

QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION  
Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021

<b>Name of State:</b>	Switzerland
<b>Information for follow-up purposes</b>	
Name and title of contact person:	Joëlle Schickel, Head of Central Authority
Name of Authority / Office	Federal Office of Justice
Telephone number:	0041 58 463 41 32
E-mail address:	joelle.schickel@bj.admin.ch

**1. POST-ADOPTION MATTERS**

**1.1. Preservation of, and access to, information**

Both States of origin and receiving States

**1.1.1. Preservation of information and use of data**

1.	<p>Has your State <b>centralised</b>, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input type="checkbox"/> Yes. Please specify where the information is centralised:</p> <p><input checked="" type="checkbox"/> No. Please specify where the information is stored:</p> <p>It depends very much on the date of the adoption (files are much more centralized since 2003 and the ratification of the Hague Convention) and the canton, as in our federal structure the organisation varies from one canton to another. All information about adoptions under the Hague Convention are centralized at the competent cantonal central authority. Even though the information is not centralized, the person searching for a biological relative after an adoption can contact the specialised authority of their domicile, which will collect all available information for that person (see 1.1.2).</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been <b>misused</b> (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

**1.1.2. Search for origins**

3.	<p>Is there a <b>specialised programme</b> or <b>section</b> in the <b>Central Authority</b> which deals with the search for the origins of an adoptee?</p> <p><input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided:</p> <p>Each canton had to design an authority in charge of the search for the origins and counselling. 25 out of 26 cantons have designated the Cantonal Central Authority under the Hague Convention. This authority's task is to gather all available information in the archives of Swiss authorities, search the person and facilitate the contact. Some cantons have decided to delegate the counselling part to another authority or an NGO. The list is available under <a href="http://www.adoption.admin.ch">www.adoption.admin.ch</a></p> <p><input type="checkbox"/> No. Please specify how the search for the origins is handled:</p> <p>Please insert text here</p>
----	---

4.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 21<sup>1</sup></b> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:  <a href="#">The topic of search for origins and identity is part of the social report on the PAPs and the preparation; for support and counselling in the search phase see above 1.1.2</a></p> <p><input type="checkbox"/> No. Please specify any reasons:  <a href="#">Please insert text here</a></p>
5.	<p>If your State allows for the use of <b>DNA testing</b> to search for origins, please specify:</p> <p>(a) <b>which body</b> is in charge of the DNA testing (<i>e.g.</i>, government, private companies, NGOs);  <a href="#">It is in theory possible. The test would be done by an accredited lab on request from the authority in charge of roots search.</a></p> <p>(b) where the <b>data</b> is stored, and whether it is stored by a public or private entity;  <a href="#">There is a law regulating all aspects of DNA testing in Switzerland</a></p> <p>(c) the average <b>cost</b> of a DNA test in your State and whether any subsidy is available;  <a href="#">around 500 CHF (450 Euros)</a></p> <p>(d) details of any <b>challenges</b> and / or <b>good practices</b> your State may have developed with respect to the issues identified in this question and DNA testing in general.  <a href="#">Please insert text here</a></p>
6.	<p>What is your State's practice when the background information of an adoption is <b>incomplete or non-existent</b>? How does your State support adoptees in such situations?  <a href="#">The Cantonal Central Authority has to determine on a case by case basis</a></p>
7.	<p>What is the procedure in your State when <b>illicit practices</b> are discovered during a search for origins? Please provide details of any challenges and / or good practices.  <a href="#">There is no standardised procedure. A working group on the topic of search for origins, including the question of past illicit practices, is about to be set up to look at these questions.</a></p>
8.	<p>If <b>statistics</b> are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were <b>successful</b>;  <a href="#">n/a</a></p> <p>(b) how many were <b>not successful</b> and what were the reasons.  <a href="#">n/a</a></p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the <b>confidentiality</b> of the <b>identity of the birth parents</b>?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the challenges and how your State addressed them:  <a href="#">This has been the case in national adoption files, where the paternity of the father had not been legally established but his name is in the files.</a></p>

<sup>1</sup> [“Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention \(8-12 June 2015\)”](#), C&R No 21 (hereinafter, “C&R of the 2015 SC”):

“The SC recommended that the possibility of a child searching for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, **professional support** at all stages is recommended” [emphasis added].

	<p>There are also cases where the confidentiality of the identity of the birth parents (e.g. in India) prevents the adoptee to track his/her origins, which can be very painful for him/her.</p> <p><input type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of <b>identifying</b> versus <b>non-identifying</b> information?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>An adult adoptee has an absolute right to obtain the identity of the birth parents at the time of birth. A child adoptee can obtain non-identifying information, unless he/she can prove an interest worthy of protection. Identifying information about adult siblings can only be given with their consent. Finally, identifying information about the child can only be given to his/her biological family if the adoptee is an adult and has consented, or if the adoptee is still a minor if the adoptive parents and the child have consented (the child must be old enough to be deemed capable of judgement).</p> <p><input type="checkbox"/> No. Please explain your response:</p> <p>Please insert text here</p>
11.	<p>What is the procedure in your State for processing requests from the <b>birth family</b> to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>See above - the birth family can also get support from the specialised cantonal authorities and get information or even contact.</p>

### 1.1.3. Guidelines and good practices

12.	<p>Has your State developed any <b>guidelines</b> (e.g., procedures, manuals) and / or <b>good practices</b> regarding preservation of information and search for origins?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
-----	--

### 1.2. Post-adoption services<sup>2</sup>

#### Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 18<sup>3</sup></b> of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
14.	<p>If your State provides <b>specialised</b> post-adoption services, please specify:</p>

<sup>2</sup> Post-adoption services may be provided to adoptees, birth families and adoptive families.

<sup>3</sup> C&R No 18 of the 2015 SC:

“The SC recognised that post-adoption services are essential and should take into account the **lifelong nature** of adoption. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place” [emphasis added].

	<p>(a) the <b>type</b> of services provided and <b>to whom</b> they are provided (<i>e.g.</i>, child and adult adoptees, birth families, adoptive families);  <i>In cases where there is no adoption in the State of origin or the adoption cannot be recognized (non Hague-State, simple adoption), the child gets a guardian until the adoption is pronounced in Switzerland (at least a year after arrival in Switzerland). To ensure an adequate follow-up also in the other cases, a guardian is also appointed for a max. of 18 months to help the family and supervise the adoption. These guardians write the first post-adoption reports for the States or origin.</i></p> <p>(b) <b>who</b> provides the services (<i>e.g.</i>, social welfare administration, school, health personnel);  <i>The guardians are professionals from the local Youth protection or social welfare administration.</i></p> <p>(c) whether the <b>professionals</b> involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs);  <i>in some cantons yes, but not always.</i></p> <p>(d) how, if there are different services, these various services are <b>coordinated</b>;  <i>This differs from one canton to another</i></p> <p>(e) how the post-adoption services are <b>financed</b> (<i>e.g.</i>, the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other);  <i>Please insert text here</i></p> <p>(f) the <b>length of time</b> this support is available.  <i>see above</i></p>
15.	<p>Please provide details of any <b>good practices</b> in your State which ensure that adoptees, adoptive families and birth families are adequately <b>informed</b> about, and can easily <b>access</b>, post-adoption services.  <i>The mandatory guardianship following the arrival of the child in Switzerland provides the family with support and access to professionals.</i></p>
16.	<p>In setting up post-adoption services in your State, were the <b>voices of adoptees</b> considered?</p> <p><input type="checkbox"/> Yes. Please specify in what way their voices were considered:  <i>Please insert text here</i></p> <p><input checked="" type="checkbox"/> No.</p>
17.	<p>Has <b>research</b> been carried out in your State in the past five years assessing post-adoption services?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:  <i>Please insert text here</i></p> <p><input checked="" type="checkbox"/> No.</p>

Receiving States only

18.	<p>Please specify any <b>challenges</b> your State encounters in ensuring that <b>adequate support</b> is in place for adoptees and the adoptive family following an intercountry adoption, including where</p>
-----	---

	<p>parents have adopted a child with <b>special needs</b>. Please also share any <b>good practices</b> your State has developed to overcome such challenges.<sup>4</sup></p> <p>Adoptive families are not always keen on being accompanied and followed by the authorities any more, as they feel they were controlled and "judged" enough during the evaluation and preparation and they now want to live a normal family life. Once the adoption is pronounced/recognised in Switzerland, the child is fully integrated in the adoptive family, authorities step back (no more guardian after max. 18 months) and so lose track of the adoptive families, although a post-adoption service offer is available. In case of difficulties, the latter tend to rather turn to their accredited body or independent counsellars to get help.</p>
--	---

### 1.3. Post-adoption reports

#### Receiving States only

19.	<p>Does the <b>preparation</b> of PAPs in your State include the provision of information on post-adoption report <b>requirements</b> of the State where the PAPs (would like to) adopt?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p style="padding-left: 20px;">The requirements on post-adoption reporting are listed when available on our website, along with other information on the adoption process in the country of origin. As part of the preparation, the PAPs are required to sign a commitment to fulfill the post-adoption report requirements of the country of origin. The accredited body will also explain in detail how the post-adoption reporting will be done.</p> <p><input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed:</p> <p style="padding-left: 20px;"><a href="#">Please insert text here</a></p>
-----	--

#### Both States of origin and receiving States

20.	<p>Has your State encountered situations where the <b>adopted child refused or objected to</b> the obligation to comply with the post-adoption report requirements?</p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation:</p> <p style="padding-left: 20px;"><a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent <b>experience</b> regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>The challenges are: (sometimes) unclear requirements of the State of origin; lack of cooperation of the adoptive parents (mostly in cases where post-adoption reports are requested over a very long period, for example until majority); reports when the AAB has ceased activities; competence/responsibility when the adoptive family moves abroad. It would be useful to have a template from the country of origin to be able to best respond to their needs.</p>

### 1.4. Adoption breakdowns

#### Both States of origin and receiving States

---

<sup>4</sup> If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Inter-country Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

22. If your State has had any experience regarding **intercountry adoptions which have broken down**, please specify:<sup>5</sup>
- (a) what have been the main **causes** of the breakdowns;<sup>6</sup>  
 Lack of bonding; expectations of the PAPs vs reality of the child; unidentified health or developmental issues in the person of the child; loyalty conflict for the child who still has parents in his homeland and was not properly prepared to be definitively separated.
- (b) how your State **has addressed** these situations and whether your State has any good practices to share in this regard;<sup>7</sup>  
 If the adoption had not yet been completed, the central authority contacted the central authority in the homeland of the child to examine together the possibility of another placement in Switzerland. If the safety of the child so required, the child was temporarily placed in an institution. If the adoption had already been completed, the child protection authority decided on the best measure (family therapy, placement of the child in a foster family or in an institution). A return of the child in his homeland has been considered as a last resort but has never effectively been completed to date.
- (c) what **support** is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;  
 Professionals of the central authority (social workers) and, if needed, therapists or psychologists. The challenge is to ensure that professionals are being involved soon enough. As noted under 14, in the first 12-18 months there is a state-appointed guardian.
- (d) whether your State has developed any good practices to ensure that **Recommendation No 19**<sup>8</sup> of the 2015 Special Commission is implemented:
- Yes. Please specify any good practices developed in this regard:  
 PAPs can be declared eligible for adoption only if they are sufficiently prepared. Each cantonal central authority has the competence to decide what is meant by "sufficiently prepared". Most of them require that PAPs attend preparatory or informative events.
- No. Please specify any reasons:  
 Post adoption services should be evaluated in order to analyse if there are improvements to be made.
- (e) whether your State has experienced breakdown cases in which it was determined that it was in the child's best interests to **return** to the State of origin, and if so, what the situations were and how they were handled;  
 N/A, see above 22b)
- (f) **how many** cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;  
 No statistics on breakdowns available.
- (g) how many of these cases included a **new placement** (e.g., foster care, new adoption) for the child;

<sup>5</sup> If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

<sup>6</sup> If applicable, you may wish to refer to your State's response to Question 18(a) of the [2014 Questionnaire](#).

<sup>7</sup> If applicable, you may wish to refer to your State's response to Question 18(b) of the [2014 Questionnaire](#).

<sup>8</sup> C&R No 19 of the 2015 SC:

"The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions."

	<p>No statistics available. It does happen, but in a very small minority of cases.</p> <p>(h) how many cases of breakdowns were intercountry adoptions done (a) under the <b>1993 Adoption Convention</b> ; and (b) outside of the Convention (<i>i.e.</i>, prior to the entry into force of the Convention in your State or with non-State Party);</p> <p>No statistics. Breakdowns happen with Convention as well as with non Convention countries.</p> <p>(i) in line with <b>Recommendation No 20</b><sup>9</sup> of the 2015 Special Commission, whether your State has applied the <b>1996 Child Protection Convention</b> to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.</p> <p>Switzerland has been party to the 1996 Hague convention for over 10 years (1.07.2009), but, to the best of our knowledge, the 1996 Convention was not used to handle adoption breakdown cases.</p>
--	---

Receiving States only

23.	<p>Is your State's <b>Central Authority</b> informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>The cantonal central authority in charge of supervising the placement refers to the Federal central authority in case an adoption breaks down and the central authority of the State of origin should be consulted on a subsequent placement. The federal central authority in Switzerland also has a general mandate of coordinating and counselling towards the cantonal central authorities, which leads to frequent exchanges on all kinds of topics, including adoption disruption. However, the decisions are made at cantonal level.</p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption:</p> <p>Please insert text here</p>
24.	<p>Do your State's authorities <b>consult</b> with the Central Authority of the child's <b>State of origin</b>:</p> <p>(a) if an adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p>Especially if the adoption has not yet been completed. If the adoption has been pronounced, the central authority of the State of origin is at least informed about the measures taken.</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p>If the adoption has not yet been completed. We have had a couple of cases with Thailand for instance: Switzerland contacted Thailand, explained the problems and proposed a new suitable family for the child, taking into consideration it was in the best interest of the child to stay in the region of the country which he started to learn</p>

<sup>9</sup> C&R No 20 of the 2015 SC:

"The SC encouraged States to consider ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the 1996 Hague Convention") in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions."

	<p>the language already. Thailand seemed to be pleased that we brought up a solution for the child.</p> <p><input type="checkbox"/> No.</p>
--	---

States of origin only

25.	<p>Is your State's <b>Central Authority</b> (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p>
-----	--

**1.5. Other post-adoption matters**

States of origin only

26.	<p>Are adoptees, who did not retain the <b>nationality</b> of their State of origin, permitted to <b>regain</b> it at a later stage?</p> <p><input type="checkbox"/> Yes. Please specify the conditions to regain nationality: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
-----	--

Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the <b>nationality</b> of their State of origin?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled: Although we don't know if they were successful, as we were not involved. But we heard this request from some adult adoptees.</p> <p><input type="checkbox"/> No.</p>
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a <b>Guide to Good Practice</b> on post-adoption.</p> <p>Switzerland would definitely support this project, as post-adoption matters seem to have been too little considered as to now.</p>

**2. PREVENTING AND ADDRESSING ILLICIT PRACTICES**

Both States of origin and receiving States

29.	<p>Have <b>illicit practices</b> in intercountry adoption been <b>discovered</b> since 2015 in your State?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p>
-----	--

	<p>(a) the <b>type</b> of illicit practices which were discovered;  Discovered since 2015, but the procedures took place in the 70's, 80's, 90's: lack of consent of the biological parents; PAPs granted an authorization to adopt although they were not legally qualified; lack of control on the paperwork; false or incomplete documents in the child's dossier; entry documents for children whose identity was not certain.</p> <p>(b) <b>when</b> the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure);  After the procedure. Switzerland is discovering nowadays mistakes of procedures of the 1980's. If an illicit practice is discovered during a procedure, the latter is stopped.</p> <p>(c) whether the illicit practices were done under or outside the <b>scope</b> of the 1993 Adoption Convention;  Outside</p> <p>(d) how your State <b>handled</b> these situations;  Switzerland is currently investigating what happened in the 1980's with adoptions of children born in Sri Lanka (see our dedicated website and the linked documents under <a href="https://www.bj.admin.ch/bj/en/home/gesellschaft/adoption/illegale-adoptionen.html">https://www.bj.admin.ch/bj/en/home/gesellschaft/adoption/illegale-adoptionen.html</a>)</p> <p><input type="checkbox"/> No.</p>
30.	<p>Please specify any <b>good practices</b> of your State to prevent and address illicit practices.  The documents are checked on 2 levels: cantonal and federal level (+ accredited body if one is involved). A quick and easy communication with the State of origin is essential to help sort out things.</p>
31.	<p>Is it possible in your State to <b>annul</b> an intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has jurisdiction to do so;  court (judicial authority)</p> <p>(b) <b>who</b> can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents);  The persons legally entitled to give a consent to the adoption, if such a consent has unlawfully not been given; any interested party, for instance the municipality of origin or domicile, in case of other severe defects (see art. 269 and art. 269a Civil code . <a href="https://www.admin.ch/opc/en/classified-compilation/19070042/index.html">https://www.admin.ch/opc/en/classified-compilation/19070042/index.html</a> )</p> <p>(c) the <b>grounds</b> upon which this may be done;  Lack of consent; other severe defects.</p> <p>(d) whether there is an <b>age limit</b> for the annulment of an adoption;  6 months from the moment where the vice was discovered, in any case within 2 years since the adoption was pronounced (see art. 269b Civil Code).</p> <p>(e) the <b>procedure</b> involved;  Please insert text here</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average annulled per year.  No statistics available, we are not aware of a single adoption that would have been annulled.</p> <p><input type="checkbox"/> No.</p>

32.	<p>Is it possible in your State to <b>revoke</b> an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p style="padding-left: 20px;">(a) the <b>authority</b> which has the jurisdiction to do so; Please insert text here</p> <p style="padding-left: 20px;">(b) <b>who</b> can request the revocation (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p style="padding-left: 20px;">(c) the <b>grounds</b> upon which this is done; Please insert text here</p> <p style="padding-left: 20px;">(d) whether there is an <b>age limit</b> for the revocation of the adoption; Please insert text here</p> <p style="padding-left: 20px;">(e) the <b>procedure</b> involved; Please insert text here</p> <p style="padding-left: 20px;">(f) the <b>number of</b> intercountry adoptions which are on average revoked per year. Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
-----	--

### 3. INTRAFAMILY ADOPTIONS

*In this Questionnaire, an “intrafamily adoption” is one in which the adoptive parent(s) are either **relatives** of the child (*e.g.*, an aunt, a grandparent, a cousin) or a **stepparent** of the child. These adoptions are respectively referred to as “relative adoptions” and “stepparent adoptions.” The Convention applies to all intrafamily adoptions.<sup>10</sup>*

#### 3.1. General questions for intrafamily adoptions (*i.e.*, relative and stepparent adoptions)

##### Both States of origin and receiving States

33.	<p>In your State, which <b>authority</b> is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The <b>Central Authority</b>.</p> <p><input type="checkbox"/> <b>Another competent authority</b>. Please specify which authority and the reasons for designating a different authority:</p>
34.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 32</b><sup>11</sup> of the 2015 Special Commission is implemented?</p>

<sup>10</sup> See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, “[Guide to Good Practice No 1](#)”), sections 8.6.4 and 8.6.5.

<sup>11</sup> C&R No 32 of the 2015 SC:

“In relation to in-family adoption, the SC:

- a. recalled that in-family adoptions **fall within the scope** of the Convention;
- b. recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;
- c. recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;
- d. recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;
- e. recognised that it is necessary to undertake an **individualised assessment of each child’s situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child’s best interests” [emphasis added].

	<input type="checkbox"/> Yes. Please specify the good practices developed in that regard: <a href="#">Please insert text here</a>
	<input checked="" type="checkbox"/> No. Please specify any reasons: The federal central authority reminds the cantonal central authorities that intrafamily adoptions fall within the scope of the Convention; we regularly have such cases under the Convention, so the procedure is being respected. Each case is different and can vary.
35.	Are there specific <b>guidelines</b> or <b>procedures</b> for intrafamily adoptions in your State? <input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: <a href="#">Please insert text here</a> <input checked="" type="checkbox"/> No.
36.	Has your State encountered any particular <b>difficulties with adoptability</b> decisions in the context of <b>intrafamily</b> adoptions? <input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled: <sup>12</sup> The subsidiarity principle seems to be often misinterpreted: the reports on the children mostly recommend that the adoption be carried out on the ground that the child could have a better life and education in Switzerland, although the child still has at least one parent in his home country (even if living under modest conditions). <input type="checkbox"/> No.
37.	In your State, does the <b>termination</b> of the <b>pre-existing legal relationship</b> affect only the child and his or her mother and father, or does it also affect the other members of the family (see Art. 26(1)(c) of the Convention)? <input type="checkbox"/> It only affects the child and his or her mother and father. <input checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family. <input type="checkbox"/> Other. Please explain your response: <a href="#">Please insert text here</a>
38.	Has your State encountered cases of <b>breakdown</b> in intrafamily intercountry adoptions? <input type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them: <a href="#">Please insert text here</a> <input checked="" type="checkbox"/> No.
39.	In the context of intrafamily intercountry adoptions, does your State <b>cooperate with States</b> with which it normally <b>does not</b> cooperate? <input checked="" type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: Especially non contracting states, where it is difficult to find out a contact person. Another challenge is that the States of origin often pronounce domestic adoptions, even though the adoptive parents have their habitual residence in Switzerland. Switzerland has to recognize those adoptions on the ground of art. 78 of the federal act on private international law, even if the adoption was pronounced in violation of the THC-93, unless a violation of public policy is observed.

<sup>12</sup> If applicable, you may wish to refer to your State's response to Question 3(b) of the [2014 Questionnaire](#).

## Article 78

## III. Adoptions and similar institutions of foreign law

1 Adoptions made in a foreign country shall be recognized in Switzerland provided they were decreed in the state of domicile or the national state of the adopting person or adopting spouses. 2 Adoptions and similar institutions of foreign law, the effects of which differ substantially from the parent-child relationship within the meaning of Swiss law shall be recognized in Switzerland only with the effects that are attached to them in the state where they were decreed.

No.

States of origin only

40.	<p>In your State, is the <b>subsidiarity principle</b> applied in the same manner to intrafamily intercountry adoptions?</p> <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any <b>different procedures</b> used and explain the reasons for these different procedures:<sup>13</sup></p> <p><a href="#">Please insert text here</a></p>
41.	<p>Is intrafamily adoption used frequently to <b>protect children</b> within the extended family and / or are there other child protection measures (<i>e.g.</i>, kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response:</p> <p><a href="#">Please insert text here</a></p> <p><input type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which <b>other child protection measures</b> are applied to protect children within the extended family:</p> <p><a href="#">Please insert text here</a></p> <p>(b) if your State is a Party to the <b>1996 Child Protection Convention</b>, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:</p> <p><a href="#">Please insert text here</a></p>

**3.2. Stepparent adoptions**Both States of origin and receiving States

42.	<p>Does your State apply the <b>1993 Adoption Convention</b> to stepparent intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p><a href="#">Please insert text here</a></p>
43.	<p>What is the <b>profile</b> of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p>

<sup>13</sup> If applicable, you may wish to refer to your State's response to Question 33(i) of the [2014 Questionnaire](#).

	usually children between 5 and 10 years old, but there are very few cases and they can differ widely.
44.	<p>(a) Please specify any <b>challenges</b> your State encounters with stepparent intercountry adoptions: Please insert text here</p> <p>(b) Please specify any <b>good practices</b> of your State for stepparent intercountry adoptions, including those for overcoming any challenges: Please insert text here</p>

### 3.3. Intrafamily adoptions and circumvention of immigration laws

#### Both States of origin and receiving States

45.	<p>Has your State encountered situations where intrafamily adoptions were sought / used to <b>circumvent</b> immigration laws?</p> <p><input checked="" type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations: it is mostly very difficult to get a resident permit for non-european children who should be placed in their extended family (even under THC-96) as immigration laws are very restrictive. On the other hand, some cantonal central authorities argue that adoption is a better protection for the child, as it gives a steady status, forces the adoptive parents to care for the child on a long-term basis and prevents them from sending the child back to his home country in case difficulties appear in their relation.</p> <p><input type="checkbox"/> No.</p>
-----	--

## 4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

*Scenario: A pregnant woman, habitually resident in one State (State A), travels to another State (State B) where she gives birth to her child and relinquishes her newborn child for adoption in that other State (i.e., State B).*

#### Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the <b>State of habitual residence</b> of the <b>mother</b> (State A), the State of <b>birth of the child</b> (State B), or another State? State B</p> <p>(b) how was the <b>child's habitual residence</b> determined? Which <b>factors</b> were considered? According to our general case law and concept of habitual residence, it is not possible to have a habitual residence in a place without physical presence (at least in a minimal way) - therefore the habitual residence of a new-born can either be only in the State of birth, or not established.</p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a <b>domestic adoption</b> or an <b>intercountry adoption</b>? Domestic adoption, as there was no change of residence before and after the adoption - the child was in Switzerland all the time.</p> <p>(d) what <b>challenges</b> did your State face in dealing with such situation(s)?</p>
-----	--

	<p>Finding the biological parents and obtaining consent to the adoption; ensuring that all options (reunification, adoption, placement with family) are considered while quickly ensuring a stable situation for the child.</p> <p>(e) if your State was the State where the child was born, was <b>contact</b> sought with the State of habitual residence of the mother? Was there any <b>cooperation</b> between the concerned States?</p> <p>This is very much dependant on the specificity of the particular case.</p>
47.	<p>If there is a <b>risk</b> that the situation described above involves a case of <b>human trafficking</b>, would this be considered by your State when determining the child's habitual residence?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: Habitual residence of the child would still be considered to be in Switzerland so that protection measures for the child could be taken by Swiss authorities. The case (possible human trafficking) would be further processed by Swiss authorities in cooperation with the other involved countries, especially in order to reunite the child with his/her biological mother.</p>
48.	<p>Which <b>actions</b> would your State take to address the case where both your State and the other State:</p> <p>(a) would determine the child's habitual residence to be in <b>their</b> State? Priority would be to take urgent protection measures for the child. If no decision on habitual residence of the child can be found between the 2 States, we would call out to the PB for an opinion.</p> <p>(b) would determine the child's habitual residence <b>not to be</b> in their State? Same as above</p>

## 5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

### 5.1. Simple adoptions

*A simple adoption is one in which the parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his or her adoptive parents is established, and these adoptive parents have parental responsibility for the child.<sup>14</sup>*

49.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding simple intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
50.	<p>What is the <b>profile</b> of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p>

<sup>14</sup> See [Guide to Good Practice No 1](#), Glossary.

	Some States know only simple adoption, for all child profiles, some other States know simple adoptions for intrafamily adoptions for instance.
51.	<p>If your State permits both full and simple adoption, are <b>simple adoptions encouraged / promoted</b>?</p> <p><input type="checkbox"/> Yes. Please explain your response: N/A - only full adoptions are possible</p> <p><input type="checkbox"/> No. Please explain your response: N/A - only full adoptions are possible</p>
52.	<p>Has your State faced any problems regarding seeking the birth mother / family's <b>consent to a conversion</b> in the State of origin (Art. 27 of the Convention)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations: It is not easy to find the birthmother again, especially in States that don't have a central registry for inhabitants, if the birthmother abandoned the child several years ago or anonymously.</p> <p><input type="checkbox"/> No.</p>
53.	<p>(a) Please specify any <b>challenges</b> your State encounters with simple adoptions: As Switzerland doesn't know simple adoptions, it is necessary to decree a full adoption and to have the consent of the biological parents to do so.</p> <p>(b) Please specify any <b>good practices</b> of your State for simple adoptions, including those for overcoming any challenges: Swiss law (art. 78 al. 2 of the Federal Act on private international law [FAPIL]) permits to recognize a simple adoption that was decreed abroad with the effects that are attached to it in the country where it was pronounced, provided the conditions for a recognition are met (adoption must have been decreed in the State of origin or in the State of domicile of the adoptive parents and no ground for denial is met, see art. 27 FAPIL, <a href="http://www.andreasbucher-law.ch/images/stories/pil_act_1987_as_from_1_1_2019.pdf">http://www.andreasbucher-law.ch/images/stories/pil_act_1987_as_from_1_1_2019.pdf</a>). Art. 78 al. 2 FAPIL: "Adoptions and similar institutions of foreign law, the effects of which differ substantially from the parent-child relationship within the meaning of Swiss law shall be recognized in Switzerland only with the effects that are attached to them in the state where they were decreed"</p>

## 5.2. Open adoptions / openness in adoption

54.	<p>Does the terms "open adoption", "openness in adoption" or similar concepts <b>exist</b> in your State?<sup>15</sup></p> <p><input checked="" type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State: Since 1st January 2018, our Civil Code regulates a possibility for an open adoption (see art. 268e <a href="https://www.admin.ch/opc/en/classified-compilation/19070042/index.html#a268e">https://www.admin.ch/opc/en/classified-compilation/19070042/index.html#a268e</a>); it states that adoptive parents and biological</p>
-----	--

<sup>15</sup> If applicable, you may wish to refer to your State's response to Questions 19 and 20 of the [2014 Questionnaire](#).

	<p>parents may agree that the biological parents be entitled to reasonable contact with the minor. This agreement has to be submitted to and approved by the child protection authority. The child may refuse contact at any time. Before being in the law, it was already done in some very specific cases of national adoptions. The question of open adoptions is now being discussed with PAPs during the preparation and clearing process. It is decided on a case by case basis whether it would be a valid option.</p> <p><input type="checkbox"/> No. Please explain what is understood in your State by the terms “open adoption”, “openness in adoption” or similar concepts: Please insert text here</p>
55.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding open or openness in intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: See above. The context was a revision on the adoption secret generally in order to give more rights to the child and ensure the right to know one's origins.</p> <p><input type="checkbox"/> No.</p>
56.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 31</b><sup>16</sup> of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons: Not enough experience yet.</p>
57.	<p>(a) What is the <b>profile</b> of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>The possibility of an open adoption applies especially to domestic adoption cases or to adoptions with the USA, where the birthmother is involved in the choice of the adoptive parents, has and keeps contact with them after the adoption.</p> <p>(b) Does your State have a <b>specific approach</b> depending on the profile of these children?</p> <p><input checked="" type="checkbox"/> Yes. Please specify these different approaches: An agreement about an open adoption requires the consent of the child (if he is capable of judgment) or an audition of the child, depending on his age. The child can refuse the contact to his biological parents. In case of disagreement between biological and adoptive parents or if the child's wellbeing is at risk, the child protection authority intervenes.</p> <p><input type="checkbox"/> No.</p>
58.	<p>Does your State provide professional <b>support or services</b> to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard:</p>

<sup>16</sup> C&R No 31 of the 2015 SC:

“The SC noted that, where not prohibited by domestic legislation, and after professional matching, **contact between the adoptee and biological family** in intercountry adoption may be **beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, professional support should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child’s best interests should guide the nature of this contact, considering his or her wishes” [emphasis added].

	<p>An agreement about an open adoption has to be approved by the child protection authority. The extent to which this authority is involved in the supervision of the relationship between birth family, adoptive family and child is determined by the needs that occur in the course of time.</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of <b>contact</b> between them after the adoption?</p> <p><input type="checkbox"/> Yes. Please specify what action was taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other <b>challenges</b> your State encounters regarding open adoptions: Too little experience to date.</p> <p>(b) Please specify any <b>good practices</b> of your State with regard to open adoptions, including those for overcoming any challenges: Too little experience to date.</p>

## 6. NON-CONSENSUAL ADOPTIONS

*In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have lost parental responsibility but nonetheless disagree with the adoption. It does not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).*

### States of origin only

61.	<p>What are the <b>circumstances</b> in your State in which a parent can lose his or her parental responsibility?</p> <p>Please insert text here</p>
62.	<p>Does your State <b>permit</b> the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the <b>consent</b> of the birth parents who have lost their parental responsibility is still required?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p> <p>(b) how your State ensure that the <b>principle of subsidiarity</b> is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption. Please insert text here</p> <p>(c) what is the <b>procedure</b> applicable to such non-consensual adoptions (e.g.: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest).</p>

	<p style="text-align: center; color: blue;">Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response:</p> <p style="text-align: center; color: blue;">Please insert text here</p>
--	---

Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin <b>contested</b> a non-consensual intercountry adoption when the child was already in the receiving State?</p> <p><input type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations:</p> <p style="text-align: center; color: blue;">Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
-----	--

Both States of origin and receiving States

64.	<p>What is the <b>profile of children</b> for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p style="color: blue;">Children who were taken away from their birthparents because of child abuse.</p>
65.	<p>(a) Please specify any <b>challenges</b> your State encounters with non-consensual adoptions:</p> <p style="color: blue;">Before Jan. 1 2018, it was possible in Switzerland to dispense with the consent of the biological parents if they had not properly cared for the child. With the revision of the adoption law, this is not possible any more. The only grounds to dispense with a consent are: "The consent of a parent may be dispensed with if the identity of that parent is unknown, or if he or she has been of unknown whereabouts for some length of time, or permanently lacks capacity of judgement" (art. 265c of the Civil Code).</p> <p>(b) Please specify any <b>good practices</b> of your State regarding non-consensual adoptions, including those for overcoming any challenges:</p> <p style="color: blue;">According to art. 265d of the Civil Code, the child protection authority decides if the consent of the biological parents can be dispensed with, as a rule, before the child is placed in care.</p>

## 7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

### 7.1. General questions

66.	<p>Does your State prohibit any <b>contact</b> between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p style="color: blue;">Even though there is no specific rule in national law on this, art. 29 of the Hague Convention is directly applicable and all our procedures are aligned on this. For ex. the AABs are prohibited from presenting a child proposal to the PAPs before informing the canton and getting their authorisation (and if all other conditions are fulfilled, for example the PAPs need a valid eligibility and suitability decision etc). Our law also makes it mandatory for PAPs to get approved by the cantonal central authority before being authorised to start an adoption procedure abroad and send their file (for Hague and non-Hague countries).</p> <p><input checked="" type="checkbox"/> No. Please specify:</p> <p>(a) in which <b>circumstances</b> such contact is permitted;</p>
-----	---

There were some exceptions in adoption cases with the USA, where the birthmother wanted to talk to the prospective adoptive family before choosing them to place her child. Such contacts have been authorized by the cantonal central authorities, under the condition that the phone call be accompanied and supervised by the AAB. That usually concerns pregnant women planning an adoption for the baby to come, so no contact with the child himself but with his mother.

(b) the **experience** of your State with regard to such contact.

Please insert text here

## 7.2. Summer camps / hosting programmes

*In this Questionnaire, the "summer camps" practice is when adoptable children and PAPs attend an event in the PAPs' State of residence (i.e., receiving State) or in the State of origin, usually for a period of several weeks. The hope is that the PAPs will want to apply to adopt one or more of the children they have spent time with during this event.*

*"Hosting programmes" (including "respite care" programmes for children who go abroad to improve their physical and medical well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.*

67.	<p>Is your State involved in summer camps / hosting programmes for children?<sup>17</sup></p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a <b>precursor to adoption</b> for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, <b>resulted in the adoption</b> of children:</p> <p><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the <b>safeguards</b> of the <b>1993 Adoption Convention</b> have been respected (bearing in mind that it is likely that the child remains "habitually resident" in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)? Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
68.	<p>If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:</p> <p>(a) whether the children benefiting from these programmes must have been <b>declared adoptable before</b> they can be part of such programmes; Please insert text here</p>

<sup>17</sup> Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p>(b) whether the PAPs participating in such programmes must have been <b>declared eligible and suitable</b> to adopt to be allowed to take part in such programmes;  <a href="#">Please insert text here</a></p> <p>(c) how the PAPs and children are <b>selected</b> to participate in such programmes, and whether a selection is made in cooperation with the other State;  <a href="#">Please insert text here</a></p> <p>(d) how the children are <b>prepared</b> for such programmes;  <a href="#">Please insert text here</a></p> <p>(e) what are the <b>effects on</b> and the <b>feedback from</b> the <b>children</b> who participated in such programmes but were not adopted;  <a href="#">Please insert text here</a></p> <p>(f) whether there have been situations where the adoption <b>broke down</b> after the child was adopted following participation in such programmes;  <a href="#">Please insert text here</a></p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must <b>return</b> to the State of origin before the adoption procedure can be initiated;  <a href="#">Please insert text here</a></p> <p>(h) who <b>finances</b> such programmes;  <a href="#">Please insert text here</a></p> <p>(i) what is the <b>experience</b> of your State with these practices (<i>i.e.</i>, <b>challenges</b> and any potential <b>benefits</b>).  <a href="#">Please insert text here</a></p>
--	--

### 7.3. Voluntourism

*In this Questionnaire, "voluntourism" refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children's institution. In these situations, some volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.*

69.	<p>Has your State <b>experienced</b> situations where "voluntourists" commenced an <b>adoption</b> procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input type="checkbox"/> Yes. Please specify how your State handled these situations and any <b>difficulties</b> these situations may have caused:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
70.	<p>Has your State taken any <b>action</b> to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No. Please explain your response:  <a href="#">Every person wishing to adopt has to first be assessed and declared suitable to adopt in Switzerland before starting any kind of steps abroad. If that procedure is not respected, there is no guarantee that an adoption can be carried out.</a></p>

#### 7.4. Adoption of children already under the care of PAPs

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (<i>e.g.</i>, as part of a foster care placement, kinship care, “<i>niño puesto</i>”,<sup>18</sup> or a more informal arrangement such as temporary care by neighbours or within a community), please specify:<sup>19</sup></p> <p>(a) whether the child had already <b>been declared adoptable</b> before the PAPs’ adoption application was submitted;  <a href="#">Please insert text here</a></p> <p>(b) at what stage in the process the PAPs were <b>declared eligible and suitable</b> to adopt;  <a href="#">Please insert text here</a></p> <p>(c) what the <b>profile</b> of these children was;  <a href="#">Please insert text here</a></p> <p>(d) what was done to ensure that the <b>safeguards and procedures</b> of the 1993 Adoption Convention had been respected;  <a href="#">Please insert text here</a></p> <p>(e) your State's <b>experience</b> with such adoptions.  <a href="#">Please insert text here</a></p>
-----	--

#### 8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to <b>integrate new technologies</b> into work processes (<i>e.g.</i>, blockchain to facilitate transmission and access to data)?</p> <p><input type="checkbox"/> Yes. Please specify (a) what the <b>experiences</b> of your State are in this regard (<i>i.e.</i>, benefits and challenges) and (b) how your State take into account <b>data protection</b> in this context:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
-----	---

#### 9. STATISTICS

Both States of origin and receiving States

73.	<p>Please specify the <b>number</b> of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) <b>relative</b> adoptions (<i>i.e.</i>, excluding stepparent adoptions);<sup>20</sup>  <a href="#">41 for all intercountry relative adoptions, including by stepparent, until the end of 2018. We have not the possibility to distinguish between relative and stepparent, but from our experience we can state that the latter are much less frequent than the first category.</a>  <a href="#">2015: 12</a></p>
-----	--

<sup>18</sup> “*Niño puesto*” refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

<sup>19</sup> Regarding foster care, if applicable, you may wish to refer to your State's response to Question 55 of the [2014 Questionnaire](#).

<sup>20</sup> For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).

	<p>2016: 18 2017: 7 2018: 4</p> <p>(b) <b>stepparent</b> adoptions; See above a)</p> <p>(c) <b>simple</b> adoptions; N/A</p> <p>(d) <b>open</b> adoptions or adoptions that involve a certain <b>degree of openness</b>; and no statistics</p> <p>(e) <b>non-consensual</b> adoptions. Since January 1 2018, it is not possible any more in Switzerland to dispense with the consent of the biological parents, unless they are unknown, deceased, permanently lacking capacity of judgement or if they have been of unknown whereabouts for some length of time. So we shouldn't have any non-consensual adoptions.</p>
--	--

## 10. OTHER MATTERS

74.	<p>Please specify <b>any other comments</b> your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.</p> <p>One of the most frequent problem is when the Convention is not applied, because the applicants are nationals of the country of origin for instance, although their habitual residence clearly is in Switzerland and thus, an adoption is decreed in the child's country of origin without swiss authorities being in any way involved.</p>
-----	---