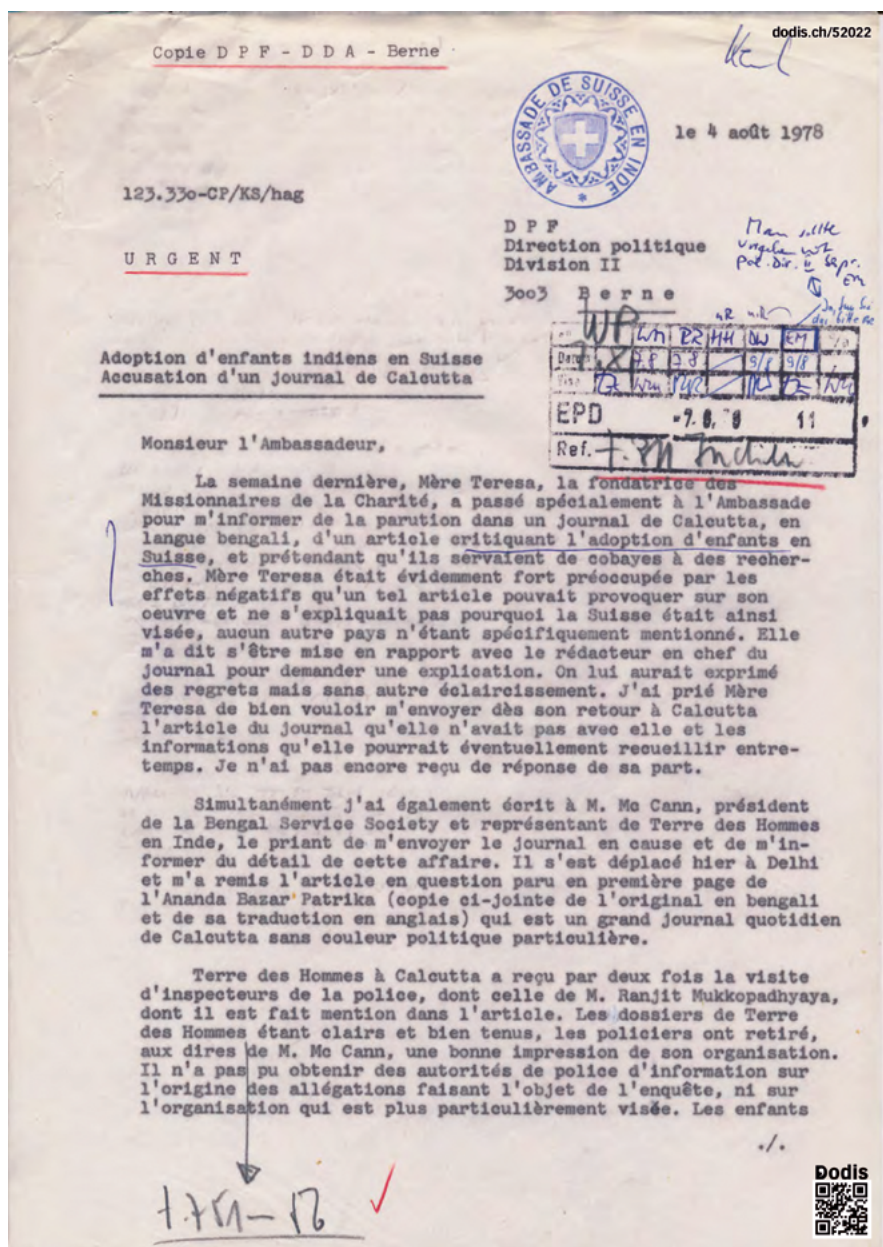


Fig. 1: In 1978, the Swiss authorities learned that the Missionaries of Charity and Milton McCann of Terre des Hommes (India) Society had been accused in an Indian newspaper of having placed Indian children for adoption in Switzerland who were then used for research purposes. Among the children in question was Amita, who went to live with a foster family in the canton of Thurgau. Upon arrival she was transferred by Terre des Hommes to a hospital in Geneva for "investigations" dodis.ch/52022.

from a different country.⁹ That year, no such order was issued in Switzerland.¹⁰ Terre des Hommes had therefore ordered a ‘quarantine’ on its own authority, which it was not authorised to do. The paediatrician who documented Amita’s release from hospital indicated that Amita had been admitted on other grounds. In her report, she wrote the keyword “Investigations” in brackets on the same line after the word “Quarantine”.¹¹

Accusations from India: children used as ‘guinea pigs’

At the hospital, Amita underwent a series of examinations. The day after her arrival, her chest was x-rayed.¹² The next day, a throat swab was taken,¹³ blood was drawn¹⁴ and a sample of gastric juice was taken through a tube inserted through her nose into her stomach.¹⁵ Gastric aspiration was a common invasive procedure for the diagnosis of tuberculosis in young children, undertaken under anaesthesia. Further blood samples were taken on the third day and for two more days after that.¹⁶ She was then examined by an ophthalmologist,¹⁷ and a blood sample was taken on two subsequent days.¹⁸

These examinations were part of a series of pharmacological tests that Basel pharmacologist Stephan Krähenbühl interpreted for us. The fluids taken from Amita’s throat and stomach and the bacteria they contained were substances used by doctors at the hospital for laboratory experiments.¹⁹ They multiplied the bacteria obtained in a nutrient solution and used it to produce further material. They used a microbiological technique to test the effectiveness of a number of different antibiotics. Certain preparations and dosage forms were on the verge of authorisation. These included drugs like Clamoxyl²⁰ and

9 Iris Ritzmann, medical-historical review of paediatric case history 1978, 2023. Dr Ritzmann based this assessment on Art. 12 of the *Federal Act on Controlling Communicable Human Diseases* (Epidemics Act), which came into force on 1. 7. 1974 and was unchanged and remained applicable in 1978.

10 Ibid.

11 StATG, 4’635, 10/13, hospital discharge report to doctor in eastern Switzerland, 8. 5. 1978.

12 Idem, internal report from radiologist to paediatrician, 8. 5. 1978.

13 Idem, datasheet “Frottis de Gorge” [throat swab], 14. 4. 1978.

14 Idem, table “Chimie sanguine” [blood chemistry] listing blood values, 14., 17. and 18. 4. 1978.

15 Idem, datasheet “Suc gastrique” [gastric aspiration], 14. 4. 1978.

16 Idem, table “Hémogramme” [blood count] listing blood values, 14., 15., 17., 20., 24. and 28. 4. 1978.

17 Idem, report by an ophthalmologist, 22. 4. 1978.

18 Idem, table “Chimie sanguine” [blood chemistry] listing blood values, 14., 15., 17., 20., 24. and 28. 4. 1978.

19 Idem, datasheet “Frottis de Gorge” [throat swab], 14. 4. 1978, and datasheet “Suc gastrique” [gastric aspiration] 14. 4. 1978.

20 Clamoxyl was approved by the Inter cantonal Office for the Control of Medicinal Products (IKS) in June 1977 as an injection and in 1979 in other dosage forms. Cf. IKS monthly report 1977, no. 6, p. 401, and IKS Bulletin 1979, p. 401, 501, and StATG, 4’635, 10/13, datasheet “Frottis de Gorge” [throat swab], 14. 4. 1978.

Pompaples, le 16 octobre 1980 np

Monsieur le Docteur

Concerne : Enfant [REDACTED], née le [REDACTED] 1979, venant de Calcutta (Inde).

Domicile actuel : [REDACTED]

Monsieur et cher Confrère,

La petite [REDACTED], née le [REDACTED], envoyée à l'Hôpital de St-Loup par TERRE DES HOMMES, a été hospitalisée du 11.10.80 au 15.10.80 pour quarantaine, puis ses parents adoptifs sont venus la chercher.

Diagnostic : Enfant de TERRE DES HOMMES qui vient pour quarantaine après adoption.

Traitement hospitalier : Mise en observation, examens de laboratoire habituels, shampoings de Marie-Rose pour lentes.

Status à l'entrée :

Enfant de 20 mois en bon état général, en état de nutrition correct, sans signes de déshydratation. Au niveau de la peau, plusieurs cicatrices de furoncles sur les quatre membres. L'enfant est afebrile, anictérique et sans adénopathies pathologiques. Le reste du status est sans particularité.

Examen psycho-moteur : L'enfant est très timide au départ, mais elle s'adapte facilement au bout de quelques heures, a un contact visuel qui est bon, parle quelques mots incompréhensibles pour nous, joue avec ses objets, marche sans aide. Elle a un comportement tout à fait adéquat pour son âge.

Examens paracliniques :

Radio du thorax : Le thorax est normal, sans signes de tuberculose.

Radio du bassin : Pas de signes de dysplasie congénitale.

Cultures des frottis des différents orifices :

Frottis d'un bouton purulent sur la grande lèvre : quelques staphylocoques dorés.

Frottis de nez et de gorge : streptocoques viridans.

Flore intestinale : physiologique.

Frottis anal : négatif.

RPR : négatif.

./.

Fig. 2: Discharge report from the Saint-Loup hospital in Pompaples (VD), where a girl brought to Switzerland by Terre des Hommes was admitted upon arrival for "quarantine". Private archive.

Penbritin²¹ from the Bern pharmaceutical firm Beecham and Bactrim²² from the Basel pharmaceutical company F. Hoffmann-La Roche & Co. Ampicillin²³ and penicillin²⁴ were among the active substances and groups of active substances examined. The bacteria from the girl's bodily fluids, such as gastric juice, were then injected into guinea pigs.²⁵ After 40 days, the guinea pigs were killed and an autopsy was performed to determine what the bacteria or the antibiotics administered had done to the animals' bodies.²⁶ According to Iris Ritzmann, it was a standard procedure when diagnosing patients to take samples for these purposes.²⁷ The expert also stresses that taking bodily fluids from patients and studying them in a hospital laboratory is not human experimentation.²⁸

According to the hospital discharge report, Amita was “visibly ill” on arrival and was suffering from febrile convulsions, pneumonia, mumps and an amoebic infection. According to Iris Ritzmann, she was probably in a “reduced, if not alarming condition” when she landed in Geneva.²⁹ Given these circumstances, hospitalisation seems justified. The pneumonia subsided, probably largely due to the antibiotics she received. The medical historian concludes that the girl's treatment was in keeping with the medical standards of the time. “However, it is unclear whether [the child's] condition was the only decisive factor for hospitalisation or quarantine,”³⁰ she cautions.

A ‘closed case’

In autumn 1978, the Indian authorities asked the consul general of the Indian embassy in Geneva to check on the well-being of the children who, like Amita, had been brought to Switzerland through Terre des Hommes and the Mis-

21 Penbritin was authorised by the IKS in 1979. Cf. IKS Bulletin 1979, p. 128, 206, and StATG, 4'635, 10/13, datasheet “Frottis de Gorge” [throat swab], 14. 4. 1978.

22 Bactrim was authorised by the IKS in June 1979. Cf. IKS Bulletin 1979, p. 611, and StATG, 4'635, 10/13; datasheet “Frottis de Gorge” [throat swab], 14. 4. 1978.

23 StATG, 4'635, 10/13, datasheet “Frottis de Gorge” [throat swab], 14. 4. 1978.

24 Ibid.

25 Idem, datasheet “Bactériologie Suc gastrique” [bacteriology gastric aspiration] with entry: “Injecté 1 cobaye le 9. 4. 78” [injected 1 guinea pig on 19. 4. 78].

26 Idem, datasheet “Bactériologie Suc gastrique” [bacteriology gastric aspiration] with entry: “Première autopsie le 29. 5. 78” [first autopsy on 29. 5. 78]. Cf. also idem, datasheet “Bactériologie Frottis de Gorge” [bacteriology gastric aspiration], n.d., and datasheet with entry “Bactériologie Ziehl: en cours. Culture sur milieu de Löwenstein en cours. Innoculation au cobaye le 18. 4. 78, Autopsie le 28. 5. 78” [Ziehl bacteriology: in progress. Culture on Löwenstein medium in progress. Innoculation of guinea pig on 18. 4. 78. Autopsy on 28. 5. 78].

27 Iris Ritzmann, medical-historical review of paediatric case history 1978, 2023, p. 11.

28 Idem, p. 14. She refers to the 1978 guidelines of the Swiss Academy of Medical Sciences.

29 Idem, p. 7.

30 Ibid.

sionaries of Charity. The Federal Aliens Police then instructed the cantonal immigration authority to contact the guardianship authorities.³¹ During these investigations, the affair spread further. The Swiss embassy in Stockholm informed the Directorate of Political Affairs in Bern at the end of November that Swedish television had reported on the allegations and blamed the Swiss pharma industry.³² The federal authorities replied in February 1979 that they had learned from the reports of the guardianship authorities that the children were doing well.³³ The Indian consulate general was also satisfied with this outcome. Both countries sought to bury the issue.

It was the adoption officer of Terre des Hommes, Suzanne Bettens, who pointed out that the matter could not be merely dismissed as intrigue or a “persistent rumour”,³⁴ voicing criticism about practices in the intercountry adoption sector and resigning from her position.³⁵ She informed the cantonal youth welfare offices that some “third world” countries viewed these practices as a “form of colonialism” and explained that she was therefore no longer able to work in this role.³⁶

As numerous children who came to Switzerland for adoption through Terre des Hommes had been “quarantined” in hospital,³⁷ it would be advisable to investigate the matter further, she wrote. This was especially necessary since a death had occurred in this context. According to a French language daily newspaper, a seven-year-old Indian boy in ‘quarantine’ fell out of a hospital window and died in June 1980. The charity said that the death was the result of a “chain of unfortunate circumstances”.³⁸

31 BAR, E4300-01#1998/299#608*, letter from Federal Aliens Police to immigration police of cantons of Valais, Geneva, Vaud and Ticino, 19. 10. 1978, and to immigration police of cantons of Bern, Thurgau, Appenzell Ausser-rhoden, 20. 10. 1978.

32 BAR, E2023A#1991/39#1101*, letter from Federal Political Department to Swiss embassy in Stockholm, 7. 2. 1979.

33 Ibid.

34 Nadja Ramsauer, Rahel Bühler, Katja Girschik, *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*, 2023, p. 188.

35 BAR, E4110B#1990/72#95*, letter from Suzanne Bettens, TdH, to foundation council and executive board of TdH, 30. 1. 1979.

36 Idem, letter from Suzanne Bettens, TdH, “aux responsables d’Offices de mineurs, de Services de protection de la jeunesse, de Service de tuteurs généraux suivant des enfants placés en adoption par Terre des hommes” [to heads of youth welfare offices, youth protection services, guardianship authorities monitoring children placed for adoption by Terre des Hommes], 2. 2. 1979.

37 StATG, 4/635,10/13, letter from Suzanne Bettens, TdH, to hospital board, 11. 4. 1978.

38 <https://scriptorium.bcu-lausanne.ch/zoom/80315/view?page=1&p=separate&search=un%20petit%20Indien%20se%20tue&tool=search&view=0,0,3599,5586>, 18. 8. 2023.

Beyond the individual: a conversation about adoption's impact on the body and health

Rita Kesselring: Amita's story describes her first three weeks in Switzerland. What did you think of the story, Sarah, Nadine and Andrea? How did it affect you?

Andrea Abraham: I was distressed by the thought of the many cancellations, transitions, waiting times, postponements and the numerous gaps that occurred as a result. I imagined Amita at the airport, on the plane, in another airport, being handed over to a strange woman, in hospital, and then undergoing a barrage of examinations. Amita must have felt very disoriented; it would also have been a disorienting experience for all the senses.

Rita Kesselring: You carried out research in India. Did you imagine Amita at two years old as being one of the children you could have met?

Andrea Abraham: Reflecting on my own experience of feeling overwhelmed in Mumbai, I found myself trying to envision what it must be like for a young child to leave her familiar world behind. I had a conversation in Mumbai with a man who worked as a chauffeur for a children's home run by the Missionaries of Charity and for the Swiss adoption agent Helga Ney. He had been given the task of accompanying foreign families to pick up children in India. In the interview, he kept saying, "I filled the gap". He tried to translate between children and foreign couples and to help them understand each other. One example he gave was that the adoptive parents brought the children shoes. "But the shoes took away their freedom," he said, because the children had been able to move around freely up to that point. In other words, they had been physically free to move around in the way they were used to. He also recalled that some children refused to sit on the toilet seat in the hotel and suffered severe constipation. Until then, they had only known squat toilets and were afraid of falling off the seat. There are many examples that illustrate the physical and emotional adjustments required of the children. Upon leaving India, the child's daily routines, carers, nutrition and indoor and outdoor surroundings would change. They would be confronted with a different language, unfamiliar smells, sounds and objects.

Sarah Ineichen: When you sent me Amita's story, I wanted to skim through it, but then I realised I needed to make time for it. As a counsellor at Back to the Roots, I am familiar with case histories like this. Adults who were adopted as children

have told me of such experiences. They remember because they were already four years old when in the middle of winter they arrived in Geneva and were taken straight to this hospital. For myself as an adopted person, Amita's story is not just a story that I have to process in my head; such stories become inscribed in your body. How it felt to be separated from your biological mother, from your own culture – and then this foreign culture, this arrival. This experience is stored in many of us, and it triggers me every time I delve into such stories. Amita's story is not just the story of something that happened and has been forgotten. It has been thoroughly documented and confirmed by academic research. That also makes me incredibly sad. Trying to understand what was done to children, what was done to many of us – and the fact that nobody protected us – is very painful. It almost puts you in a state of shock. It leaves you speechless.

Rita Kesselring: I imagine Amita being all alone, and this loneliness runs through the whole narrative from the moment she was taken away from her familiar surroundings to meeting her future adoptive parents. Amita was also alone from a legal perspective. She had no appointed guardian in Switzerland, even though this was a legal requirement. Nadine, you spoke to Swiss adoptive parents who should have and wanted to end this loneliness, who welcomed a child placed through Terre des Hommes once the 'quarantine' was over. How do you read this story?

Nadine Gautschi: I was shocked at how Amita was shunted back and forth in such an insensitive manner – without a constant carer, in unfamiliar places that she wouldn't have been able to make sense of. That really got to me. I have spoken to adoptive parents, so I recognised certain aspects of Amita's story. Some adoptive parents also described how their adopted children had to go into 'quarantine'. This was in the early 1980s. What shocked me about the stories of the adoptive parents was that in two cases they were only informed of the child's arrival when the child was already in hospital. Only then did they get a call from Terre des Hommes, which had arranged the placement, to say "The child is here and is in hospital." In another case, the parents had to transfer the child to 'quarantine' themselves. The parents picked the child up at the airport in Geneva and had to take them straight to the children's hospital in Zurich, where they stayed for about four days. The adoptive parents were only allowed to come within ten metres of the child during this time. When they asked the reason for the 'quarantine', they were told it was merely a formality. In another case, the adoptive parents were allowed to be with the child at the hospital during the day and play with them, but they had to leave

again at night and would try to explain to the child that they would be back the next day. In these cases, the adoptive parents only learned of the child's state of health on arrival. One child had a severe middle ear infection, skin rashes and diarrhoea. She was in hospital in Geneva, and it was hardly possible to inform her adoptive parents about her state of health because the hospital staff spoke French and the parents didn't speak much French. According to the adoptive parents I interviewed, the 'quarantine' had gone on for between three and seven days. What I found fundamentally shocking in these cases was this manner of introduction between the child and their future adoptive parents.

Andrea Abraham: Child welfare practices and medical ethics in the paediatric field have changed a lot since then. In the 1970s, it was still common in hospitals that parents were hardly allowed to see their child. That is unimaginable from today's perspective.

Rita Kesselring: When we trace the journey of adopted children from India, what health issues are mentioned? Andrea, what health risks was the child exposed to in India before, during and after their birth?

Andrea Abraham: During my research, I realised that there were many reasons for the children's poor state of health. For example, the mother's health played a role. And the health of the mother had to do with the general state of health of women in India. It is scientifically proven that during the timespan of the study, women were much more likely to be undernourished or suffer from tuberculosis, malaria or sexually transmitted diseases than men. Some of these illnesses were stigmatised, which discouraged women from going to the doctor. The medication that pregnant women received for some diseases could affect foetal development (the growth of the baby).³⁹ Indian studies have shown that this was especially the case with very young pregnant women.⁴⁰ Another factor prior to giving birth was the stress to which the women were exposed, be it through poverty, physical labour or sexual and other forms of violence. These factors could sometimes affect the child's birth weight. Being underweight could lead to further conditions such as eye problems, paralysis or heart problems.⁴¹ In my interviews, I also learned that it was common prac-

39 Radha Bhatt, "Why do Daughters Die?" In: Shakti (ed.), *In Search of Our Bodies. A Feminist View on Women, Health and Reproduction in India*, Bombay 1987, p. 14–19.

40 M. Perez-Alvarez, M. Favara, "Children Having Children. Early Motherhood and Offspring Human Capital in India", *Journal of Population Economics* 36/3 (2023), p. 1573–1606.

41 Malini Karkal, "Ill Health, Early Death, Women's Destiny?", in: Shakti (ed.), *In Search of Our Bodies. A Feminist View on Women, Health and Reproduction in India*, Bombay 1987, p. 20–25.

tice in the Indian hospitals during the period under investigation to separate the baby and mother immediately after the birth. This was mainly planned by the staff and sometimes by the women themselves. Such a separation is a traumatic experience. In her contribution to this book, Pien Bos describes this aspect and the considerations surrounding breastfeeding in detail. Another important factor was that many women became pregnant as a result of violence and sexual assault. For example, where incestuous relationships led to pregnancies, this could result in genetic defects and cognitive impairments in the children. Then there were children who survived despite attempted abortions. These failed abortions have been associated with damage to the unborn child.⁴² There were also newborns who had been abandoned. I heard many stories about ‘dustbin babies’, although some argue that this was a less common occurrence than previously presumed. Some of the babies were abandoned in places where they would be found. But there were also cases in which the baby’s death was accepted or even desired, for example when newborn babies were left next to railway tracks, wrapped in plastic bags and abandoned in the wilderness or buried. Abandonment led to specific injuries, which the hospitals would document. And finally, inadequate healthcare including neglect or abuse in institutions was another factor that seriously affected children’s health.⁴³ I heard some harrowing accounts during my interviews in India. Basically, the state of health of the adopted children had to do with the stressful environment preceding and after the birth and the conditions in children’s homes.⁴⁴

Rita Kesselring: Nadine, what do the adoptive parents say about the children’s health upon their arrival in Switzerland?

Nadine Gautschi: The adoptive parents repeatedly tell of serious health problems which became apparent on or shortly after their arrival, or sometimes in India if they had travelled there to collect the child. They repeatedly mention malnutrition, rashes, diarrhoea, chronic colds, delayed motor and speech development, hepatitis A and B, malaria and serious untreated middle ear infections. In some cases, the adoptive parents only realised in Switzerland that the child was practically deaf due to a chronic ear infection. Sometimes

42 Neela Dabir, *A Study of a Shelter Home for Women in Distress*, SNDT Women’s University, 1994, <https://shodhganga.inflibnet.ac.in:8443/jspui/handle/10603/161291>.

43 Jayant R. Navarange, *The Healing Touch. Children in Institutions. A Medical Manual*, Pune 2022.

44 Patrick Mason, Christine Narad, International Adoption, “A Health and Developmental Prospective”, *Seminars in Speech and Language* 26/1 (2005), p. 1–9.

the ear infection was so serious that an operation was necessary owing to 'destroyed eardrums'. Sometimes the adopted children's health stabilised after the operations, but others had to live with impaired hearing and needed hearing aids. The ear infections were accompanied by delays in speech development requiring intensive speech therapy, in some cases even before the child started kindergarten. At school, these language difficulties impacted their learning and educational attainment. According to the adoptive parents interviewed, the adopted children subsequently developed further conditions, such as cognitive impairments, which were noticed during their time at school. Many of the parents mentioned ADHD. These conditions meant that the children needed extensive support at school in the form of therapy and support teaching. In some cases, more extensive measures were implemented. Some adoptees were exempted from certain academic subjects or taught separately at schools providing speech and language therapy or in 'special needs' and small-classroom environments. Some adoptees were then diagnosed with other physical ailments during adolescence, including 'birth defects' such as damage to internal organs, sometimes resulting in life-threatening conditions and, in a few cases, multiple hospitalisations and operations.

Adoptive parents also reported that their adopted children suffered from serious illnesses in young adulthood, including cancer and heart disease. For the adopted individuals and their adoptive parents, the lack of information about the biological family's medical history is particularly difficult in such cases.⁴⁵ During adolescence, some parents also said that their adopted children suffered from mental health problems, which manifested themselves in the form of substance abuse, addiction, anorexia, depression, self-harm and suicidal tendencies that sometimes extended into adulthood.

Rita Kesselring: Sarah, what is your view on this? You advise adoptees wanting to trace their origins, but you probably also hear stories like this. Have you seen any patterns in the experiences of adopted individuals?

Sarah Ineichen: Yes, these patterns do exist. The sets of symptoms you just described continue through puberty into adulthood. I know of many adoptees who have impaired hearing and vision, autoimmune diseases and, to a lesser extent, asthma. Other health problems that I often hear about include allergies, endometriosis and, in some instances, difficulties getting pregnant. What I notice most are the psychological problems. Babies experience separa-

⁴⁵ Cf. also Navarange (cf. note 43).

SURABALA NILAYA SANGHA (Regd.)

2087, 24th 'A' Cross, Banashankari 2nd Stage, Bangalore - 560 070

Ref :

NAME Date 88

SEX FEMALE

DATE OF BIRTH

WT AT BIRTH Not known

DATE OF ADMISSION

WT ON ADMISSION 3 kg

CONDITION Fairly satisfactory. Al-
ways crying in nature. Mile-

stones normal. Feeding on both

solid food and milk and supplemented

with vitamins and Minerals and

protiens.

MONTH	WEIGHT	BABIES' DEVELOPMENT
██/87	3 kg	The baby started thriving well at
██/87	4 kg	SENS and showing remarkable progress
██/87	4.5 kg	except that it is always crying in
██/87	6 kg	nature. But when it was kept in
██/87	6 kg	██████████ nursing home the
██/87	7 kg	weight reduced by 2 kg. After readmi-
██/87	9 kg	ssion to SENS it is much better. The
██/87	10 kg	parents have to show lot of interest
██/88	9 kg	in the child, so she can become
██/88	9 kg	friendly.

DATE OF DISCHARGE

88/

Fig. 3: Numerous Indian children came to Switzerland from the Surabala Nilaya Sangha home in Bangalore (now Bengaluru). Some of them were adopted in the cantons of Zurich and Thurgau, mainly through Adoption International. The data sheet from 1988 shows that the baby was very small, weighing three kilograms, and had probably just been born when it was admitted to this home. The notes say that the baby was always crying and had lost a lot of weight (it now weighed only two kilogrammes). STABE, BB O3.4.863.

tion from their mother as a threat to their survival. I also see this in my day-to-day work as a midwife. When a newborn baby cries, the father can hold it, or the grandmother, or the midwife, but it continues to cry. Then the mother takes the child in her arms and it calms down. Many adoptees were all of a sudden taken away from their mothers, which could lead to separation anxiety and later to attachment disorders. A person with an attachment disorder may decide not to enter into a relationship out of fear that they will always be left in the end. When this happens, the pain is repeated. It is like a scar being torn open again and again, and the pain goes deeper and deeper. It's a kind of 'natural protection' that many of us develop. Then there is the fact that we as children already think that our mother didn't want us. The most important person in our lives said 'no' to us. That can only mean that I'm not worth anything. This lack of self-esteem can be compounded by health problems and labels such as ADHD or borderline. At Back to the Roots, we observe that adoptees are treated for these conditions for years without success. As a medical professional, I also ask myself if the diagnosis is correct. Another example is that in Switzerland, we still work with European weight curves when assessing babies. It is obvious that we, as Sri Lankan or Indian babies, did not follow the same curve. I suspect that many adoptive parents were faced with the standard image of a Swiss baby and felt under pressure. And we children were under pressure. In my childhood, I was sometimes weighed every day because they thought I was anorexic. Many adoptees who travel to their countries of origin tell me that they tolerate the diet there much better and it is more beneficial for them. That means we are unable to meet the criteria established for the healthy development of a European child. Then there is the intellectual side. Our adoptive parents are often educated people, but our biological parents may come from farming families or be labourers on tea plantations. If you come from a very academic family, you may feel you have to live up to the same intellectual expectations – and that might not work out. This also contributes to low self-esteem. At Back to the Roots, we see a lot of adults who were adopted as children who become addicted to drugs and cannot organise their own lives. There are also suicides. We have already lost members of our association who concluded that the pain was too great. This pain is probably the greatest burden we have been given. In my experience, this is often overshadowed by "the greatest opportunity we have been given". We are expected to be grateful and loyal, but deep inside us is great pain, a great scar. I believe it is very important for healing and healthy development to make room for this to be allowed. This is not a process with an end. We are adoptees all our lives. There are few specially trained psychologists who understand our situation.

Only when I know the truth can I finally process something and then heal it so that it doesn't keep hurting. But I sense that society would like this to be swept under the carpet. In our mentoring at Back to the Roots, I say that history is like a box. You consciously take your time, open it in a safe environment, take a close look and then close the box again and move on with your life. And then the moment comes around again for you to make space and re-open the box.

Rita Kesselring: There is this one side, the medical perspective on the child. In other words, the attempt to categorise, treat and make sense of children in an effort to understand and provide care. When we listen to you, Sarah, we understand the ambivalence of this perspective because the categories and expectations were perhaps not the right ones. It is as if the welfare institutions and the health service were not capable of understanding the situation of adopted individuals. You didn't fit the mould, often with dramatic consequences. You were given medication and therapy, although what might actually or also have been important is to open this box regularly with someone and then close it again. Adoption is not only about ruptures. It also involves forming new relationships with adoptive parents and families in a new country, within a new social environment. Do you have any examples of how adoption affects the health of others? Do you see any major social impacts?

Nadine Gautschi: Sometimes diseases were transmitted to other family members. One adoptive father told us that his wife had contracted hepatitis A shortly after the child's arrival in Switzerland and had had to be hospitalised. It was life-threatening. He stayed at home with the adopted child and the other two children. He was afraid he would lose his wife. Then he also contracted hepatitis A while his wife was in hospital. Right from the start this created a massive crisis for the whole family, including for the family's biological children. Years later, the adoptive father was also diagnosed with hepatitis B, which he had also caught from his adopted daughter, and which had remained undetected for a long time. The discussions revealed the immense psychological burden borne by adoptive parents who had had to deal with and in some cases continued to deal with the numerous health challenges faced by their adopted children. Many of them reported having reached their limits. The adoptive parents faced practical challenges as well. They had to provide constant, demanding care for their adopted child, including frequent hospital visits for medical examinations. Consequently, the children missed a lot of school. In one case, an adoptive mother gave up her job for this reason. It was also sometimes very difficult for her to ensure that the other children in the family received enough attention.

For some adoptive parents, the state of health of their adopted children remains a burden to this day. They provide both emotional support and practical assistance for everyday tasks like looking for a job, finding housing, navigating administrative tasks and caring for grandchildren, particularly in cases where the adopted person struggles with addiction, for example.

Sarah Ineichen: Another question that I wonder about in relation to adoptive parents is, why does a couple decide to have a child? Often it is childlessness and the societal expectation that a healthy woman should have children. I have noticed that there is a completely different awareness of this issue today, and that women are looked after differently. In the past, the wound of childlessness had to be healed as quickly as possible through the creation of an ideal family. The children from abroad helped with this. It's important to say that we were a third-class solution so to speak, because adoptive parents would often have preferred to have a baby of their own or a Swiss baby. The third choice was a foreign baby, as light-skinned and healthy as possible, and the fourth choice was a child whose skin was 'too dark' or a 'special needs baby', meaning a child with disabilities. In families with two adopted children, we at Back to the Roots often observe that one child is considered 'difficult', rebels or has health problems, while the other is very well-adjusted and has a good relationship with the adoptive parents. This constellation has an impact on the entire family system. We have learned that it is not necessarily the well-adjusted child who is doing best internally. The loud child shows its pain at an early age. The well-adjusted child may be surrounded by a protective fog of 'denial'. This usually works for a very long time, until you get pregnant, for example. Then when your own child is born, everything comes to a head.

Andrea Abraham: Two things go through my mind when I listen to you, Sarah. First, there are the reports from two witnesses I interviewed about children's homes in India in which there were many cots with bars and not enough carers. Some of the babies would scream and were loud, and then there were babies who would just lie quietly in their beds. A Swiss person who worked as a volunteer in a slum in what was then Bombay in the 1980s told me that when she walked past the cots with these babies and small children in them, none of them raised their arms or showed any emotion. This can be interpreted as an early childhood reaction to a lack of care. The director of a Western institution who also witnessed such scenes in the Missionaries of Charity children's homes in Calcutta had a different hypothesis. She suspected that the children had been sedated.

**INTERNATIONAL CERTIFICATE OF VACCINATION OR REVACCINATION
AGAINST SMALLPOX
CERTIFICATE INTERNATIONAL DE VACCINATION OU DE REVACCINATION
CONTRE LA VARIOLE**

This is certify that
Je soussigne(e) certifie que [redacted] date of Birth/ 1980
Ne (e) le [redacted] sex 7
whose signature follows } [redacted]
dont la signature suit }

has on the date indicated been vaccinated or revaccinated against smallpox with a freeze-dried or liquid vaccin certified to fulfil the recommended requirements of the World Health Organisation.
A été vaccine(e) ou revaccine(e) contre la variole a la date indiquée ci' dessous, avec un vaccin lyophilisé ou liquide certifié conforme aux normes recommandées par l' Organisation mondiale de la Santé,

Date	Show by 'X' Whether Indiquer par 'X' S'il s'agit de	Signature and professional status of vaccinator Signature et titre du vaccinateur	Manufacturer and batch no of vaccine Fabricant du vaccin em- ployé et numero du lot	Approved Stamp Cachet Autorisé	
1a	Primary vaccination performed Primo vaccination effectuée			1e	1b
1b	Read as successful Prise Unsuccessful Pas de Prise				
2 02 July 1980	Revaccination X	[redacted] Regd. 15173	69/77 Quincy Madras		
3	Revaccination	[redacted] Indian	[redacted]	[redacted]	

The validity of this certificate shall extend for a period of three years, beginning eight days after the date of a successful primary vaccination or, in the event of a revaccination, on the date of that revaccination.

The approved stamp mentioned above must be in a form prescribed by the health administration of the territory in which the vaccination is performed.

This certificate must be signed by a medical practitioner in his own hand ; his official stamp is not an accepted substitute for the signature.

Any amendment of this certificate, or erasure, or failure to complete any part of it, may render it invalid.

La validité de ce certificat couvre une période de trois ans commençant huit jours après la date de la primovaccination effectuée avec succès (prise) ou, dans le cas d'une revaccination, le jour de cette revaccination.

Le cachet autorisé doit être conforme au modèle prescrit par l'administration sanitaire du territoire où la vaccination est effectuée.

Ce certificat doit être signé par un médecin de sa propre main, son cachet officiel ne pouvant être considéré comme tenant lieu de signature.

Toute correction ou rature sur le certificat ou l'omission d'une quelconque des mentions qu'il comporte peut affecter sa validité.

Fig. 4: International vaccination booklet of an Indian girl who travelled to Switzerland in 1980 at the age of 20 months for adoption. Private archive.

Sarah Ineichen: As a midwife, I observe similar things in newborn babies. A baby cries and struggles when it feels safe and protected. I can imagine that the children in these children's homes realised relatively quickly which child was picked up and which was not. Children quickly realise what they need to do to please.

Andrea Abraham: Prior to our conversation, I asked myself another question that I would like to raise here. How does the adoption narrative continue when people who have been adopted themselves become parents? We know from other research contexts that there can be transgenerational effects.

Sarah Ineichen: When we adoptees become parents ourselves, our children are usually the first blood relatives we have ever met. My children have given me the confidence to face the questions surrounding my origins. They motivated me with their questions. "Who is my grandmother? Who is my cousin? Why don't you know your parents?" If I don't start to unravel this story now, I'll pass it on to my children. And that isn't right. Unresolved narratives are passed on to the next generation. But it doesn't have to be that way. My children are proud of the fact that they are not only Swiss, but also Sri Lankan. They are able to embrace it. I also believe that children who were adopted in the 1990s or later start to ask questions much earlier than we do thanks to social media and networks. We only reached that stage at the age of 35 or 40.

Rita Kesselring: The opportunity to ask these questions at an earlier age is certainly also a result of historical research and the work of Back to the Roots. Andrea, let's make sure we include the mothers. How does adoption affect mothers' health? What happened to them after the relinquishment of their babies?

Andrea Abraham: Many of the babies were born out of wedlock, resulting in the mother being socially ostracised. The big question was, how could they reintegrate into their families and communities? How would they regain acceptance? The emotional pain and experience of exclusion remained present in these women's lives. Researchers in other countries of origin have demonstrated that mothers, and in some instances fathers, experience a deep emotional wound when separated from their children. While in the best case this wound may heal over time, the scar remains. This phenomenon is known as 'ambiguous loss', a form of grief experienced when a child is

physically absent but remains emotionally present in the biological parent's life,⁴⁶ which can lead to symptoms of post-traumatic stress.⁴⁷

Rita Kesselring: Surangika Jayarathne, a researcher at the University of Bern, has illustrated that mothers in Sri Lanka continued to experience a sense of motherhood despite no longer providing daily care for their child.⁴⁸ For many women it was their first pregnancy, an unmarried pregnancy, which turned them into a mother, even if they gave up their babies.⁴⁹

Sarah Ineichen: We have been working with a large network of mothers affected by this issue in Sri Lanka since 2018. We place adverts two to three times a year, and around 50 new people contact us each time. Our contact persons take their details, meet with the mothers or families in a safe space in accordance with their wishes and offer them the opportunity to tell their whole story. We record these in writing. We also offer them the chance to take a DNA test. Mothers in Sri Lanka often have no access to the internet. Back to the Roots manages their data, and files it in a medical record. Our association must also regularly check for new matches and respond to enquiries. I've met a lot of mothers myself and realised that they often didn't understand what adoption is. In some cases, it was also suggested to them that their child would only be taken into care.⁵⁰ When they returned, the children were gone. They often did not understand what an intercountry adoption was. In many cases, it was social pressure or pressure from their family that forced them to give up their child. There were also women who reported that their child was taken away in the middle of the night. These mothers are now between 60 and 80 years old. They all say, "I just want to know that my child is doing well today. I want to hold them in my arms one last time before I die." That's what every mother says, no matter how their child came to be given away. Sometimes they give you a hug and say, "Maybe you're my daughter." They want it so much. They keep saying that they prayed every day that they would one day see their child again.

46 Pauline Boss, *Ambiguous Loss. Learning to Live with Unresolved Grief*, Cambridge, MA, 2000.

47 Melodee Lynn Sova, "It's like a phantom limb. It feels like it's there. It's supposed to be there, but it's not." Birthmothers' Metaphors of Ambiguous Loss", University of Denver, 2021, <https://www.proquest.com/docview/2592343301?pq-origsite=primo&parentSessionId=HwZ9LCM5VNg%2B8%2F8rfQ3h8LWngUjjUNTZZmtp-PX-GCxc%3D>; Ashley L. Landers, Sharon M. Danes, Domenica H. Carrese, Evdokia Mpras, Avery R. Campbell, Sandy White Hawk, "I Can Still Hear My Baby Crying. The Ambiguous Loss of American Indian/Alaska Native Birthmothers", *Family Process* 62/2 (2023), p. 702–721.

48 Surangika Jayarathne, "Decolonizing Narratives on First Mothers in Inter-country Child Adoption for Reproductive Justice", *Feministisches Geo-Rund-Mail*, no. 96, February 2024, p. 15–21.

49 Cf. contribution "International Adoptions", Rita Kesselring, p. 281–288.

50 In the Indian context, cf. Amita Dhanda, Gita Ramaswamy, *On Their Own. A Socio-Legal Investigation of Inter-Country Adoption in India*, Hyderabad 2005, p. 37.

Rita Kesselring: Research shows that such experiences become inscribed in the body and can be passed on to the next generation. We have discussed the negative health impacts associated with adoption, and there are indeed valid reasons for examining these, but it is also important to consider another aspect. What sources of strength can adopted people and those affected by adoption draw upon from their experiences? In what way does it make them more resilient? What unique skills and opportunities might develop from the experience of having been adopted?

Sarah Ineichen: For me, resilience is not a positive term, because I had no choice. It was simply a question of “will I survive or not?” My resilience developed out of the desire to live. My history as an adopted person is a daily drain on my energy. How often are you asked for your date of birth, or when is your birthday? Or at Christmas you look at your partner’s family photo album, and see family resemblances between your children and your partner’s family. I had to make a choice. Am I going to live in the past and only make room for this pain? Personally, I need hope and prospects for the future. This was also my reason for founding the Back to the Roots association. I didn’t just want a support group, I wanted the legitimacy of these questions to be recognised and to change the system and societal perceptions. Resilience is hard-won, and this is something I have to face every day.

Nadine Gautschi: I think whether children develop resilience also depends on their environment. I have spoken to adoptive parents who picked up their child from the home in India and were shocked by the conditions there. Beforehand, the child was described as active and cheerful. And the child they met there was deprived, lay unmoving in their cot, without a sound, with wasted muscles. One adoptive father remarked succinctly that his adopted daughter would not have survived long in that home. That was clear to him. It was also a reality. Some adoptive parents also report that they enjoy very close and loving family relationships. These are often adoptive parents who actively talked to their children about their origins at a very early age. One family, for example, travelled to India almost every year and also visited the home. Studies also show that good relationships with adoptive parents can have a positive effect on the mental health of adopted children.⁵¹

51 Cf. Amy L. Paine, Oliver Perra, Rebecca Anthony, Katherine H. Shelton, “Charting the Trajectories of Adopted Children’s Emotional and Behavioral Problems. The Impact of Early Adversity and Postadoptive Parental Warmth”, *Development and Psychopathology* 33/3 (2021), p. 922–936.

Andrea Abraham: Over the past few decades, Swiss history has witnessed several instances where groups of individuals affected by controversial practices, such as compulsory social welfare measures or intercountry adoptions, have embarked on journeys to bring their stories and the challenges they face to public attention. This has led to community building and to a conversation within society that encourages others to come forward, ultimately compelling politicians and authorities to take a stance and engage with this history and the issues it raises. I have a lot of respect for these efforts because, as you said, Sarah, it is also a daily burden to live with the past.

Rita Kesselring: At least initially, adoptees' experiences of adoption are highly personal and unique to them. For adoptive families, too, experiences with adoption revolve around an individual child: the child they wanted, the problem child, the well-adjusted child. While it is important to consider individual experiences, to bring about change it is also important to observe the societal structures that underlie these 'individual cases' – both in Switzerland and abroad. Many mothers are still alive, are asking questions and long for their children, as the work of *Back to the Roots* shows in the context of Sri Lanka. Our research project was inspired by the fact that these are shared stories: they are the stories of both children and mothers, of Switzerland and India.

Andrea Abraham: Sarah, an adoption agent working in India, told me that adopted children who have no knowledge of their origins are forced to bring themselves into the world. What is your view on this?

Sarah Ineichen: That's certainly true to a certain extent, but it doesn't have to be that way. Every child has the right to knowledge of their own parentage. This is a right enshrined in the *UN Convention on the Rights of the Child*, which Switzerland ratified in 1997. We are Swiss citizens and can demand that laws be upheld. So if we know that Switzerland cannot guarantee this right to knowledge and cooperates with countries where this right is not protected, we must call that into question. We should not have to bring ourselves into the world. However, in our current reality, adoptees' early years are a phase of their life that remains a mystery.

Rita Kesselring: The statement that the children have to bring themselves into the world, that a second birth takes place, omits the children's biological mothers. It was they who brought the children into the world. They are still alive, thinking about their children and perhaps even trying to find them.

Sarah Ineichen: No matter the circumstances, this original identity was erased during the adoption process, which is not permissible from a children's and human rights perspective. Society and the state have a responsibility towards the adoptees and their biological mothers.

Assisting Adoptees in their Search for Origins

CELIN FÄSSLER, BACK TO THE ROOTS

Everyone's life story begins somewhere. How does a child begin to tell their life story if the most basic details of their identity are missing? What if they don't know their date of birth, or where they were born, or who their parents are? This is the situation for many adoptees from India, Sri Lanka and other countries.

Similar stories – different roots, same systemic failings

From the founding of Back to the Roots in 2018 to the end of 2023, more than 60 adoptees from different countries had contacted our organisation with enquiries and to request assistance. In addition to adoptees from Sri Lanka, the organisation has been contacted by people from India, Brazil, Ethiopia, Bolivia, Lebanon and Guatemala in particular, as well as by some people who were adopted in Switzerland's neighbouring countries and have no point of contact there. Up to now, the support Back to the Roots has been able to provide these adoptees has been limited to an initial telephone consultation, as the current funding only covers adoptees from Sri Lanka. People with other countries of origin who wish to receive assistance in tracing their origins under the Back to the Roots programme must cover the costs themselves. This is currently the case for one adopted person born in India. Back to the Roots does not (yet) have the network to allow it to provide assistance in India. It thus has to refer adoptees to other organisations and is unable to accept any further responsibility for this part of the search. Some of these persons and organisations charge a fee for their services.¹

¹ Possible points of contact for India are the Swiss Red Cross Tracing Service, International Social Service Switzerland (ISS) and the Adoptee Rights Council (ARC) co-directed by Arun Dohle.

One person adopted from India contacted Back to the Roots in 2019. N.² had been trying to trace his origins for several years and had found the experience distressing. He was in need of psychological support as he could no longer cope with the many contradictory emotions brought up by a trip to India, during which he had experienced sudden memories and flashbacks and realised that what he had been told about his origins did not match what he was experiencing. N. was brought to Switzerland from India by Terre des Hommes in 1980 at the age of four and adopted here. One specific memory is of the site of the children's home where he had lived. When, as an adult, he was taken to an institution during a trip to India and told that this was where he had lived, he had no memory of it. It later turned out that Terre des Hommes (India) Society had brought him to the wrong place. When N. visited another home a few days later, he immediately recognised it as a place he had been to before. He also met an old man there, a former employee, who thought he remembered him and told him his original first name. N. was astonished to hear that his current name was the western form of his original Indian name. He felt that he had found another missing piece of his story. He had spoken to other adopted people in a support group before getting in touch with Back to the Roots and describes this experience as helpful but not effective because the people he met there had mainly been born and adopted in Switzerland. N. says that Back to the Roots helped him to get in contact with people who faced similar issues. N. also contacted Back to the Roots after the publication of the country report on intercountry adoptions in December 2023.³ Each time a new report is published, he and others affected by intercountry adoption are once again confronted with what happened, and this can trigger a new passage in the process of coming to terms with their past, with unpredictable consequences. If they cannot rely on adapted support services, vulnerable adoptees are left in the lurch every time this happens. They describe this situation as follows. "When I learned in the media that there might be something wrong with my adoption, it pulled the rug out from under my feet. Then when my own search for my origins uncovered more and more inaccuracies, I felt I had been sold again with no recourse."⁴

2 Name anonymised, interview notes from Back to the Roots, November 2023.

3 Nadja Ramsauer, Rahel Bühler, Katja Girschik, *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, 2023.

4 Conversation between Back to the Roots and B. via video conference, 22. 8. 2023.



Fig. 1: A photo on a Sri Lankan passport issued for travel to Switzerland. Published in an interview with Celin Fässler for a report for ORF ZIB 2, 29. 2. 2024.

In a first interview, a woman born in India shared her complex life story with Back to the Roots. B.⁵ came to Switzerland as a toddler via the Geneva-based adoption agency Divali Adoption Service, which she says had aggressively urged her adoptive parents to take in several children from India at once. B. had a traumatic childhood in which she experienced sexual and psychological abuse at the hands of her adoptive family, but has nevertheless been able to build a life and a family of her own. Today she says, “I don’t want to know much more than that my adoption was properly arranged. Otherwise, I have a good life.”⁶

The counsellors at Back to the Roots often find that adoptees are still in a state of denial during the initial interview. Although they have questions about their origins and the adoption process, they (still) try to avoid finding out anything negative and to stick to a fixed narrative when telling their story. The counsellors then have to gently peel away all these layers when the person is ready. In most cases, adoptees are only able to embark on the lengthy and often distressing process of tracing their origins if they are supported by those around them, and often need psychological support. Professionals who spe-

5 Name anonymised, telephone conversation between Back to the Roots and B., 14. 12. 2023.

6 Quote from telephone conversation between Back to the Roots and B., 14. 12. 2023. A legal examination of whether the adoption followed the proper process would be helpful in such a case.

cialise in adoption and are able to approach the complexities of the topic in an informed way are in short supply, however. It often helps if the adoptee has already begun to engage with the topic of intercountry adoption before they are exposed to the public debate on the issue. The wish, and later the need, to discover one's origins often develop little by little. That is why the Back to the Roots programme talks about the different 'phases' of this process, because a phase is something that is permeable and open. Although the phases have a beginning and end, there is development in between. It is important that outsiders understand that you don't usually start the process of tracing your origins on a whim and then just decide to end this process at a certain point. Back to the Roots is often asked if this process has an end. From our perspective, it is different for every adopted individual. For many, it is a process that is likely to continue for the rest of the person's life. This is also the case for many mothers in Sri Lanka, who in almost every interview express a wish to be able to hold their children in their arms one last time before they die.⁷

The beginnings of Back to the Roots

In the course of their lives, many adopted people develop the desire to find out where they come from. In 2017, 36-year-old Sarah Ineichen, a mother of three children who was born in Sri Lanka and adopted abroad set out in search of her family of origin in Sri Lanka. The births of her children had resulted in the need to find out more about her own past. Her children kept asking her about it, and she wanted to be able to answer them clearly and truthfully. When one of her children had to draw a family tree for a school assignment, it turned out that there were gaps on the maternal side where there was a lot of information on the father's side. For Sarah Ineichen, this was one of the key moments that prompted her to begin tracing her origins.

She had initially hoped to find answers to her questions, but as time went on the questions simply multiplied. The research in Switzerland and Sri Lanka revealed an increasingly nebulous picture. Some of the official documents were missing important details, others had been falsified. The true story of her origins remained a mystery. Sarah Ineichen's case is not unusual. When she went public and told her story, other Sri Lankan adoptees came forward and recounted similar experiences. In early 2018, they founded the Back to the Roots association and set in motion an extensive reappraisal of Switzer-

⁷ Notes from interviews with mothers in Sri Lanka, Back to the Roots, collected since 2019.

land's history with regard to intercountry adoption.⁸ The media interest at the time was sparked by a documentary on Dutch television.⁹ Back to the Roots has since established itself as a trusted point of contact for adoptees from Sri Lanka. Exchanges with networks of adopted people in other countries had shown that it was best initially to focus on a single country as this made it easier to establish the scope of the efforts needed to address the issues raised.

In response to the postulate submitted to Parliament by Rebecca Ruiz, a member of the National Council for the Social Democratic Party,¹⁰ the Federal Council commissioned a report to investigate adoptions of children from Sri Lanka in Switzerland between 1973 and 1997. When this report came out in December 2020,¹¹ there was a public outcry. The head of the Federal Department of Justice and Police at the time, Federal Councillor Karin Keller Sutter, FDP.The Liberals, expressed the government's regret and promised measures to support those affected. One of the first steps following the publication of the report was the establishment of an interdisciplinary working group under the aegis of the Conference of Cantonal Justice and Police Directors (KKJPD).¹² This working group was tasked with analysing current adoption procedures and drawing up recommendations for improvement. As a participant in this working group, Back to the Roots was able to bring the perspective of adoptees to the table. This exchange and the opportunity to talk face to face with the adoptees was important both for those affected and for the authorities that had and were still processing adoptions and were in contact with the actors in the procedure. Working as part of this group, it became increasingly clear that implementing the individual recommendations would take a lot of time – time that those affected do not have. They and their biological parents are getting older, and the trails are getting harder to follow. Any amendments to the law would only take effect in the future and would no longer be relevant for people adopted after 1970.

In spring 2021, Back to the Roots sought to raise these issues with the project sponsors and the board of the KKJPD. Failures in the procedure through which the children were given into the custody of Swiss couples and adoption decisions were issued in Switzerland mean that in most cases it is not possible to trace the children's origins by conventional means. Individuals whose

8 At around the same time, reports in the media sparked the first investigations Netherlands and France, where communities of individuals affected by the issues began to organise and build international networks.

9 <https://www.bnnvara.nl/zembla/artikelen/watch-now-adoption-fraud-2>, 2017 documentary.

10 <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaefte?AffairId=20174181>, 5. 1. 2024.

11 Sabine Bitter, Annika Bangerter, Nadja Ramsauer, *Adoptionen von Kindern aus Sri Lanka in der Schweiz 1973–1997. Zur Praxis der privaten Vermittlungsstellen und der Behörden. Historische Analyse betreffend das Postulat Ruiz 17.4181 im Auftrag des Bundesamts für Justiz*, Bern 2020, <https://doi.org/10.21256/zhaw-2382>.

12 <https://www.news.admin.ch/news/message/attachments/81430.pdf>, 5. 1. 2024.

documentation contains falsified details need specific support services. Measures that can be put in place quickly are essential to helping adoptees assert their right to know their biological origins.¹³ Back to the Roots successfully brought this concern to the attention of federal authorities and cantonal representatives, who proved receptive. Subsequently, the association was able to use the experience it had gathered in recent years to develop a counselling and support programme for adoptees born in Sri Lanka. This service includes not only administrative assistance in finding documents, but also psychosocial support during the search. Back to the Roots submitted a proposal to the Federal Office of Justice and the KKJPD and received funding for a three-year pilot project starting on 1 January 2022.¹⁴ In May 2022, an agreement was signed on behalf of the federal authorities and the cantons – by Federal Councillor Karin Keller-Sutter, the head of the St Gallen Department of Security and Justice, Fredy Fässler, who presided the KKJPD, Michael Schöll, the director of the Federal Office of Justice – and the president of Back to the Roots, Sarah Ineichen.

Back to the Roots launched its programme in January 2022 with the input and assistance of adoptees. By May 2022, more people were benefiting from this support than originally provided for in the agreement, resulting in swift re-negotiations that led to the important decision by the board of the KKJPD not to turn away any adoptee seeking assistance. This decision necessitated a budget increase that ensured sufficient funding for Back to the Roots' activities in the short term. In the short time since 2018, the association has established itself as a central, professionally-organised point of contact and expanded its core team to over ten members based in Switzerland and Sri Lanka.

The voices of biological mothers

“I gave birth to a boy in 1977. After the birth, the doctor said I was hysterical. I had lost a lot of blood and felt weak. The baby was taken away from me immediately. I asked about my child every day and was always refused contact because I was too upset. When I got back on my feet, I learned that my child had died, but I never received a death certificate.

13 <https://www.bj.admin.ch/bj/de/home/gesellschaft/gesetzgebung/abstammungsrecht.html>, 16. 2. 2024.

14 <https://www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-88825.html#:~:text=Das%20dreij%C3%A4hrige%20Pilotprojekt%20im%20Rahmen,den%20Adoptierten%20Personen%20zu%20Gute,> 16. 2. 2024.

My husband had only seen a closed coffin. I am convinced that my child is still alive. I pray every day to see him again.”¹⁵

Since its foundation, Back to the Roots has attached great importance to the involvement of those affected in Sri Lanka. In 2020, the association launched its Mother and Child Reunion project in Sri Lanka to raise awareness among the families there and offer them a discreet and uncomplicated consultation with a trustworthy person to sign up for a DNA test. This service was set up because families from Sri Lanka had also been contacting Back to the Roots since 2018. On the Sri Lankan side, there are no points of contact to assist biological parents either. Shame, ignorance and sometimes threats from immediate family members and relatives often prevent biological mothers from coming forward. The Mother and Child Reunion project gives mothers the hope of finding their lost children. A DNA test is often the only way to trace biological family members, especially if the information in the adoption documents is inaccurate. Unlike these documents, a DNA test provides certainty. This is why Back to the Roots also recommends that adoptees who report they have found their biological parents take a DNA test. In numerous court proceedings to transfer custody of a child, women have claimed to be the biological mother when they were not. When a mother is identified, DNA tests can prove whether (in rare cases) the mother found is actually the adoptee’s mother or a so-called ‘acting mother’. Our experience with DNA testing has shown that such programmes are feasible in Sri Lanka because the country is relatively small. In Sri Lanka, Back to the Roots liaison officers are able to travel across various regions to distribute tests, a task that would be even more challenging in larger countries. In India, for example, this service would hardly be feasible owing to the country’s enormous size.

In principle, the more people are entered in a DNA database, the more likely you are to find a match. It is important to acknowledge, however, that DNA testing is not without risks. Individuals who take such a test do not know what else their tests may be used for, which is why explaining the consequences of DNA testing is an important aspect of the Back to the Roots programme. Experience shows that many adoptees consider the possibility of a DNA test to be a valid measure to further their search, but not those from India, as Back to the Roots discovered when it surveyed those affected.¹⁶

The first Mother and Child Reunion campaign in 2020 resulted in many people getting in contact with the association. Back to the Roots advertises this service through large advertisements in the daily and Sunday newspapers

15 Quote from S. F., mother of a child presumed disappeared from Sri Lanka, interview notes by Celin Fässler, Back to the Roots, Sri Lanka, May 2023.

16 Back to the Roots surveyed people who contacted the association between autumn 2023 and January 2024.



Fig. 2: Voice of mothers: an awareness campaign for mothers looking for their children, 2023 in Sri Lanka. Employees of the Back to the Roots Sri Lanka team distributing leaflets. Photo: Back to the Roots private archive.

as well as on flyers and posters distributed throughout Colombo and other regions. Given the growing influence of social media in Sri Lanka, depending on the funding situation, there are plans for further expansion in this area.

The Back to the Roots liaison officers have carried out over 40 consultations with mothers and relatives in Sri Lanka to date and answered countless phone calls. The project has so far enabled two mother and child reunions in Switzerland and the Netherlands. Back to the Roots sees itself as part of a bigger picture. The tests we distribute do not necessarily only lead to matches in Switzerland, but also in other countries where children were taken for adoption at the time. Why don't we limit the programme to mothers of children adopted in Switzerland? The answer is as simple as it is shocking. The mothers concerned often did not know in which country their child had been adopted. In some cases, they learned that their child had been given up for adoption only when they returned to reclaim the child from the institution after a long illness, for example.

As the project progressed, it became increasingly clear that the families in the adoptees' countries of origin were looking for similar advice and support. As the subject is still taboo in Sri Lanka and those affected are still confronted with prejudice, Back to the Roots liaison officers need to show a great deal of empathy and take time to build trust before mothers feel confident enough to tell their stories. Back to the Roots has always relied solely on donations for the funding of this project. DNA testing will continue to be a main focus as it offers hope not only for adoptees but also for mothers searching for their children. Thanks to the Mother and Child Reunion project, there is still hope even if the hope is very slim.

To take legal action or pursue other channels?

Whether in Sri Lanka or India, the start of the procedure to transfer custody of the children to Swiss couples is associated with several big unknowns. Where and in what manner was the child relinquished? Did the mother have a choice, or was she forced or coerced? Where was the child from? Is the information provided by the agencies and authorities involved in the adoption procedure accurate?

The investigation of adoptions from Sri Lanka shows that unlawful practices were systemic. Such practices were not only prevalent in the placement of Sri Lankan children for adoption in Switzerland,¹⁷ but also in cases of chil-

17 Cf. Bitter/Bangerter/Ramsauer (cf. note 11); Danielle Berthet, Francesca Falk, *Adoptionen von Kindern aus Sri Lanka im Kanton St. Gallen 1973–2002, 2022*, and Ramsauer/Bühler/Girschik (cf. note 3).

dren from countries all over the global South who were transferred to various western countries for later adoption.¹⁸ Back to the Roots has always advised adoptees on the legal avenues through which they might assert their right to knowledge of their biological origins. However, it became clear to the association early on that rushing into legal action could be counterproductive. The experiences of other organisations and adoptees show that legal disputes, for example with the country of origin, seldom have the desired outcome and often result in adoptees not being allowed to return to their country of origin. In parallel, Back to the Roots thus sought ways to raise awareness at international level of adoptees' right to knowledge of their origins. In April 2019, as the president of Back to the Roots, Sarah Ineichen addressed the UN Committee on Enforced Disappearances at the United Nations headquarters in Geneva. This set a new ball rolling and the committee came to the important conclusion that unlawful adoptions also fall under the offence of 'enforced disappearance', alongside offences and crimes committed in situations of armed conflict or under the influence of dictatorships. This resulted in a joint statement by various UN committees, which addressed recommendations to the international community, including Switzerland. The recommendations included ensuring that all adoptees receive assistance in tracing their origins, including those adopted in the past.¹⁹

This recognition by the UN committee was another important milestone to come out of an initiative pioneered by Back to the Roots. It also drew further international attention to the topic. In autumn 2023, a meeting co-hosted by the various committees was held at the UN headquarters in Geneva to mark the first anniversary of the joint statement. International adoptee organisations and government representatives were invited to participate. Back to the Roots was given five minutes to speak as a result of its call for an investigation by the committee. Appearing on this international stage suddenly lent greater weight to the experiences and knowledge Back to the Roots has accumulated over the years. Two Sri Lankan mothers also drew the attention of the international community by exercising their right to speak. They appealed to the representatives of the Committee on Enforced Disappearances to give them the opportunity to find their children who had been given away. The subsequent plenary discussion underscored the importance of international networking.

18 <https://cris.maastrichtuniversity.nl/en/publications/the-transnational-illegal-adoption-market-a-criminological-study->, 5. 1. 2024, and https://bettercarenetwork.org/sites/default/files/2023-04/etude_historique_sur_les_pratiques_illicites_dans_ladoption_internationale_en_france_1_0.pdf, 16. 2. 2024.

19 Joint statement on illegal intercountry adoptions, https://www.ohchr.org/sites/default/files/documents/hrbodies/ced/2022-09-29/JointstatementICA_HR_28September2022.pdf.

Continued support from the Swiss government and authorities remains crucial, however, to enable Back to the Roots to pursue its vital efforts at home in Switzerland. The Swiss state must also assume responsibility for this difficult chapter in Switzerland's history.

The chance to shape our own history

When Back to the Roots developed its counselling and support programme, it was clear from the outset that every story is unique. Adopted people do, however, need a framework to guide them through the process of researching and coming to terms with their origins. Experience has shown that it is not enough simply to know that you were adopted. How you deal with this information is also important. Adopted individuals often meet with a lack of understanding, even from their loved ones, when they have doubts about their origins. Children adopted through intercountry adoption procedures are especially likely to report experiencing racism in their everyday lives and physical, psychological and sexual abuse. Such experiences have a major impact on the lives of many adoptees and can even affect their children.

The Back to the Roots team includes both adoptees and non-adoptees. Although it is not generally necessary for a counsellor to have personal experience of adoption, in this context it helps to have such persons on the team. Adopted people who have had negative encounters with authorities during their search or who have faced a lack of understanding in their own social circles are especially vulnerable. Access to professional, empathetic support throughout the process can be helpful in this regard. If further psychological support becomes necessary during counselling, the association can put the adoptee in touch with a professional who has the appropriate expertise. Here, too, there are obstacles to overcome. There are few psychologists who specialise in the area of adoption and waiting lists for psychological support can be long.

Facing one's origins can be very triggering. The first tentative questions often lead to bigger, more urgent ones. The aim of coming to terms with one's origins should be to be able to face what happened selectively without being permanently triggered. The challenging process of tracing one's origins requires time, energy and a willingness to engage both with the issues surrounding adoption and the outcomes of the search.

Specifically, in the Back to the Roots counselling and support programme, adoptees go through five phases.

Phase 1, building trust and managing expectations: The adopted person and the counsellor get to know each other. Together with the counsellor, the adopted person establishes their case history and receives information about the current state of progress in historical research and the programme offered by Back to the Roots. Mutual expectations are discussed and realistic goals set. If the adoption took place in unlawful circumstances, it is not possible to conduct a search through the usual channels. The adopted person should therefore not only focus on finding their family of origin but also on coming to terms with their past.

Phase 2, adoption records: The counsellor advises the adopted person on the administrative process to obtain documentation about their adoption. What should a 'complete' adoption file look like? Which documents are missing? Back to the Roots helps with drafting applications to gain access to adoption records and finding out where these documents may be located. Any documents found are analysed and the counsellor helps the adopted person to understand and put this information into context.

Phase 3: The collected documentation is sent to the Back to the Roots liaison officer in Sri Lanka. The liaison officer seeks to obtain further information locally. Additional documents may be needed from Switzerland. This requires a great deal of willingness on the part of the adopted person to continually revisit the topic, and patience in waiting for further information. Phase 3 involves close collaboration between the team in Sri Lanka and the Swiss-based team.

Phase 4: In this phase, there are several scenarios. The adopted person may have the opportunity to be reunited with the person they are looking for. The Back to the Roots liaison officer in Sri Lanka accompanies the adoptee, and the welfare of the biological mothers must always be considered in this case. Another scenario is that the person the adoptee is looking for cannot be found. In this scenario, all that remains is to hope for a DNA match. A third scenario is that the person found on the basis of information in the adoption file is not the biological mother. This closes off all further lines of enquiry. In this case a DNA sample is taken anyway, because the woman could be the mother of another adoptee.

Phase 5: The adopted person discusses the outcome of the search with their counsellor. This marks the end of the programme. The adoptee should be in a position to come to terms with their origins and accept them as part of their life, even if coming to terms with the past is a lifelong journey for some.

Every person has the right to research their origins at their own pace. Adoptees are often very motivated at the beginning and expect to progress quickly before realising that the process could take longer and requires a lot of energy.

Back to the Roots has found that it tends to be better if the process takes more time, as many adoptees wrote in their evaluations that they were sometimes overwhelmed by the mass of information, the many impressions and all the questions that the process raised. Even visiting their country of origin for the first time can require enormous strength. Encountering the people, the foreign culture and the atmosphere of the place for the first time can be incredibly triggering for the adoptee. Some tell of ‘a feeling of coming home’ or being ‘completely torn between two worlds’, while others feel nothing. The experience is accompanied by a great many impressions and emotions, so it is no wonder that some people fall ill after the journey and need to exercise self-care. This is an observation that does not only apply to Sri Lanka. One adoptee from India said that for weeks after her return she felt numb, as though “wrapped in a layer of cotton wool”. She said in an interview with Back to the Roots that she couldn’t share these feelings anywhere else.²⁰

Back to the Roots and in(to) the future

Back to the Roots remains convinced that independent support is essential given authorities’ contribution to the failures in the adoption procedures and to the subsequent vulnerability of adoptees. Such services are also needed to ensure that people have access to the same support no matter where they live.

Looking forward, the research to date, the work of Back to the Roots and the experience of central authorities over the past three years must inform future efforts to ensure that those included in the Back to the Roots programme – and the many others affected by the issue of intercountry adoption – receive the support they need.

20 Conversation between Back to the Roots and an adoptee via video conference, 28. 11. 2023.

International Adoptions

De-kinning, Kinning and Re-kinning

RITA KESSELRING

Kinship and adoption

From the perspective of adoptive parents, adoption means taking a child who is unrelated to them in biological terms as their own. For first mothers, adoption (chosen, coerced or forced) signifies the physical, emotional, social and legal loss of a child. In between are the children. For them, adoption means leaving their first family and having to adjust to a new environment and new family. Thus for first parents, children and adoptive parents, adoption is primarily a matter of kinship, belonging, and the creation of family ties. For all of the other groups of actors portrayed in this book, that is private actors, associations, religious institutions and authorities, henceforth referred to as 'intermediaries', it is the adoption itself that takes centre stage. The final contribution to this volume explores this tension between kinship and adoption.

In the preceding chapters, we traced the journeys of children who came to Switzerland from India between 1973 and 2002 for adoption, focusing on the many groups of actors involved and examining the consequences of this process of family formation for first mothers, adoptive parents and adoptees. From 1979 to 2002, 286 Indian children were transferred to the Swiss cantons of Thurgau and Zurich. This practice of intercountry adoption between India and Switzerland entailed a complex web of responsibilities, decisions, personal connections and favours. In the course of decades of cooperation between intermediaries, family relationships were dissolved in India and new ties were created in Switzerland. The extensive network of individuals and organisations involved in the adoption process did not generate a corresponding amount of detailed documentation of adoption practices. A large part of the research that enabled us to write about this little known chapter of Swiss history consisted in collating written and remembered fragments of knowledge. As these fragments came together, we became increasingly aware that behind the apparent gaps and empty spaces there was a system at work.

This final contribution explores the conflicting aims of a process intended to both dissolve and create ties of kinship. In her study of transnational adop-

tion, Norwegian social anthropologist Signe Howell introduced the term 'kinning' to the field of kinship anthropology. Kinning refers to the process of integration into a family group through biological ties or through ties perceived as natural, or through the sharing of food, childcare and experience or by legal means.¹ Kinship ties are manifested in social and lived relationships; they are therefore 'nurture' and not (or not only) 'nature'.² Adoption is an extreme example of kinning³ and like any tie between family members and loved ones, requires physical, mental and social labour. For example, adoptive parents must learn to disregard the distinction between biological and social relationships that is so strongly embedded in our societal imagination.⁴ De-kinning is the reverse process. The concept of de-kinning in intercountry adoption was introduced by Finnish social anthropologist Riitta Högbacka, drawing on Signe Howell's use of the term kinning.⁵ De-kinning occurs when a person is removed or excluded from a kinship group. De-kinning also involves labour. Högbacka uses the example of 'white' South African social workers counselling 'black' first mothers to give up their children to show how both the social workers in South Africa and the adoptive parents in Norway actively worked to sever the ties between the child and their birth mother.⁶

In the remaining pages of this contribution, I first illustrate how the Indian and Swiss authorities, together with other groups of actors, worked to undo the children's ties with their first families (de-kinning). I then examine the efforts to establish new ties within the adoptive family (kinning). The notion of kinning also accommodates the dimension that first mothers retain a tie with their children in their thoughts and through their hope of seeing them again at some point. I will show that between 1973 and 2002, Indian and Swiss actors' adoption practices were much more committed to de-kinning than to kinning. One of the consequences of this was an excessive burden on adoptive

1 Signe Howell, *The Kinning of Foreigners. Transnational Adoption in a Global Perspective*, New York 2006, p. 8 f. In the context of family sociology, Karin Jurczyk's concept of 'doing/undoing family' goes in a similar direction to that of 'kinning/de-kinning'. Jurczyk calls the process of "doing family" a "productive achievement" with regard to the family and family relationships. Karin Jurczyk, "Introduction", in: Idem (ed.), *Doing and Undoing Family. Konzeptionelle und empirische Entwicklungen*, Basel 2020, p. 7.

2 On 'new kinship studies', cf. Erdmute Alber, "Verwandtschaft heute. Positionen, Ergebnisse und Forschungsperspektiven", in: Idem et al. (ed.), *Verwandtschaft heute. Positionen, Ergebnisse und Perspektiven*, Berlin 2010, p. 7–44; Marshall Sahlins, *What Kinship Is – And Is Not*, Chicago, IL, 2013.

3 Kinning does not mean that biological descent is not important for those involved. Through our research and discussions, we observed that filiation is important to adoptees and that DNA is a key means by which they can trace their origins. Adoptive parents often grapple with societal expectations stemming from the Western emphasis on biological ties in defining kinship.

4 Howell (cf. note 1), p. 64 f.

5 Idem, p. 9 also uses the term, but exclusively for the situation in which an abandoned child is adopted.

6 Riitta Högbacka, *Global Families, Inequality and Transnational Adoption. The De-Kinning of First Mothers*, London 2017, p. 93–118, <https://ndl.ethernet.edu.et/bitstream/123456789/52103/1/175.Riitta%20H%C3%B6gbacka.pdf>

parents, who were overwhelmed in their attempts to establish and maintain family ties, receiving little support along the way. The third section uses the notion of ‘re-kinning’⁷ to explore the imperatives that result from de-kinning and kinning. On the one hand, adoptees seek to discover their origins and find out what became of their birth families, particularly their mothers. On the other hand, academics and policymakers are interested in examining historical practices that led to the separation and de-kinning of families, often in circumstances shaped by poverty and rigid gender expectations. In the next contribution, we draw on our findings and research experiences to propose recommendations to further efforts to deal with the past and prevent collateral damage in contemporary de-kinning and kinning processes.

De-kinning

Adoption practices became increasingly institutionalised over the course of the 20th century in the global North. Written records were kept on children and their birth parents, first mothers were prevented from forming ties with their children in institutions or hospitals and meetings between first and adoptive parents were kept to a minimum.⁸ This institutionalisation promoted a ‘clean break’ and the complete separation of first and adoptive families.⁹

Many adoptive parents of Indian children in the cantons of Thurgau and Zurich believed it necessary to make this ‘clean break’ a reality as the presence of the first mother would undermine the perceived legitimacy of their newly established family. Nadine Gautschi’s contribution illustrates the ways in which adoptive parents tried to become a ‘normal’ family against the backdrop of societal expectations based on biological kinship. One strategy was to avoid discussing or to minimise the importance of the child’s origins, including ignoring or discrediting the birth mother.

There are some indications that the first parents did not always want this ‘clean break’ or, more broadly speaking, that not all of them wanted this

7 Högbäck uses the term ‘re-kinning’ as a subheading at the end of her book, but does not explore the concept in detail. Bettina Beer uses the term in the title of her ongoing SNSF project “De-kinning and Re-kinning? Estrangement, Divorce and Adoption and the Transformation of Kin Networks”, but has not yet elaborated on it in publications.

8 E. Wayne Carp, *Family Matters. Secrecy and Disclosure in the History of Adoption*, Cambridge 1998; Barbara Yngvesson, “Un Niño de Cualquier Color. Race and Nation in Inter-country Adoption”, in: Jane Jenson, Boaventura De Souza Santos (ed.), *Globalizing Institutions*, Burlington 2000, p. 169–204.

9 William Duncan, “Regulating Inter-country Adoption. An International Perspective”, in: Andrew Bainham, David Pearl (ed.), *Frontiers of Family Law*, London 1993. Cf. also Ina Bovenschen, “Doing und Undoing Family in Adoptivfamilien”, in: Karin Jurczyk (ed.), *Doing und Undoing Family. Konzeptionelle und empirische Entwicklungen*, Basel 2020, p. 229–252, here p. 238.

de-kinning, which had been imposed on them by agencies, the authorities and legislation. Studies in other countries¹⁰ and the work of Back to the Roots in Switzerland have shown that many first mothers want to re-establish contact with their children after adoption.¹¹ The fact that Indian mothers often had no choice but to give birth and relinquish their child in anonymity does not (necessarily) mean that they wanted to rule out the possibility of making contact later on.¹² Rather, in India they lacked autonomy, owing to their gender, limited reproductive rights and socio-economic backgrounds.¹³ They were always in a desperate situation, as Andrea Abraham and Pien Bos point out in their contributions. Many were also subject to coercion and were not able to choose whether to keep or relinquish their child. Unmarried pregnant women were stigmatised. Their pregnancy should never have happened, and nobody was allowed to know about the birth. It was believed that this silence was the most effective way to help them reintegrate into society. At the same time, in the case of pregnancies resulting from rape, it could be a relief not to have to keep the baby.¹⁴

Owing to the rejection of our research proposal by TISS, we were not able to learn whether mothers whose children were sent abroad or to Switzerland had been victims of child abduction.

There are a number of indications, however, that children were abducted from parents in India so that couples could start a family in Switzerland. This was demonstrably the situation in some of the cases handled by the Swiss federal authorities and in particular by the Swiss representations in India. One such case even involved the Swiss representation's 'lawyer of confidence'.¹⁵ Furthermore, due to the systematic absence of a declaration of consent by the Indian mother, child abduction cannot be ruled out in any of the Thurgau or Zurich cases in the sample analysed. The documentation needed to prove that

10 Högbäck (cf. note 6), p. 201–207.

11 On Back to the Roots, cf. contribution "Assisting Adoptees in their Search for Origins", Celin Fässler.

12 Fonseca criticises the "modern plenary adoption system" and addresses the plasticity of family relationships in Brazil. Claudia Fonseca, "Inequality Near and Far. Adoption as Seen from the Brazilian Favelas", *Law & Society Review* 36/2 (2002), p. 397–432, <https://doi.org/10.2307/1512182>.

13 Cf. also Högbäck (cf. note 6), p. 235.

14 Cf. also contribution "The Stigmatisation of Unwed Mothers. Ethnographic Research in India", Andrea Abraham and Asha Narayan Iyer, p. 64. Cf. Susanne Heynen, "Zeugung durch Vergewaltigung – Folgen für Mütter und Kinder", in: Barbara Kavemann, Ulrike Kreyssig (ed.), *Handbuch Kinder und häusliche Gewalt*, Wiesbaden 2007, p. 67–71, https://doi.org/10.1007/978-3-531-90550-1_4; Pien Bos, *Once a Mother. Relinquishment and Adoption from the Perspective of Unmarried Mothers in South India*, Nijmegen 2008, p. 32 f., <https://repository.ubn.ru.nl/bitstream/handle/2066/73643/73643.pdf?sequence=1&isAllowed=y>.

15 Cf. contribution "The Role of Adoption Agencies in the Placement of Children from India in Switzerland", Sabine Bitter, p. 150–155, 170–171.

Chronologie einer Adoptionsschwangerschaft:

- 6.11.94 Anmeldung bei Terre des Hommes für ein zweites Adoptivkind
- 3.1.95 Gesuch ans Sozialamt der Stadt Zürich um Pflegeplatzbewilligung
- 4.1.95 Abklärungsgespräch mit Terre des Hommes in Bern
- 25.1.95 mehrstündiger Hausbesuch einer netten Sozialarbeiterin
- Februar 95 Folgende Unterlagen werden beschafft:
 - Medizinisches Gutachten über Adoptiveltern
 - Ärztliche Unfruchtbarkeitsbescheinigung
 - Strafregistrauszüge & Leumundszeugnis
 - Auszug aus Steuerregister
 - Bankreferenzen
 - 3 notariell beglaubigte Empfehlungsschreiben von Freunden
 - Eheschein
 - Geburtsscheine
- 17.2.95 Sozialarbeiterin erstellt über uns einen 3 seitigen Bericht (Wohnverhältnisse, Lebensläufe, Partnerschaft, wirtschaftliche Situation, Leumund etc.).
- 17.2.95 Sozialamt erteilt vorläufige Pflegeplatzbewilligung für unbekanntes Kind
- 27.2.95 Obige Unterlagen gehen - zusammen mit weiteren indischen Formularen - beglaubigt von Notar und Staatskanzlei sowie indischer Botschaft, Bern, via Terre des Hommes nach Indien
- 27.10.95 Terre des Hommes schlägt uns [REDACTED] zur Adoption vor
- 2.11.95 Nach unserer Zusage zur Adoption von [REDACTED] erhalten wir 5 Fotos unseres Sohnes
- Nov. 95 Die 8 im Februar 1995 zusammengestellten Unterlagen müssen erneut beschafft und beglaubigt werden.
- 27.11.95 Bundesamt für Ausländerfragen erteilt bis 26.2.96 befristete Einreisebewilligung für [REDACTED]
- 16.1.96 Bundesamt für Ausländerfragen wird ersucht, Einreisebewilligung zu verlängern.
- 6.2.96 Terre des Hommes informiert, dass das Adoptionsverfahren in Indien abgeschlossen sei und der indische Pass von [REDACTED] in ca. 4 Wochen bereit sein sollte. Wir entscheiden uns, [REDACTED] selbst zu holen und nicht durch Terre des Hommes bringen zu lassen.
- 29.2.96 Die Schweizer Botschaft in New Delhi stellt für [REDACTED] ein Visum aus.
- 9.3.96 Wir lernen unseren Sohn kennen und besuchen ihn während 4 Tagen im Waisenhaus.
- 14.3.96 Ankunft in Zürich als 4 köpfige Familie. [REDACTED] erhält nun für die nächsten 2 Jahre einen weiblichen Vormund die sich durch vierteljährliche Hausbesuche vom Wohlergehen von [REDACTED] überzeugen wird.

Nachdem wir bei [REDACTED] verschiedentlich gefragt worden sind, "was unser Kind gekostet habe", legen wir Wert auf die Feststellung, dass bei unseren Adoptionen kein Kinderhandel im Spiel war. Die Gebühren und Beglaubigungen in der Schweiz beliefen sich auf Fr. 1'000.- und von Terre des Hommes wurden uns für Beglaubigungen, Fax, Telefon- und Verfahrenskosten in Indien Fr. 733.- in Rechnung gestellt.

Fig. 1: Adoptive parents documented the adoption process from their point of view, from the moment they asked to be put on the waiting list by Terre des Hommes Lausanne to the arrival of the child from India in the canton of Zurich. In the space of 15 months, by means of documentation, hearings and official applications and with the assistance of Swiss and Indian authorities and Terre des Hommes, kinship ties in the community of origin are severed in order to lay the groundwork for the creation of new ties in a new environment in Switzerland. StAZH, V.K.c.25.:4.1.402.

the children were not abducted remains under seal in court archives.¹⁶ The source materials consulted in the Swiss archives revealed no evidence that the Swiss authorities had ever requested such documents. Finally, it should be mentioned that some of the institutions that cared for pregnant women in India (shelters) only admitted women who were prepared to give up their baby for adoption.¹⁷

In India, the prevailing discourse among the heads of adoption agencies, representatives of women's organisations, children's rights activists, adoption lawyers, social workers and bodies like the TISS Institutional Review Board is still that women whose children were given up for adoption do not want to be contacted because they prefer to move on with their lives. In other words, the 'silence' of the mothers is presented by the representatives of these institutions and authorities as self-imposed, and necessary but also enabling. The intermediaries used this perception that the women's silence was voluntary to legitimise a socio-political narrative and male dominance over women that lasted well into the 20th century also in Switzerland. In assuming that mothers sought and valued anonymity, state authorities and religious organisations rendered women faceless and invisible, thereby facilitating the de-kinning of mother and child. The intention to permanently sever any parental tie is reflected in the use of the expression 'mother unknown' in the Swiss adoption records, if she is mentioned at all. In our research we thus encountered not only a silence surrounding first mothers, but a socially sanctioned and politically reinforced suppression and silencing of women's voices.

So what would the mothers be saying, if we could hear them? How would they (be able to) to talk about separation from their child if they had never been *allowed* to talk about it before? And what would they want to say to their child? There is academic evidence that despite the silence imposed on them, in a safe setting mothers are able to and have never lost the ability to speak about their experiences. In the Brazilian context, social anthropologist Claudia Fonseca has shown that, contrary to what public discourse and the courts would have us believe, children who were given up for adoption are remembered in their (extended) families.¹⁸ In the United States, there are many associations of birth mothers.¹⁹ In India, Pien Bos suggests in her contribution that the

16 Cf. interview with Rakesh Kapoor in the contribution "Provisions and Practice. International Adoptions and the Law in India", Asha Narayan Iyer, p. 101, and "Indian Legal Practice in Intercountry Adoptions. Conclusions for Switzerland", Andrea Abraham, Sabine Bitter, Rita Kesselring, p. 114–118.

17 Cf. contribution "The Stigmatisation of Unwed Mothers. Ethnographic Research in India", Andrea Abraham and Asha Narayan Iyer, p. 60–62.

18 Claudia Fonseca, "The De-Kinning of Birthmothers. Reflections on Maternity and Being Human", *Vibrant. Virtual Brazilian Anthropology* 8/2 (2011), p. 323–325, <https://doi.org/10.1590/S1809-43412011000200014>.

19 E. g. https://www.bravelove.org/just_for_birth_moms.

decision to give a child up for adoption could certainly be discussed within the family, and Andrea Abraham describes attempts in Indian institutions to encourage mothers to come together in a community and share their experiences.

The social pressure to keep quiet may have buried the experience of what it is like to give up a child for adoption, but it did not make this experience disappear. A changing public discourse could encourage the mothers who want to speak up to share their experiences on behalf of others. Adoptees have launched this debate in Sri Lanka and are trying to bring about gradual change.²⁰ Their efforts are a response to the institutionalisation and practice of de-kinning in the country over the past two decades.

State authority

The Swiss authorities implemented practices of de-kinning both within and outside the framework of the law. The ‘clean break’ concept was codified in Switzerland when the *Civil Code* was amended to include provisions on adoption secrecy which came into force in April 1973. Relationships between first parents and their child or the adoptive parents were not provided for. In addition, the Swiss authorities continued the de-kinning process that was started in India and taken up by the adoption agencies in Switzerland. District courts and government councils accepted adoption documentation that declared mothers as ‘unknown’ and lacked the legally required deed of surrender – an example of institutionalised violence in the administrative decision process.²¹ Furthermore, agencies were allowed by the supervisory authorities to operate for years without meeting the legal requirements.²²

These de-kinning practices among Swiss authorities had far-reaching consequences. To this day, the missing details of first parents and children and lack of key documents needed to legally foster or adopt a child prevent adoptees from discovering their origins. What is more, those seeking their origins still have to rely on intermediaries – adoption agents, agencies, courts and authorities – the very actors who undertook to break the ties that bound them to their mothers, leading many of them to mistrust all such actors. The

20 Cf. contribution “Assisting Adoptees in their Search for Origins”, Celin Fässler, p. 270–273.

21 Cf. contribution “An Analysis of 24 Cases of Adoption of Indian Children in the Cantons of Zurich and Thurgau”, Sabine Bitter, p. 212–214; cf. also Fonseca (cf. note 18).

22 Cf. contribution “The Role of Adoption Agencies in the Placement of Children from India in Switzerland”, Sabine Bitter, p. 171.

de-kinning also continues through agencies withholding documents and authorities' destruction of records.²³ And finally, our study's finding that adoption procedures violated legal requirements represents another dimension of de-kinning as it can shake adoptive families to their core.

Kinning

De-kinning by intermediaries is one side of the adoption story. Equally important to understanding intercountry adoption and its consequences are the efforts that go into kinning, which include building and maintaining relationships between first parents and children or between first and adoptive families.

Our findings suggest that it is adoptive parents who have shouldered the burden in terms of kinning. They were very poorly prepared or had not been adequately prepared to adopt a child from India. Without exception, all of the parents interviewed had first tried unsuccessfully to adopt a child from Switzerland. In Nadine Gautschi's contribution, they all reported high levels of stress and feeling overwhelmed upon the arrival of the child, during the first few years, and in some cases to this day. The school and healthcare providers were unprepared to address the specific life experiences and backgrounds of these children. While a lot of energy went into de-kinning on all sides, adoptive parents were largely on their own when it came to kinning. The health problems of adopted children discussed in this volume can be seen both as a consequence of de-kinning and as barriers to 'successful' kinning. As Andrea Abraham writes, in individual cases and contrary to the prevailing practice of de-kinning, agencies in India tried to provide adoptees with a photo of their mother and to stay in contact with the adoptee on behalf of the mother. Even the adoptive parents were not completely closed off to their child's origins. Some actively encouraged contact with India, sometimes even with the children's home.²⁴

In her research, Surangika Jayarathne found that first mothers maintained a relationship with their child even after separation. Sri Lankan first mothers gave up direct care of their child but remained mothers ('distance motherhood'),

23 Cf. contribution "Indian Mother Unseen. Gaps, Guesswork and Ambiguities. On the Origins of Adoptees", Andrea Abraham, p. 76–77, 83; contribution "Indian Legal Practice in Intercountry Adoptions. Conclusions for Switzerland", Andrea Abraham, Sabine Bitter, Rita Kesselring, p. 114–118; contribution "The Role of Adoption Agencies in the Placement of Children from India in Switzerland", Sabine Bitter, p. 155.

24 Cf. contribution "Adoption as a Pivotal Experience with Health Implications. A Conversation", Andrea Abraham, Sabine Bitter, Nadine Gautschi, Sarah Ineichen, Rita Kesselring, p. 262–263.

developing special rituals to maintain their relationship with the child.²⁵ Riitta Högbacka found that South African first mothers understood adoption as caregiving within informal kinship relationships. They wished to remain in contact with the adoptive family and expected the child to return at some point.²⁶ Sarah Ineichen confirms that in Sri Lanka, too, some of the mothers did not expect to be permanently separated.²⁷ And last but not least, novels, memoirs and films often feature first mothers who long to see their children again someday.²⁸ How Indian mothers respond to this portrayal we do not know.

Studies in the field of surrogacy have come to similar conclusions. The cultural anthropologist Kalindi Vora argues that women become surrogate mothers with the expectation of “ongoing social relations and social support of their own families by the commissioning parents”.²⁹ While proponents of surrogacy emphasise first mothers’ voluntary and often religious motivations,³⁰ Vora suggests an alternative line of reasoning: the ‘almost divine’ status attributed to surrogacy by commissioning parents may lead first mothers to anticipate a lasting relationship with both the intended parents and the child. The reality is often quite different. While first mothers associate the use of their bodies with caring and kinship, the intended parents often do not see things this way. International surrogacy contracts usually guarantee a ‘clean break’ and immediate ‘delivery’ to parents (in the global North) after the birth.³¹ The parallels between surrogacy and intercountry adoption are obvious, especially from the first mother’s side.³² Despite the perceived social and technical advantages of surrogacy over adoption, the experiences of the first mothers are strikingly similar. In both cases, the mother carries the baby and endures childbirth. She

25 Surangika Jayaratne, “Decolonizing Narratives on First Mothers in Inter-country Child Adoption for Reproductive Justice”, *Feministisches Geo-Rund-Mail*, no. 96, February 2024, p. 15–21. Cf. also Regula Giuliani, “Mutter ohne Kind. Zum Verfahren der Inkognito-adoption”, *Freiburger FrauenStudien* 1 (2000), p. 133–138.

26 Högbacka (cf. note 6), p. 233.

27 Cf. contribution “Adoption as a Pivotal Experience with Health Implications. A Conversation”, Andrea Abraham, Sabine Bitter, Nadine Gautschi, Sarah Ineichen, Rita Kesselring, p. 261–262.

28 Margaret Homans, *The Imprint of Another Life. Adoption Narratives and Human Possibility*, Ann Arbor 2013, p. 250–284.

29 Kalindi Vora, “After the Housewife. Surrogacy, Labour and Human Reproduction”, *Radical Philosophy* 204 (2019), p. 42–46, here p. 45.

30 The question of first mothers’ freedom of choice in surrogacy is hotly debated in the social sciences. Heather Jacobson, Virginie Rozée, “Inequalities in (Trans)National Surrogacy. A Call for Examining Complex Lived Realities with an Empirical Lens”, *International Journal of Comparative Sociology* 63/5–6 (2022), p. 285–303, <https://doi.org/10.1177/00207152221098336>.

31 The literature on adoption frequently mentions first mothers’ desire to select the adoptive parents. Cf. Högbacka (cf. note 6), p. 201–217; Fonseca (cf. note 18).

32 The term ‘surrogate mother’ primarily reflects the adoptive parents’ viewpoint, which is why I use the term first mother also in the context of surrogacy. International surrogacy has been banned in India since 2015 and in Switzerland since 2001.

usually cannot choose the parents and is not permitted to maintain a relationship with the child.

Re-kinning

Reuniting what has been separated, restoring severed kinship ties to first families: re-kinning can be understood as a response to the ruptures caused by de-kinning and the difficulties of kinning. It is important to note that not all adoptees had negative experiences with de-kinning or seek re-kinning.

However, various groups, including adoptees, academics, archivists and government representatives are actively involved in re-kinning efforts. This volume is both the result of and part of such efforts. Together with individual adoptees, *Back to the Roots* is trying to understand where children came from on the basis of documents in archives and conversations in the family, among adoptees and in countries of origin. We know from Sri Lanka that mothers are also looking for their children. In Celin Fässler's contribution, we read about the difficulties involved in finding first parents and the challenges of a possible reunion. Mothers whose name is missing from the adoption file are virtually impossible to trace. DNA tests have proven a useful tool in Sri Lanka, but even if a reunion takes place, decades of de-kinning cannot simply be undone. In the adoption files on Indian children adopted in the cantons of Thurgau and Zurich, the mother's name was systematically omitted. In India, information about adoptees' families of origin is available in at least two institutions. Agencies kept lists with information on the children given up for adoption abroad and the courts archived the deeds of surrender of the first mothers or parents and kept them under seal.³³

A matter for the whole of society

In this volume we have tried to show that the much-cited adoption triangle composed of first mothers, children and adoptive parents does not reflect the realities of adoption. From the 1970s to the 2000s, through various charities, associations, institutions and authorities, large sections of society became involved in the practice of adoption, while first mothers were rendered invi-

33 Cf. contribution "Provisions and Practice. International Adoptions and the Law in India", Asha Narayan Iyer, p. 101; "Indian Legal Practice in Intercountry Adoptions. Conclusions for Switzerland", Andrea Abraham, Sabine Bitter, Rita Kesselring, p. 114–118.

sible. International adoptions were thus not (only) a private matter. Consequently, the history of intercountry adoptions is a matter for public debate and reappraisal by society as a whole.

In summary, it can be said that in the period from 1973 to 2002 the Swiss federal authorities and cantonal authorities, particularly those of Thurgau and Zurich, facilitated the emergence of a market for intercountry adoptions in which children in India were 'supplied' by intermediaries to meet a 'demand' in Switzerland.³⁴ Couples wanting to adopt in Switzerland encountered a set of social, economic, development-policy related and legal conditions in India that enabled this transfer of children. Swiss adoption agencies worked hand-in-hand with Indian agencies and lawyers in establishing this market. Prospective parents were prepared to pay between 6,000 and 20,000 Swiss francs in adoption mediation fees, which, given the strength of the franc, made for an attractive business proposition even if profit was not always the intended outcome and if there was no financial gain. The supervision of adoption agencies by the cantonal authorities often left much to be desired, especially in the canton of Zurich. The de-kinning of first mother and child which began in India was continued and consolidated in Switzerland, where authorities issued adoption orders without the written consent of the first mother or parents.

In 2003, at the end of the focus period for this study, the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* came into force in Switzerland. The convention requires that due consideration be given to options within the child's country of origin before a child is given up for adoption abroad. However, this principle is often not applied in practice given the disparities that still exist between countries in the global South and North. Research into current adoption practices has shown that a first 'weak spot' remains in the children's countries of origin.³⁵ Mothers facing socio-economic hardship, social stigma or discrimination may not be able to decide whether to keep their child, as was the case in Switzerland until well into the 20th century. Reproductive justice advocates thus argue that the primary measure of whether freedom of choice is really guaranteed cannot be freedom of choice but access to resources which guarantee this freedom.³⁶

34 'Market talk' can contribute to the further dehumanisation and objectification of first mothers (Högbacka, cf. note 6, p. 91), which is not my intention. In using these terms, I seek to emphasise how by supplying children and services to meet couples' demand, the actions of adoption agencies and agents in Switzerland and Indian agencies and lawyers constituted a market for intercountry adoption.

35 Högbacka (cf. note 6), p. 231.

36 Kimala Price, "What is Reproductive Justice? How Women of Color Activists Are Redefining the Pro-Choice Paradigm", *Meridians* 10/2 (2010), p. 42–65, <https://doi.org/10.2979/meridians.2010.10.2.42>.

In the adoption practices prevalent in Switzerland and India within the timeframe of the study, most groups of actors assumed that kinning depended on de-kinning. Only a clean break (legal, social, geographical, cultural and emotional) would lead to successful kinning in the new country.³⁷ However, the connection between complete separation and the creation of new kinship ties is not always so clear cut for those most affected by such practices, namely the adoptees and birth mothers. The psychological stress and ill health that can result from de-kinning also make it more difficult for many people to adapt to life in their new family. In light of these considerations, we need to change the way we think about adoption. Through adoption, adoptive parents enter into a relationship not only with the child, but also with the first family or the first mother and vice versa. The responsibility of a state committed to social welfare would be to support and mediate such a process.³⁸

37 Cf. also Högbacka (cf. note 6), p. 92: "Kinning and de-kinning are two sides of the same coin."

38 As early as the 1990s, family systems theorists suggested that the aim of adoption was to create a tie between biological and adoptive families. Miriam Reitz, Kenneth W. Watson, *Adoption and the Family System. Strategies for Treatment*, New York 1992, p. 11. Cf. also Bovenschen (cf. note 9), p. 240.

Conclusions and Recommendations

ANDREA ABRAHAM, SABINE BITTER, RITA KESSELRING

Legal assessment of adoption decisions

Our research has shown that poverty and limited prospects for single mothers in Indian society were often exploited to fulfil couples' hopes of parenthood. The social stigma associated with unwed motherhood left mothers with little choice but to relinquish their children for adoption. Given the systematic absence of legally required surrender documents in the Thurgau and Zurich adoption procedures, abductions cannot be ruled out. In the official correspondence between the two countries, we in fact found indications of cases of child abduction.¹

The adoptive children were also deprived of their right to knowledge of their origins when personal details and official information about their biological parents were omitted from the foster placement applications and adoption orders, and the Swiss authorities failed to investigate these omissions. This raises the question of whether the foster placements and the adoption decisions issued at the time were legal or valid. It also prompts us to consider how today we might go about assessing whether the decisions were legal, and what consequences there may be if this was not the case. This would require additional legal expertise. Further legal investigation would be especially helpful as the UN Committee against Enforced Disappearances is currently examining the circumstances under which intercountry adoptions that took place without the consent of the biological parents may come under the definition of enforced disappearance.² Investigating such cases would require cooperation between Switzerland and India. The transitional justice approach could offer a way forward for Switzerland in its efforts to

1 Cf. contribution "The Role of Adoption Agencies in the Placement of Children from India in Switzerland", Sabine Bitter, p. 149–150, 162–163.

2 Back to the Roots calls for such adoptions to be recognised and investigated as a form of enforced disappearance, and for a process of dealing with the past that recognises them as such. Cf. contribution "Assisting Adoptees in their Search for Origins", Celin Fässler, p. 274.

address the historical injustices resulting from intercountry adoption practices and offer reparation for those who have suffered. Such an approach could comprise measures to investigate individual cases, recognise the suffering caused, offer assistance in the tracing of parents or children and in the reunification of children with their biological families, ensure access to counselling and support,³ provide compensation and implement guarantees of non-recurrence.⁴

A matter legal validity

In light of the above considerations, it would be appropriate for Switzerland to implement the following recommendations:

1. Undertake a thorough assessment of the legality of adoption decisions concerning children from India.
2. Give adoptees the option of having the legality of their adoption decision checked free of charge if they so wish.
3. Develop a concept outlining the actions necessary to safeguard adoptees from potential disadvantages should the adoption decision in their case turn out to have been invalid.
4. Require Swiss adoption agencies, together with affiliated aid organisations and foundations, to disclose their financial flows to the competent supervisory authority.
5. Develop a concept in cooperation with the Indian authorities for the investigation of cases of suspected child abduction and for subsequent recognition of the suffering of first mothers in India.⁵

3 The history of state violence experienced by adoptees has resulted in an ambivalent relationship with the authorities concerned. It is therefore imperative to establish long-term funding for support and counselling services by adoptees for adoptees.

4 Elvira C. Loibl, "The Aftermath of Transnational Illegal Adoptions. Redressing Human Rights Violations in the Intercountry Adoption System with Instruments of Transitional Justice", *Childhood* 28/4 (2021), p. 477–491, <https://doi.org/10.1177/09075682211064430>; Rita Kesselring, *Bodies of Truth. Law, Memory and Emancipation in Post-Apartheid South Africa* (Stanford Series in Human Rights), Stanford, CA, 2017. David Smolin summarises the biggest hurdles faced by people searching for their roots. David Smolin, "Introduction", in: Elvira Loibl, David M. Smolin (ed.), *Facing the Past. Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, The Hague 2024.

5 While this will be difficult to achieve for various reasons, it is nonetheless an important avenue to consider, cf. e. g. Smolin (cf. note 4).

A question of the right to know one's origins

In tracing their origins, adoptees invoke the right to their own identity, that is the right to their own name and to belong to a family and to a state, as set out in the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* and as a children's right under Article 8 of the *UN Convention on the Rights of the Child*, which also recognises the child's right to know and be cared for by their parents as far as possible. In addition to international law, however, the child's attempts to trace their origins are also subject to both Swiss and Indian law and are dependent on the situation at two different moments in time: at the moment of the transfer of custody of the Indian child and decades later when the adult adoptee is searching for their origins. Finally, the right to know one's origins, which has been recognised in Swiss law since 2018, is in tension with adoption secrecy. On the basis of the binding *Adoption Regulations* of 2022, Indian courts and authorities have asserted that strict confidentiality must be maintained with regard to the biological parents, a principle that arguably already applied during the focus period for our study.⁶ Our research found, however, that this approach prioritises the perceptions of various experts over the wishes of the mothers.

Our research findings thus support the following recommendations. Since the absence of certain official documents makes it particularly difficult for adoptees from India to trace their origins, Switzerland should put the following provisions in place to assist adoptees if they so wish:

6. Offer financial support to ensure that adoptees are not forced to rely on private actors that offer tracing services for profit.
7. Ensure access to psychological counselling.
8. Provide funding for self-help organisations dedicated to helping adoptees.
9. Establish an institutionalised, interdisciplinary and independent commission or task force, under the auspices of a government body with the appropriate mandate, to assist adoptees in tracing their origins, initially by checking whether access to the Indian court files is feasible, without the persons concerned having to embark upon years of proceedings, legal and otherwise, at their own expense as is currently the case.⁷

Such a task force would be led by a case manager and comprise various experts including an archival specialist (cantonal archives), a lawyer (specialising in

6 Cf. contribution "Indian Legal Practice in Intercountry Adoptions. Conclusions for Switzerland", Andrea Abraham, Sabine Bitter, Rita Kesselring, p. 114–118.

7 The legal route is typically used as a last resort only. Cf. *ibid.*

private international law) and an expert in intercountry adoptions, a psychologist, a representative of the cantonal central adoption authorities and a representative of the self-help organisation for adoptees from the country in question. Such a task force would require cooperation with the authorities of the country of origin on the basis of a cooperation protocol drawn up between the two countries.⁸

The future for intercountry adoptions

In 2003, the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* came into force in Switzerland. The convention requires that due consideration be given to options within the child's country of origin before the child may be given up for adoption abroad. For this to happen, we are of the opinion that the reproductive rights of first mothers, including the freedom to choose whether to continue a pregnancy and whether to keep or relinquish a child for adoption must be guaranteed, along with the rights of children, such as the right to their own identity and the right to know their origins. Intercountry adoptions to Switzerland should only be permitted under this condition. In light of this, Switzerland should carry out the following recommendations:

10. Only permit the adoption of children from countries that have ratified and can demonstrate compliance with the *Hague Convention on Intercountry Adoption* and the *UN Convention on the Rights of the Child*, and in particular that women are able to exercise their reproductive rights and have freedom of choice.
11. Consider restricting intercountry adoptions to those conducted in accordance with open adoption principles.⁹

Extension of the findings to other present-day practices: surrogacy with subsequent adoption

Surrogacy with a view to adoption raises many of the same issues as intercountry adoption. The prohibition of surrogacy in Switzerland does not pro-

⁸ *Illegale Adoptionen von Kindern aus Sri Lanka. Historische Aufarbeitung, Herkunftssuche, Perspektiven. Bericht des Bundesrates in Erfüllung des Postulats 17.4181 Ruiz Rebecca vom 14. 12. 2017*, December 2020, p. 31.

⁹ <https://pa-ch.ch/wp-content/uploads/2018/11/Offene-Adoption.pdf>, 29.2.2024.

tect surrogate mothers in the global South when prospective parents travel abroad to circumvent domestic laws. In such cases there is also no assurance that the children's right to know their biological parents can be upheld. For now, there is no international convention to regulate the issues that can arise with surrogacy.¹⁰

12. In light of the findings on intercountry adoption, the discussions surrounding surrogacy must be expanded to include transnational surrogacy and incorporate the viewpoints of the surrogate mothers and the children.

Research

Intercountry adoption is a societal issue that affects Switzerland and its relations with the countries of the global South. Our research on adoptions of Indian children in the cantons of Zurich and Thurgau provides valuable insights for Switzerland as a whole. Our findings differed from those of Nadja Ramsauer, Rahel Bühler and Katja Girschik¹¹ in their review of intercountry adoption in ten countries, commissioned by the Federal Office of Justice.¹² This suggests that to investigate intercountry adoptions it is necessary to collect and compare information from the different types of sources available in various archives at all levels of the federal system. In other words, it involves the kind of detailed and time-consuming research faced by adoptees themselves when they try to find out how they came to be adopted instead of growing up with their biological parents. Comparing our study involving extensive research in numerous archives with the research on Sri Lanka for example,¹³ we learn that the adoption procedures and the institutions involved can vary greatly from country to country. This shows the importance of specific, in-depth research focusing on the different countries of origin of children adopted in Switzerland through intercountry adoption.

10 Initial efforts are under way to develop transnational approaches, for example the Verona Principles, cf. https://www.iss-ssi.org/wp-content/uploads/2023/03/VeronaPrinciples_25February2021-1.pdf.

11 Nadja Ramsauer, Rahel Bühler, Katja Girschik, *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*, 2023

12 Cf. contribution "The Role of Adoption Agencies in the Placement of Children from India in Switzerland", Sabine Bitter, p. 139, 148, 170; contribution "Adoption as a Pivotal Experience with Health Implications. A Conversation", Andrea Abraham, Sabine Bitter, Nadine Gautschi, Sarah Ineichen, Rita Kesselring, p. 249.

13 Sabine Bitter, Annika Bangerter, Nadja Ramsauer, *Adoptionen von Kindern aus Sri Lanka in der Schweiz 1973–1997. Zur Praxis der privaten Vermittlungsstellen und der Behörden. Historische Analyse betreffend das Postulat Ruiz 17.4181 im Auftrag des Bundesamts für Justiz*, 2020.

Our study also highlights the need for further research for example into the significant gap between Swiss adoption legislation and its implementation, and financial flows between Switzerland and the adoptees' individual countries of origin in exchange for transfers of children from these countries.

Expanding the definition of child trafficking is also an important topic that warrants further discussion. The placement of children from India for adoption in Switzerland was linked with commercial interests for the adoption agencies involved, which in the popular definition would raise concerns about potential links to child trafficking. However, this does not necessarily imply a deliberate intention to exploit children, a key element of child trafficking. To address the profound impact of intercountry adoption on adoptees' identity and sense of belonging and its wider implications for children's and women's reproductive rights, a comprehensive, interdisciplinary National Research Programme (NRP) would be needed. Such a programme would allow for a more in-depth study of intercountry adoptions on a country-by-country basis, and an exploration of contemporary reproductive practices such as surrogacy and other alternative pathways to parenthood and their intergenerational consequences.

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Andrea Abraham, Sabine Bitter, Rita Kesselring

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Abbreviations

A	Adoptive child
AdInt	Adoption International
AF	Adoptive father
AM	Adoptive mother
AV	<i>Amts Vormundschaft</i> [guardianship authority]; <i>Adoptivvater</i> [adoptive father]
BAR	<i>Bundesarchiv</i> [Swiss Federal Archives]
CARA	Central Adoption Resource Agency
CC	Swiss Civil Code
CRC	Convention on the Rights of the Child
CVP	Christian Democratic People's Party
EP	<i>Ehepaar</i> [married couple]
FCAO	Ordinance on the Placement of Children in Foster Care
FDFA	Federal Department of Foreign Affairs
FDJP	Federal Department of Justice and Police
FDP	FDP.TheLiberals (after 2009); Radical Free Democratic Party of Switzerland (prior to 2009)
HAMA	Hindu Adoption and Maintenance Act
ICSW	Indian Council of Social Welfare
IKS	<i>Interkantonalen Kontrollstelle für Heilmittel Schweiz</i> [Swiss Agency for Therapeutic Products]
ISS	International Social Service Switzerland
KKJPD	<i>Konferenz der Kantonalen Justiz- und Polizeidirektorinnen und Direktoren</i> [Conference of Cantonal Justice and Police Directors]
LdU	<i>Landesring der Unabhängigen</i> [Alliance of Independents]
MOC	Missionaries of Charity
RRB	<i>Regierungsratsbeschluss</i> [government council decision]
SISA	Shenoi and Inderbitzin Social Activities Association
SNDT	Shreemati Nathibai Damodar Thackersey
SP	Swiss Social Democratic Party
StAAR	<i>Staatsarchiv des Kantons Appenzell Ausserrhoden</i> [Appenzell Ausserrhoden State Archives]
StABE	<i>Staatsarchiv des Kantons Bern</i> [Bern State Archives]
StArZH	<i>Stadtarchiv Zürich</i> [Zurich City Archives]
StASG	<i>Staatsarchiv des Kantons St. Gallen</i> [St Gallen State Archives]
StATG	<i>Staatsarchiv des Kantons Thurgau</i> [Thurgau State Archives]

STAW	<i>Stadtarchiv Winterthur</i> [Winterthur City Archives]
StAZH	<i>Staatsarchiv des Kantons Zürich</i> [Zurich State Archives]
TdH	Terre des Hommes
TISS	Tata Institute of Social Sciences
UNHCR	Office of the UN High Commissioner for Refugees
VB	<i>Vormundschaftsbehörde</i> [guardianship authority]
ZHAW	Zurich University of Applied Sciences

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