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Federal Department of Justice and Police  
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Private International Law Unit

# **Restoration of the child's right to identity in ICA**

## **Switzerland's experience with past illicit adoptions from Sri Lanka**

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# When past scandals resurface...

- 2017: TV reportage in the Netherlands, picked up by Swiss Media
- Context: persons adopted from Sri Lanka as children in the 80s, now on search for biological family
- Already in the 80s wide media coverage and questions from politicians, reports of «Baby farms» and «acting mothers»
- March 2018: official mandate from parliament to Swiss government to present a report on the matter in order to determine who knew what and what was done (or not)



# Historical research

- Historical research was conducted by the Zurich University of applied sciences (ZHAW), who had done research on the history of forced administrative placements in Switzerland
- Federal Office of Justice set up an advisory/monitoring group to help with the report, which included representatives of «Back to the Roots» (Swiss NGO for people adopted from Sri Lanka)
- ZHAW report (> 250 pages) was published in January 2020
- Swiss government's report to parliament was published in December 2020



# Facing the past and looking ahead

- Based on the findings of the ZHAW report, the Swiss government acknowledged past wrongdoings of the Swiss authorities and expressed its regrets towards the adoptees and their families.
- The report also offered an analysis of the support offered by authorities for search of origins -> a working group was set up in August 2020 to discuss improvements
- The report also included an initial analysis of the actual system of intercountry adoption -> this will now be further examined by an experts' group, which will then give recommendations for a possible legislative reform



# Concrete help for adoptees

- Each of the 26 cantons has designated an «Information and counselling service» that supports search of origins procedures (search of documents and persons in Switzerland and abroad)
- Agreed Protocol with Central Authority of Sri Lanka on search of origins process including for «historical» cases
- Pilot project starting in 2022 with Back to the Roots to finance additional support for Swiss adoptees from Sri Lanka



# Key lessons (so far) in relation to the restoration of the child's right to identity

- Search for origins for historical cases is hard
  - No focus on this aspect in the past, both in receiving States and States of origin -> lessons for the future
  - Strong legislative framework and international cooperation is essential -> still a lot of differences
  - When fraud linked to the child's identity, search is almost impossible -> are DNA databases the only way?
  - Financial implications – who should pay?
- Other aspects linked to identity: validity of the adoption; change of name; nationality
- Facilitate access to authorities and official procedures
- Crucial to involve adoptees in the process



# Thank you

Reports of the ZHAW and the Swiss government can be found under [www.adoption.admin.ch](http://www.adoption.admin.ch)>Illegal adoption

Lots of ressources available on the website of the NGO Back to the Roots, [www.backtotheroots.net](http://www.backtotheroots.net), including official statements and media reports