The Black Box – Bridging the Gap

Review of the Swiss Study "Mother unknown".

The Swiss report, *Mother Unknown,* resonates with my personal narrative and reflects the experiences of numerous victims, adoptees, and their families. This report holds considerable significance and, in many respects, corroborates our findings accumulated over the past 25 years.

The report has prompted a critical examination of its findings and limitations. Following the press conference, various media outlets published articles with headlines such as:

- "6000 Swiss francs for a baby: Study uncovers illegal adoptions from India"
- "Explosive Switzerland report: Evidence of child trafficking and false documents for thousands of adopted children"
- "Adoption scandal is much bigger"
- "Illegal adoptions from India: Thousands of babies were brought to Switzerland. Where are the mothers?"

This study initiates a long-overdue public discourse regarding intercountry adoptions, particularly those involving India. However, it raises pertinent questions about the depth, accuracy, and independence of its analysis, leaving it open to the question on whether its recommendations genuinely benefit adoptees, victims, and their families?

Mothers Unknown?

The absence of engagement with biological mothers in the Swiss research study is striking. It could be considered a significant oversight. The research team had access to our contact information at all times, and we could have facilitated meetings with several mothers in person. Given that they likely had sufficient funding and spent several weeks in India on two separate occasions, it raises questions about their decision-making process.

In 1973, I was adopted from Pune, India, to Germany. From an early age, I harboured a desire to locate my biological mother. However, this aspiration proved unattainable during my childhood and early adulthood.

My inaugural journey to India occurred when I was 20 years old, a time devoid of mobile phones or internet access. In 1999, upon acquiring my first internet connection, I began to educate myself about adoption and its associated procedures. From 2001 onward, I committed all my resources—financial, intellectual, and temporal—to the challenging quest of locating my unknown mother. During this pursuit, I established connections with numerous other Indian adult adoptees and engaged with the broader adoption community.

Early in this journey, I shared my findings with adoptive parents and relevant authorities while also assisting fellow adoptees with their inquiries. As our efforts expanded, we began to support parents whose children had been abducted, combat current child trafficking practices, conduct research, and ultimately attract serious media attention that exposed various scandals.

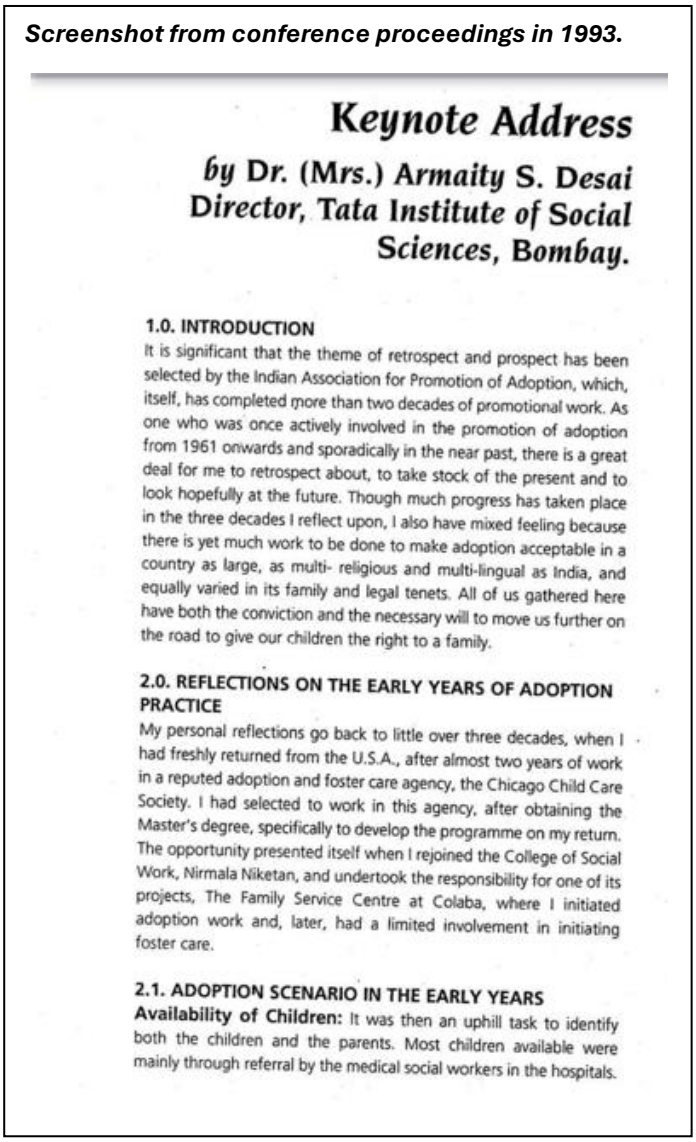
In 2007, I met with Roelie Post, a former EU civil servant who is now recognized as a whistleblower. She elucidated the policy issues at hand, leading us to establish "Against Child Trafficking," a registered foundation in the Netherlands. This story warrants further exploration on another occasion.

Why did the research team not reach out to us or accept our assistance, knowledge, and expertise? This lack of communication extended not only to mothers but also to methodologies for effectively locating Indian families and mothers, despite our clear willingness to help. Rather than utilizing firsthand accounts, the researchers opted to rely on second hand information.

Indian Partner University - TISS

The proposed collaboration between the Swiss research team and the Tata Institute of Social Sciences (TISS) raises significant concerns regarding potential conflicts of interest. TISS, an esteemed institution, has a historical connection to the establishment of the adoption framework in India, particularly through its former director, Armaity Desai (see box). Given this background, it is not unexpected that TISS's ethics committee rejected the proposed research collaboration. The Institute's strong pro-adoption stance suggests a deep entrenchment in the adoption sector, which may compromise its objectivity.

Screenshot from conference proceedings in 1993.



Keynote Address

by Dr. (Mrs.) Armaity S. Desai
Director, Tata Institute of Social Sciences, Bombay.

1.0. INTRODUCTION

It is significant that the theme of retrospect and prospect has been selected by the Indian Association for Promotion of Adoption, which, itself, has completed more than two decades of promotional work. As one who was once actively involved in the promotion of adoption from 1961 onwards and sporadically in the near past, there is a great deal for me to retrospect about, to take stock of the present and to look hopefully at the future. Though much progress has taken place in the three decades I reflect upon, I also have mixed feeling because there is yet much work to be done to make adoption acceptable in a country as large, as multi- religious and multi-lingual as India, and equally varied in its family and legal tenets. All of us gathered here have both the conviction and the necessary will to move us further on the road to give our children the right to a family.

2.0. REFLECTIONS ON THE EARLY YEARS OF ADOPTION PRACTICE

My personal reflections go back to little over three decades, when I had freshly returned from the U.S.A., after almost two years of work in a reputed adoption and foster care agency, the Chicago Child Care Society. I had selected to work in this agency, after obtaining the Master's degree, specifically to develop the programme on my return. The opportunity presented itself when I rejoined the College of Social Work, Nirmala Niketan, and undertook the responsibility for one of its projects, The Family Service Centre at Colaba, where I initiated adoption work and, later, had a limited involvement in initiating foster care.

2.1. ADOPTION SCENARIO IN THE EARLY YEARS

Availability of Children: It was then an uphill task to identify both the children and the parents. Most children available were mainly through referral by the medical social workers in the hospitals.

The mere designation as a university does not inherently guarantee independence or impartiality. In this instance, there exists a pronounced conflict of interest that likely contributes to a biased perspective. This bias is evident to such an extent that TISS has effectively obstructed any meaningful research efforts. The limitations imposed on research cannot solely be attributed to the political landscape in India, as suggested by the study.

Interview Partners and Guest Writers

Pien Bos: According to her own bio on the website of the university:

"Pien Bos obtained a MA degree in Pedagogic Sciences - with a specialization in adoption – (1993) and a MA degree in Cultural Anthropology - with a specialization in women, gender and development – (1996) at the University of Utrecht (the Netherlands). Between 1995 and 2000 she worked as a co-ordinator for the Association Worldchildren, an NGO for child-welfare and inter-country adoption in The Hague. In 2000 she joined the Dutch Foundation for Adoption Services where she co-ordinated the Roots Information Centre, a centre for adoptees with a desire for information about their background and/or biological family. She taught compulsory educational courses for prospective adoptive parents. In 2001 she became a PhD researcher at the Department of Social Science Research Methodology at the Radboud University Nijmegen.

In 2008 she completed her PhD (with distinction) and became assistant professor at the Radboud University. In December 2011she continued her work at the University of Humanistic Studies in Utrecht.

Onderzoek

In 2001 Pien Bos became a PhD researcher at the Department of Social Science Research Methodology at the Radboud University Nijmegen. This research was focused on the decision-making processes of unmarried mothers in India with regard to relinquishment or acceptance of their children and was funded by NWO-Wotro & WODC."

Pien Bos conducted her doctoral research on so-called unmarried mothers while affiliated with the Chennai adoption agency Madras Social Service Guild during the years 2002-2003. However, she did not identify that this agency, along with others in Chennai, was involved in illicit activities such as child trafficking. Our organization exposed these agencies for their trafficking practices between 2007 and 2008. (One report from the ABC Foreign Correspondent can be accessed here.)

Given this context, it can be reasonably concluded that Pien Bos had a substantial involvement in the adoption sector. Consequently, her perspective on mothers in India presents a potential conflict of interest. My views regarding our mothers diverge significantly from hers; I contend that our mothers had no genuine choice in the matter. They were compelled to part with their children due to various socio-economic pressures. Terminology such as "given up" is perceived as offensive and fails to acknowledge the systematic human rights violations involved.

Asha Narayan Iyer

The research team partially relied on the insights of Indian social worker Asha Narayan Iyer, who, as per her LinkedIn profile, served as the Director of the Mumbai-based adoption agency "Children of the World." This reliance presents a significant conflict of interest.

Additionally, the team travelled to Pune to meet with Madhuri Abhyankar and Deepika Maharaj Singh, both of whom operated SOFOSH, an adoption agency located on the campus of Sassoon Hospital. My personal connection to this hospital is noteworthy, as I was born there and became acquainted with both individuals during the initial stages of my search for my biological family. I have firsthand knowledge of their activities and how they have obstructed searches unnecessarily. It is relevant to mention that both individuals were subsequently dismissed by the SOFOSH board. In 2011, we also exposed SOFOSH for housing mothers illegally. (An article about this can be accessed here)

These circumstances underscore the problematic nature of relying on individuals affiliated with agencies that have been implicated in unethical practices.

Nilma Mehta

Nilma Mehta is a prominent figure in the adoption sector, having been actively involved in the field for many years, particularly in training and policy development. A brief online search reveals her extensive role within the adoption business. Notably, she has expressed opposition to searches for biological families, as indicated in the study. Currently, she is obstructing a specific search case from Switzerland.

Rakesh Kapoor

The research team also consulted adoption lawyer Rakesh Kapoor, whose father specialized in the adoption sector for five decades. Kapoor claims that 80 percent of mothers provide inaccurate information. If this assertion is accurate and both he and the agency are aware of it, it raises serious ethical concerns. Furthermore, this statement contradicts our findings; while some information may be erroneous, much of it is indeed accurate. Such generalizations serve to dissuade adoptees from pursuing their searches.

Publishing Kapoor's statement without qualification misleads adoptees into believing they have no viable means of tracing their families through available documentation. This reliance on individuals entrenched in the adoption business further complicates the integrity of the research.

Madhavi Mathre/Bal Anand

Based on the details provided by the researchers and my two decades of familiarity with Madhavi Mathre/Bal Anand, it is reasonable to conclude that "Shweta Purandere" likely refers to Madhavi Mathre of Bal Anand. Bal Anand was a primary partner of the Dutch agency Wereldkinderen and played a significant role in establishing the Federation of Mumbai Adoption Agencies, advocating for adoption policies and regulations.

From 2008 to 2009, we volunteered with Wereldkinderen at the request of then-director Ina Hut to develop a comprehensive Roots Program. Through considerable effort, we successfully resolved several search cases for adoptees. Additionally, we collaborated closely with the Wereldkinderen management team to illustrate the challenges faced in this context. We exposed Bal Anand for attempting to facilitate adoptions involving children of mentally ill mothers.

In one particular search case, after the Roots Program Manager faced obstruction from Rakesh Kapoor, Shraddanand Mahila Ashram, and partially from Bal Anand, the director of Wereldkinderen filed a police complaint against Shraddanand Mahila Ashram. Unfortunately, her successor, Albert Jaap van Santbrink, discontinued this project entirely.

We had to assist an adoptee using our own resources and subsequently filed a case in the Bombay High Court, which we unfortunately lost due to insufficient resources to appeal. In retaliation for our work on searches with Wereldkinderen, Bal Anand and the Federation lobbied for legislation aimed at halting our efforts. This lobbying resulted in current restrictions against so-called "third-party" searches as outlined by CARA Guidelines and now included in the Adoption Regulations 2022, which stipulate that only agencies may conduct searches.

As highlighted in the study from interviews conducted, Bal Anand does not genuinely engage in search efforts; they claim to do so but only undertake such actions in rare instances. We encounter significant resistance from them in every case we pursue.

Shortcomings in the Study

The study neglects to mention that in adoptions originating from Mumbai, the Indian Council of Social Welfare (ICSW) served as the scrutiny agency for every case. This implies that ICSW provided judicial advice regarding whether each adoption was in the best interest of the child. Furthermore, the researchers' definition of "Kinderhandel" is problematic. Although they claim to reference the United Nations Convention on the Rights of the Child, the definition they

employ aligns more closely with the Palermo Protocol's definition of human trafficking. They omit reference to the "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography," which explicitly states in Article 3(ii):

Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption.

While neither the Optional Protocol nor the Hague Adoption Convention was in effect at the time of our adoptions, it is reasonable to assert that our mothers were induced to consent to adoption unless their children were stolen or kidnapped. This situation effectively constitutes "Sale of Children" or "Kinderverkauf." The study also fails to adequately investigate the adoption scandals we have highlighted since 2000. Notably absent are discussions of trafficking scandals from Andhra Pradesh, kidnapping incidents involving children sent to the Netherlands, the United States, and Australia, as well as the Preet Mandir scandal and the indictment of the CARA chairperson in this context. A few additional paragraphs addressing these issues would have significantly broadened the study's context.

Finally, there is a lack of analysis regarding policy implications. The study does not address fundamental questions about whether adoption serves as a child protection measure or whether intercountry adoption adheres to the subsidiarity principle outlined in the UNCRC. This absence of analytical depth ultimately leads to misguided recommendations presented at the conclusion of the study.

Defamation

The authors of the study reference me eight times and express their gratitude at the conclusion. However, an uninformed reader might mistakenly conclude that the research team engaged in meaningful interaction with us. This is not the case. My only correspondence consisted of questions regarding my personal story, and an offer for a more in-depth conversation went unanswered.

It is particularly concerning that the authors refer to my consultant (and partner) and me as "business partners," which implies that I operate a commercial search service in Pune. This characterization is highly defamatory and requires clarification. I serve as the Director of the Dutch-registered foundation Against Child Trafficking (ACT), which engages in activities far beyond mere searches. By definition, we are a non-profit organization, and we do not operate on a commercial basis. Our advocacy extends to seeking justice and redress for victims.

Additionally, I am a board member of the Adoptee Rights Council, a not-for-profit organization registered in India, where we promote adoptee rights, facilitate unionization efforts, and provide advice and counselling services, primarily at no cost. Due to a lack of state funding to support adoptees and victims, we are compelled to charge for search-related expenses; however, this does not constitute a commercial endeavour. On the contrary, we have invested our own resources into these efforts and work at significantly reduced compensation relative to our experience and qualifications.

The persistent insinuation from these researchers that I am engaged in some form of business is profoundly insulting, humiliating, and denigrating. As a victim and survivor of adoption practices myself, I have not profited from our work in any capacity, nor have I received appropriate compensation for my contributions over the past 25 years.

For instance, consider the organization Back to the Roots. Lacking funding to assist Indian adoptees, they charge 60 CHF per hour for counselling sessions—a reasonable and moderate fee. If we were to charge on an hourly basis, including travel expenses at 1,000 EUR per day, it would still be classified as non-profit work. However, we do not employ such a charging structure.

The research team should have taken the time to engage with us more thoroughly and reviewed relevant accounts and statistics, including reports and time entries. This oversight represents a missed opportunity for collaboration. Consequently, I am contemplating sending the researchers a legal notice for defamation.

Searches

The authors of this study primarily consulted individuals involved in the adoption business and did not engage with us. Consequently, the section addressing searches in India is biased and lacks precision, perpetuating the misconceptions propagated by the adoption industry. This is particularly troubling for me, as we have fought against these inaccuracies for 25 years.

1. Rakesh Kapoor's assertion that 80 percent of mothers provided false names does not align with our findings. While some information may be fabricated, it is not universally the case.

2. Petitions filed under the Guardians and Wards Act are submitted to the court by a power of attorney holder representing adoptive parents. These individuals have the right to receive copies of court filings, and we do obtain certified copies. The court files are not sealed; however, it is true that they often lack consent documentation.

3. Agencies and children's homes are licensed under the OCH Act and are registered charities. The OCH Act mandates that they maintain accurate records.

4. The authors state that the judgment in the Lakshmi Kant Pandey case served merely as guidelines, which is incorrect. In India, a common law system prevails, and in the absence of statutory law governing intercountry adoptions, the Supreme Court's rulings establish binding case law.

5. The authors fail to mention that in the Lakshmi Kant Pandey vs. Union of India case, reported in AIR 1984 SC 469 at paragraph 23, the Supreme Court noted:

“But if after attaining the age of maturity, the child wants to know about its biological parents, there may not be any serious objection to the giving of such information to the child because after the child attains maturity, it is not likely to be easily affected by such information and in such a case, the foreign adoptive parents may, in exercise of their discretion, furnish such information to the child if they so think fit.”

Contrary to what is often asserted by the adoption industry, adoptive parents have always had the right to access information about biological parents.

6. Regarding the case of Beena Makhijani, while it is true that the agency initially was uncooperative, it later complied following our successful court case. However, it appears that they may have lost relevant files during one of Mumbai's floods. The Beena Makhijani case was a significant milestone for us and for adult adoptees, as the High Court ruled that Anjali Pawar is not a third party and can assist adoptees with their searches.

The study also references a Swiss adoptee case involving Fabian Ricklin. We do not fully understand what transpired in this court case or why the judge favoured the agency's position over that of the adoptee. Regrettably, the adoptee chose not to appeal this order. We attempted to appeal alongside another adoptee from the same orphanage; however, the court advised us to file a new case instead. We have initiated this process, which will require considerable time and effort to overturn what we believe to be an erroneous order. It is a failure on the part of the authors to present this order from the Kolkata High Court as definitive before all legal remedies have been exhausted.

7. The authors claim that adoptees can search for their families through agencies or CARA (Central Adoption Resource Authority). However, we are unaware of any cases involving unmarried mothers that have been resolved with CARA's assistance. CARA typically refers search requests back to agencies, where they often stall. The state structures lack both funding and experience necessary to genuinely assist adoptees.

8. The study mentions contact points such as the Red Cross and International Social Service along with "Arun Dohle." To my knowledge, International Social Service has never successfully resolved a case in India; neither am I aware of any cases resolved by the Red Cross. As previously stated, it is regrettable that the authors misrepresent my character and work. The Right to Know was incorporated into CARA Guidelines due to my personal case and others we have fought for.

9. In their recommendations, the authors misquote my email communications with them, suggesting that it is necessary to file a court case in every instance. I have never made such a statement; we pursue legal action only after exhausting all other avenues for accessing records.

Since 2004, we have actively assisted adult adoptees with their searches and possess extensive knowledge regarding laws, regulations, cultural nuances, challenges, and successes within this field. The authors missed an opportunity to leverage our experience and knowledge for Swiss authorities and adult adoptees alike; this oversight is deeply disappointing.

Terre de Homme

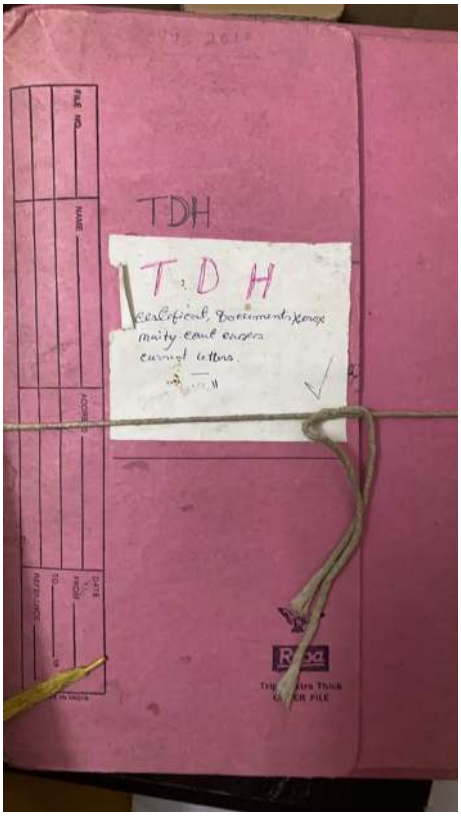
The sections of the study authored by Sabine Bitter appear to be well-researched and articulated. I found several aspects to be new information, particularly regarding the role of Alice Khan Meier. However, the activities of Terre des Hommes warrant a much more thorough examination. For instance, Terre des Hommes Netherlands is implicated in the trafficking of children from Bangladesh, despite their denials of involvement. This issue is further linked to the Terre des Hommes Federation, as Moslem Ali Khan has stated in meetings that he worked for them in Dhaka.

Terre des Hommes Germany has historically been one of the largest agencies in Germany, partnering with HOLT in Korea. In light of recent reports concerning child trafficking in adoptions from Korea, an independent investigation into the practices of Terre des Hommes Germany is essential. My own sister was adopted through Pro Infante, where Mrs. Wiedeking operated without a license and mediated adoptions on behalf of Terre des Hommes Germany.

In 2000, a scandal emerged in Germany when Pro Infante was found to have facilitated the adoption of stolen children from the Missionaries of Charity. Terre des Hommes Germany publicly condemned this situation, which ultimately led to the closure of Pro Infante. Mr. Wacker

from Terre des Hommes Germany informed Mrs. Hofstetter from Terre des Hommes Lausanne about the crimes associated with adoptions by the Missionaries of Charity; nevertheless, Terre des Hommes Lausanne continued to facilitate adoptions from this organization until 2012. In 2012, a Swiss adoptee adopted through Terre des Hommes Lausanne sought our assistance with her search, prompting us to investigate the Terre des Hommes Lausanne scandal in depth. Sabine Bitter accurately notes allegations of sexual abuse against Milton McCann and his connections to the still-active USTHI Foundation. While there were criminal investigations, the outcomes remain unclear.

After considerable effort, we uncovered a substantial collection of records pertaining to Swiss adoptees. Although Terre des Hommes India Society permitted us access to an adoptee's file, it unfortunately did not contain useful information for our search. We did encounter other files that included detailed background information about various children and adoptees.



Terre des Hommes Lausanne has repeatedly declined to cooperate with us in securing files for adoptees. Due to a lack of financial resources, we are unable to conduct the necessary groundwork for these efforts. It is deeply troubling that no Swiss authority or organization is assisting us in obtaining these files for Swiss adoptees.

Additionally, we discovered documents indicating potential misappropriation of funds by Terre des Hommes India Society. (see box) This situation underscores the need for a separate and comprehensive study into the practices of Terre des Hommes Lausanne.

BD Shenoi

Sabine Bitter clearly indicates that BD Shenoi and his later partner, Christina Inderbitzin, were involved in the trafficking of children. This revelation is particularly significant to me, as BD Shenoi served as the lawyer in both my adoption and that of my adoptive sister. I met him at his residence in Cuffe Parade, Mumbai, around 2001 or 2002. (see below)

Although he was friendly during our meeting, he dismissed my inquiries regarding my search for my biological family. At that time, a Swiss woman present was quite abusive toward me and my desire to search; I later realized that this individual was Christina Inderbitzin.

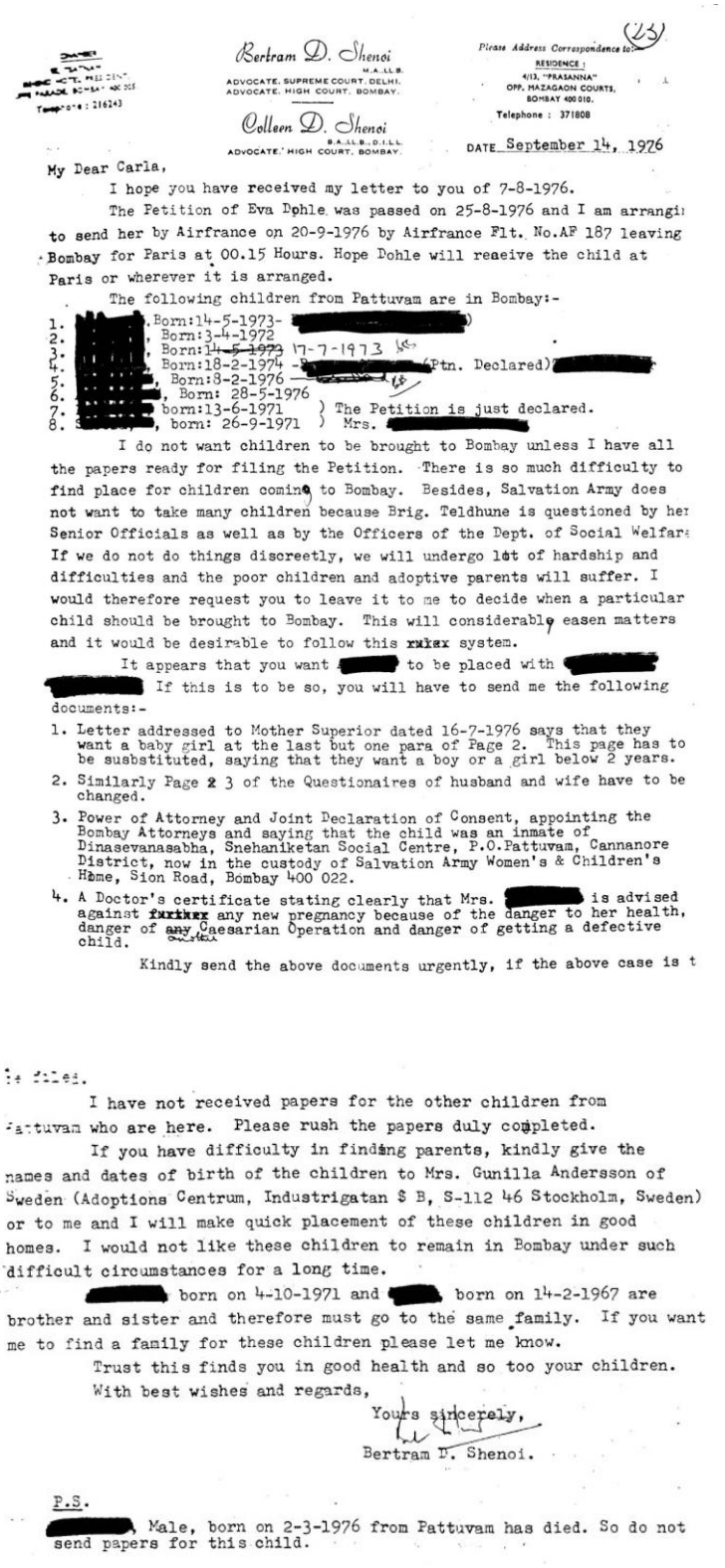


BD Shenoi

In the file pertaining to my adoptive sister at the German Youth Welfare Office, we discovered several

documents, and similar records were found in other files. (see documents on the next page)

According to his own statements, BD Shenoi has been involved in approximately 2,000 adoption cases, with children being sent to Switzerland, Germany, and the Nordic countries. This situation underscores the necessity for a comprehensive international investigation into his practices and the agencies with which he collaborated.



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Please Address Correspondence to:
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BOMBAY 400 010.
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DATE September 14, 1976

My Dear Carla,

I hope you have received my letter to you of 7-8-1976.

The Petition of Eva Dohle was passed on 25-8-1976 and I am arrangi to send her by Airfrance on 20-9-1976 by Airfrance Flt. No.AF 187 leaving Bombay for Paris at 00.15 Hours. Hope Dohle will reaeive the child at Paris or wherever it is arranged.

The following children from Pattuvam are in Bombay:-

1. [redacted], Born:14-5-1973- [redacted])
2. [redacted], Born:3-4-1972
3. [redacted], Born:~~14-5-1973~~ 17-7-1973
4. [redacted], Born:18-2-1974 - [redacted] (Ptn. Declared) [redacted]
5. [redacted], Born:8-2-1976 —
6. [redacted], Born: 28-5-1976
7. [redacted] born:13-6-1971) The Petition is just declared.
8. [redacted], born: 26-9-1971) Mrs. [redacted]

I do not want children to be brought to Bombay unless I have all the papers ready for filing the Petition. There is so much difficulty to find place for children coming to Bombay. Besides, Salvation Army does not want to take many children because Brig. Teldhune is questioned by her Senior Officials as well as by the Officers of the Dept. of Social Welfar If we do not do things discreetly, we will undergo lot of hardship and difficulties and the poor children and adoptive parents will suffer. I would therefore request you to leave it to me to decide when a particular child should be brought to Bombay. This will considerably easen matters and it would be desirable to follow this rxlex system.

It appears that you want [redacted] to be placed with [redacted] If this is to be so, you will have to send me the following documents:-

1. Letter addressed to Mother Superior dated 16-7-1976 says that they want a baby girl at the last but one para of Page 2. This page has to be susbstituted, saying that they want a boy or a girl below 2 years.
2. Similarly Page 2 3 of the Questionaires of husband and wife have to be changed.
3. Power of Attorney and Joint Declaration of Consent, appointing the Bombay Attorneys and saying that the child was an inmate of Dinasevanasabha, Snehaniketan Social Centre, P.O.Pattuvam, Cannanore District, now in the custody of Salvation Army Women's & Children's Home, Sion Road, Bombay 400 022.
4. A Doctor's certificate stating clearly that Mrs. [redacted] is advised against ~~further~~ any new pregnancy because of the danger to her health, danger of ~~any~~ Caesarian Operation and danger of getting a defective child.

Kindly send the above documents urgently, if the above case is t

be filed.

I have not received papers for the other children from Pattuvam who are here. Please rush the papers duly completed.

If you have difficulty in finding parents, kindly give the names and dates of birth of the children to Mrs. Gunilla Andersson of Sweden (Adoptions Centrum, Industrigatan $ B, S-112 46 Stockholm, Sweden) or to me and I will make quick placement of these children in good homes. I would not like these children to remain in Bombay under such difficult circumstances for a long time.

[redacted] born on 4-10-1971 and [redacted] born on 14-2-1967 are brother and sister and therefore must go to the same family. If you want me to find a family for these children please let me know.

Trust this finds you in good health and so too your children.

With best wishes and regards,

Yours sincerely,

Bertram D. Shenoi.

P.S.

[redacted], Male, born on 2-3-1976 from Pattuvam has died. So do not send papers for this child.

Report Strengths

The study clearly indicates that mothers were compelled to relinquish their children due to social stigma, which cannot be regarded as informed consent. Furthermore, it is evident that Swiss authorities issued adoption orders without even reviewing the "consent" of the parents. Most adoptees arrived without any form of valid birth registration.

Conclusion and Recommendations:

The authors conclude:

Our research shows that the poverty and social hopelessness of mothers in India, especially stigmatized single pregnant women, was often exploited to fulfil a couple's desire to have children: these women had no choice and had to give their child up for adoption. Due to the consistent lack of consent from mothers in adoption decisions in the cantons of Thurgau and Zurich, it cannot be ruled out that children were taken away, especially since we encountered such cases in official correspondence between the two countries.[1]

The children involved were also deprived of their right to know their origins, as their personal details and official information on their biological parents were missing when they were taken in and later adopted and were not requested by the Swiss authorities. This raises the question of whether the placement of foster children and adoption decisions made under such circumstances are legal or valid. Furthermore, it raises the question of how legality can be assessed today and the implications if these adoptions were found to be illegal. Additional legal expertise is needed in this area, especially as the UN Committee against the Enforced Disappearance of Persons is currently examining the circumstances under which international adoptions without the consent of the biological parents fall under the category of enforced disappearance. Solving such cases would require cooperation between Switzerland and India. The approach of <<transitional justice>> - state-supported reappraisal of the unjust practice and reparations – should be considered.

This conclusion aligns with what we have asserted for the past 20 years.

The authors, however, fall short of explicitly labelling this situation as a "transnational organized crime against humanity." This designation is not contingent upon additional legal expertise; it is a matter of common sense. The notion that a cooperative agreement between India and Switzerland could be established in the near future is unrealistic at this time. Currently, India, under pressure from the adoption lobby, is implementing the Hague Adoption Convention and the UN Guidelines on Alternative Care, positioning adoption as a central component of its child protection system. This approach will render any transitional justice process merely an academic concept, ultimately failing to assist victims.

It is also important to note that the idea of transitional justice processes originates from the post-World War II era. The Lebensborn project conducted by the Nazis and their adoptions were not classified as crimes against humanity during the Nuremberg Trials; instead, they were viewed as acts of charity. The consequence of this decision was the continuation of crimes against humanity and the establishment of a legalized market for children.

The first step must be for Switzerland to acknowledge these actions as crimes against humanity. From this acknowledgment, further actions can be appropriately structured. The authors do not recommend an immediate cessation of intercountry adoptions, nor do they

recognize that the Hague Adoption System itself violates the rights of children as enshrined in the United Nations Convention on the Rights of the Child.

The only appropriate conclusion is to halt all intercountry adoptions immediately. Victims of the adoption system must receive substantial compensation for both material and immaterial damages. Switzerland currently compensates Verdingkinder; a similar approach should be extended to all intercountry adoptees.

While transitional justice processes may include compensation, the authors fail to clearly articulate that significant compensation for victims is necessary. Investigations into the legality of specific adoption cases, as well as inquiries into the actions of agencies, individuals, and government officials, should be conducted by criminal investigative authorities. For this to occur, statutes of limitations must be lifted, and there must be a political will to pursue these criminal investigations.

Regarding Searches

The authors of the study have opted to have Back to the Roots write the chapter concerning searches in India. While we acknowledge and appreciate the work that Back to the Roots has accomplished over the past eight years, their primary focus has been on Sri Lanka, and they possess minimal experience regarding India. The authors consciously chose not to engage with us, despite our successful provision of solutions to adoptees for the past 20 years. This lack of engagement results in partially inaccurate conclusions regarding searches and recommendations.

The authors correctly note that the legal and social circumstances in India differ significantly from those in Western receiving countries, rendering searches for adoptees a formidable challenge. They advise that adoptees seeking to conduct searches require:

- **Financial support**: We concur with this assertion, having advocated for financial assistance for adoptees over the past 25 years. However, the suggestion that this support is necessary to prevent adoptees from relying on private businesses is misguided. No adoptee will be able to navigate the complexities of India independently. The researchers themselves did not meet with a single mother; thus, it is unrealistic to expect adoptees to manage their searches alone. Naturally, adoptees will need to engage local individuals such as tourist guides, translators, child recruiters, and traffickers, who may exploit the situation for profit, ultimately undermining the interests of both mothers and adoptees.
- **Psychotherapy support**: We agree with this recommendation but emphasize that Indian families also require similar support, and therapy must be culturally sensitive. Therapists in Switzerland need training on how to address the needs of victims of adoption trafficking, as most currently lack understanding in this area and tend to view adoptees as beneficiaries of adoption.
- **Financial support for self-help groups**: We endorse the notion of supporting self-help groups; however, these groups alone cannot operate as professional organizations with social workers, psychologists, and lawyers capable of conducting searches in India. Self-help groups should be integrated within a well-funded independent Swiss organization.

We appreciate the idea of establishing a working group or task force to assist adoptees with their searches. However, believing that a task force based in Switzerland can effectively aid adoptees is unrealistic. The relevant files, identities of adoptees, and names and addresses of mothers are located in India, where mothers also reside. Indian authorities and agencies have historically been uncooperative in search efforts.

The authors misquote me by referencing a limited email exchange focused solely on my individual case while neglecting communication about over 80 we have successfully resolved. It is incorrect to conclude that we pursue legal action in every search case; we only resort to court as a last measure. No task force located in Switzerland will be able to determine whether a court case is necessary or not. The work involved in searches must occur within India.

Despite our offers of expertise and knowledge to the authors of this study, they declined to engage with us. Since 2004, Against Child Trafficking (ACT) and Adoptee Rights Council (ARC) have provided concrete assistance to adoptees and have gradually worked towards improving the system in India for the benefit of children, families, and adoptees. (For example, we fought from 2012 to 2016 a case in the Supreme Court. An article about it can be found here)

The Adoptee Rights Council is a registered not-for-profit organization in India, operating a professional office staffed with social workers, lawyers, and contacts with psychologists, along with a network throughout the country. To date, we have successfully resolved over 80 search cases, providing concrete solutions for families and adoptees who are victims of child trafficking for adoption. It is essential to approach this issue with common sense.

1. The practices surrounding these adoptions must be recognized by the Swiss government as crimes against humanity.
2. Victims must receive appropriate compensation.
3. A redress scheme should be developed.

To achieve these goals, organizations such as Back to the Roots or similar entities must receive substantial funding to assist Indian adult adoptees. The Swiss government should initiate a tender process for this funding, establishing clear terms and references. One critical term should be that any organization assisting victims must be entirely independent from the adoption system. Individuals involved in adoptions, or the adoption lobby should not be part of these organizations. For instance, organizations associated with the Better Care Network that actively advocate for adoptions must be excluded from assisting adoptees.

Specifically, Terre des Hommes, International Social Service, and related organizations should be excluded due to potential conflicts of interest. The Swiss organization must partner with an Indian organization and provide funding to it. There needs to be honest and open dialogue regarding the costs and efforts involved in conducting searches, as the context in India is significantly different from that in Sri Lanka. Additionally, it is crucial that the Indian organization remains fully independent from the adoption system and possesses the necessary expertise and track record.

In conclusion, while the study represents a significant milestone and acknowledges our long-standing efforts—"confirming and complementing many years of work"—the title "Mutter unbekannt" reflects broader issues within the study. The authors relied predominantly on second hand accounts regarding "mothers," primarily from individuals deeply entrenched in the adoption business. Although the researchers have made some progress in lifting the veil of

secrecy surrounding these practices, they have not fully penetrated the carefully constructed facade that perpetuates existing myths.

The authors made a deliberate choice to avoid constructive interaction with us and declined to meet with mothers whose accounts we have documented on behalf of adoptees. This approach ultimately undermines the study's recommendations regarding searches and support for adoptees.