Redressing forced removals of Yenish children in Switzerland in the 20th century: An analysis through transitional justice lens

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Abstract
‘A society that does not tackle the bitterest chapters of its past risks repeating the same mistakes – sooner or later’. These are the words pronounced by the Swiss Minister of Justice to apologise for the harm suffered by victims of coercive social measures. Apology is one of the measures established by Switzerland for dealing with the legacy of forced removals of Yenish children. Through an analysis of the reparation schemes undertaken in Switzerland, the article shows that relying on the theoretical framework provided by transitional justice facilitates making a critical assessment of reparation schemes for past child abuse cases.

Keywords
Yenish, transitional justice, reparation, children’s rights, child abuse

Introduction
A series of recent events following George Floyd’s death in the United States in May 2020 has triggered a global movement of awareness about historical, and in this case race-related, injustices. These events that happened in the United States had also an impact in several European countries. In Belgium, King Philippe for example expressed ‘deepest regrets’ to the Democratic Republic of Congo for past colonial abuses, whereas in the city of Bristol in the UK street protesters have pulled down a statue of slave trader Edward...
Colston. Events such as these that ask to take responsibility for past colonial misconduct demonstrate the contemporaneous appeal of retrospective postures aimed at reckoning with and taking responsibility for historical wrongs.

Confronting the past and coming to terms with past mistakes have acquired priority on the political agenda of numerous countries, thereby becoming an international trend (Barkan, 2000). Over the past two decades, in response to surviving children’s claim and demand for justice, several countries have turned their attention to the historical wrongdoings which occurred in connexion to national child welfare systems, such as the systematic practices of child abuse and neglect in out-of-home care settings, and abusive practices of institutionalizing children without parental consent. The latter include the Indigenous Australian child removal policy (McMillan and Rigney, 2018), the Indian residential schools system in Canada (Nagy, 2012), removal of Reunionese children to France (Gauvin, 2019), overseas child migration schemes in Britain (Boucher, 2014; Harper and Constantine, 2010) and forced removal of children to institutions or rural foster families in Switzerland (Hugger, 1998; Leuenberger et al., 2011).

Reparation measures implemented in various national settings include official apologies, independent commissions and inquiries, monetary compensations and memorialisation. For instance, several countries are tackling the legacy of historical child abuse in out-of-home care settings by launching large public inquiries. Recently, a growing number of studies have investigated the various aspects of such historical inquiries (Daly, 2014; Sköld, 2013; Sköld and Swain, 2015). The spread of investigations and redress processes, and the significant academic interest pertaining to the historical abuse of children in out-of-home care (e.g. Australia (Wright and Swain, 2018), Sweden (Sköld, 2016), England, Scotland and Wales (Corby et al., 2001)) has even led some scholars to argue that we are witnessing the emergence of an entirely new field of study (Hamber and Lundy, 2020; Sköld, 2013). The transitional justice framework has been mobilised in this context since inquiries into past abuses demonstrate some characteristics of transitional justice, namely the willingness to reckon with the past and redress historical wrongs (Sköld, 2013).

This study aims to contribute to the literature on childhood and children’s rights studies by extending the transitional justice discourse to reparations following forced child removals. So far, the scholarship has mainly focused on the analysis of responses to practices of institutional child abuse, whereas studies that explicitly focus on illicit practices of child removals have remained scarce. This study draws on the national reparation programme implemented by Switzerland following the forcible removal of Yenish1 children in the early 20th century. Through the analysis of qualitative/legal data concerning reparation schemes that have been undertaken in Switzerland following the forcible removal of Yenish children from their families, the paper will explore in what way relying on transitional justice framework can help clarifying our understanding of reparation/redress schemes for past child abuses. We content that relying on the robust theoretical framework provided by traditional justice facilitates making a critical assessment of redress schemes for reparation schemes for other illicit practices such as abusive transnational adoption and child appropriation.
Forced removal of Yenish children in Switzerland

In Switzerland, between 1926 and 1973, approximately 600 Yenish children have been forcibly removed from their families and communities. Yenish child removal practices were justified as a welfare measure aimed at rescuing them from deprivation, and providing the chance to live a better life.

In close cooperation with the Swiss government, the private organisation Pro Juventute was the main contributor to the operation. At the time, Pro Juventute was the largest and only nationwide child and youth protection organisation. It was a quasi-State foundation: its board included prominent representatives of civil society, politics and the economic sector, such as the Federal Councillor Giuseppe Motta (Huonker, 1987).

Through the operation ‘Relief organisation for the children of the open road’ (‘Hilfswerk für die Kinder der Landstrasse’), with the help of local authorities, Pro Juventute systematically removed approximately 600 children from their families, mainly in the Cantons of Graubünden, Ticino, Saint–Gall and Schwyz (Galle and Meier, 2009). Most children ended up in foster homes, orphanages, workhouses, psychiatric and penal institutions, and suffered from various forms of ill-treatment such as unpaid farm work and educational deficiencies. Only a small portion of the children were put up for adoption (Meier, 2008). These children suffered humiliation and stigmatization. Leimgruber et al. (1998) describe the case of Bruno, a child who shares a similar path to that of many other children. When 18 months older, he was taken away from his family by the police and placed in a children’s home. He spent his childhood moving several times between various foster families, orphanages, correctional institutions and closed youth custody centres. Children were frequently transferred from one place of custody to the next without explanations and disregarding their voices, thereby enduring very precarious living conditions and the majority did not receive an adequate school education.

The stated reason for the operation was that travelling adults were unable to educate their children so as to create ‘good citizens’ (Galle, 2016). Disrupting family ties, isolating Yenish children from their culture and language, and placing them in sedentary foster families or institutions were thought to be conducive to creating an environment considered educationally favourable. Education was considered as a means to end the itinerant lifestyle, held as contrary and threatening to bourgeois norms and values dictating family organisation and the experience of childhood (Meier and Wolfensberger, 1998). The practices were in part eugenically driven, as Yenish were diagnosed at the time as ‘racially inferior’ (Mottier, 2010). A key role was played by Siegfried Alfred, a staunch eugenicist, who directed the operation almost in its entirety (Meier and Wolfensberger, 1998). To this day, Yenish persons continue to suffer from trauma and psychological distress as a result of harsh treatment. Former victims of forcible family removal share in the grievance of a stolen childhood and youth (Meier, 2005).

The Swiss Civil Code of 1912 did not include a clear definition of the exact circumstances justifying the out-of-home placement. Cantonal and local authorities enjoyed broad discretionary decisional power legitimising such practices of forcibly child removal. This marked a significant intrusion of the State into the family sphere envisaging that if the well-being of the child was at stake and parents neglected their duties, the
guardianship authorities had the right and the obligation to take measures, including removing the child from parents and placement in institutions or foster families (Galle, 2016). The practices against Yenish children were not the only controversial measures carried out by Swiss authorities in the 1900s against minorities and disadvantage individuals. Homeless persons and people affected by mental illness, drug addiction, or alcoholism were subjected to ‘administrative detention’ aimed at re-education, while unmarried or pregnant women underwent forced sterilization or were pressured to give up their babies for adoption (referred to as coercive social measures) (Leuenberger et al., 2011; Rietmann, 2013). Hundreds of children in extreme poverty or born out of wedlock are estimated to have been removed from their families and placed in institutions or foster families. A majority were hired as cheap labour and suffered sexual exploitation and neglect (Furrer et al., 2014; Heller et al., 2005; Leuenberger et al., 2011).

In 1972, the matter began to attract political and social attention. The publication of a series of articles in the German-language weekly Der Schweizerische Beobachter criticised the activities of Pro Juventute, shedding light on the controversial nature of operation ‘Hilfswerk für die Kinder der Landstrasse’ (Galle, 2016). Ensuing public indignation and criticism led to the operation’s termination the following year. Around the same period, the Swiss Yenish community formed various associations to initiate a dialogue with the political authorities, and to raise awareness as to economic and social discriminations perpetrated against their community. These events contributed to the beginning of a national reparation process established by Swiss government.

**Transitional justice**

In the absence of an agreed upon definition of transitional justice (hereafter TJ), the concept encompasses a wide range of mechanisms to come to terms with past violations of rights, such as monetary reparation, memorialisation, apology, institutional reform, prosecution and investigation by non-judicial truth commissions or a judicial criminal tribunal. Four key aspects are important for TJ: (i) establishing an accurate historical record through a truth-seeking process; (ii) facilitating reconciliation and reparation for survivors; (iii) ensuring non-recurrence and (iv) achieving accountability in the aftermath of systematic human rights violations (Teitel, 2000). In other words, the willingness to reckon with the past and redress historical wrongs.

Scholarship on TJ has recently expanded outside of its original context of regime change from a non-democratic system to democracy with respect for the rule of law, capturing a much larger array of responses to past wrongs (Zunino, 2019). The TJ discourse has been applied to consolidated democracies that are not undergoing regime transition but have acknowledged and tried to overcome past wrongdoings related to particular themes within democracies (e.g. Hansen, 2013; Sharp, 2015). It is important to note that non-transitional societies, i.e. democratic societies absent of a transition away from conflict or repression, might find breaking with the past an even harder task (McAlinden, 2013), as historical wrongs have long been embedded within national histories and stripped of their controversial nature. Besides the numerous strengths, transitional justice can also present challenges due to a range of complexities engendered...
by the states’ admission of guilt and the pain of individuals, which can lead to the risk of stories of exclusion and silence (Ahmed, 2014).

Instead of describing TJ as a delimited field, Bell defines it as an umbrella term ‘that aims to rationalize a set of diverse bargains in relation to the past’ (2009: 6). This new and wider conceptualization of TJ has notably been applied in the context of colonial-era injustices (Nagy, 2012; Winter, 2014). This is the case of Canada and Australia, that have used TJ to address past injustices pertaining to the treatment of indigenous children. A number of scholars have called to rethink the bounds of TJ, and have mobilized the concept as an analytical framework for responding to legacies of past abuse and neglect of children in out-of-home care (Sköld, 2013) and of clerical child sexual abuse (Gallen, 2016). In the following analysis, this paper contributes to the discussion around the application of TJ in consolidated democracies, by drawing on the reparation measures implemented in Switzerland to make amends for the practice of forced removals of Yenish children.

Switzerland is a federal State with a stable democratic tradition that is not undergoing political transformation or regime change. Nonetheless, it has recently witnessed public engagement in scrutinizing its own past of coercive measures practiced throughout the 20th century, including forcible placement of Yenish children. Its State-driven reparation programme included official State apologies, monetary compensation, comprehensive scientific review and roundtable discussion.

If we follow McAuliffe, in the absence of political transition, the process should not be framed as an expression of TJ (McAuliffe, 2011). In such a view, Switzerland, a stable democracy, might be said to have merely borrowed several instruments from the TJ framework of thought in tackling its past mistakes. In this paper, we will follow a different route. Instead of limiting the recourse to TJ to restricted cases, we follow the ideas of Sharp (2018) who argues that TJ should be considered as a dynamic and evolving concept applicable to new contexts, that invites to broaden the understanding of the notions of ‘transitional’ and ‘justice’.

Reparation of harm to Yenish children

Truth-seeking

Establishing an accurate historical record through a truth-seeking process is an essential component of the TJ process. It consists in investigating and researching into the systematic nature of past failures. Truth-seeking entails exploration of causes, context and consequences of past wrongs and specific pattern (McEvoy, 2006), ensuring in that way the victim’s right to truth. Truth-seeking processes can take on various structures and forms, such as inquiries, truth commissions and commissions for historical clarifications. Preservation and access to archives is essential for the realization of the right to truth as they comprise materials and documents important to help reconstruct historical record and for victims to know about their histories (Haldemann and Unger, 2018).

Within the truth-seeking process, TJ recognises the central importance of consulting and taking into account victims’ and otherwise involved persons’ personal experiences.
TJ typically provides victims with the opportunity to tell their stories and experiences, and sometimes confront the perpetrators taking part of both truth-seeking and truth telling. There is therefore an effort to reconstruct and represent past events from below, from the perspective of those whose lives were directly affected.

In the Swiss case, a truth commission was not set up but rather a series of national research programmes were established. The first attempt to shed light on what happened can be traced in a study commissioned by Switzerland in 1981. Following the mobilisation of the Yenish community, the Federal Department of Justice and Police appointed a commission, which included several Yenish among its members, that issued the first official report on the matter. The report mainly investigated the social, economic and political conditions of the Yenish people in Switzerland and was critical of Pro Juventute’s activities. It advanced recommendations aimed at improving the living conditions of Yenish people and called for additional historical studies to gain further knowledge as to the consequences Yenish children’s removal, and as to the possibility of providing reparations to victims (DFJP, 1983).

In 1996, the Federal Department of the Interior commissioned historians to complete a comprehensive historical study of operation ‘Children of the open road’. The scholars were tasked with examining the dynamics and conditions of removals, and the activities and role of the Confederation and that of Pro Juventute. Following a year-long research period, the final report was published in June 1998. It comprised of a historical reconstruction, with particular attention to the role and tasks carried out by the Swiss government and Pro Juventute (Leimgruber et al., 1998). The study was the first to be conducted on the basis of the original files created by Pro Juventute, stored in the Federal Archives. The report established that Yenish children had been victims of severe injustices. The report identified Pro Juventute as the primary responsible party, but also indicated that the guardianship authorities of the cantons and municipalities were also directly involved. The report further established that the Confederation bore a heavy political and moral responsibility for the injustices, having supported politically, morally and financially the activities of Pro Juventute. It also documented that the best interest of children was disregarded in favour of fulfilling a social and political agenda. The report made recommendations for future actions calling for a comprehensive scientific study to be conducted by an interdisciplinary team including also the archives owned by cantons and municipalities (Leimgruber et al., 1998). Despite the fact that the study was the first government funded project on this matter, it suffered important limitations. Due to modest available financial resources, the study focused only on the analysis of the government’s role and that of Pro Juventute. It did not allow to look into the personal experiences and stories of the victims, and did not hear victims and other affected persons.

Following the 1998 report, in early 2000, the need for further comprehensive scientific study led the Federal Council to fund a 4-year National Research Programme (NRP 51) on ‘Integration and Exclusion’. This study sought to gain insights into the underlying dynamics and manner in which Swiss society dealt with the travelling minority. Within the national research programme, three research projects focused explicitly on tracing practices and policies which resulted in the forced removal of Yenish children and on victims’ personal stories. The government granted special access to original files to the
researchers. The study was the first to indicate the exact number of Yenish children affected by coercive practices: 586 children (299 girls and 287 boys) had been removed and lost all connection to their respective families (SNSF, 2007). It also shed lights on the pattern of neglect, stigmatization and discriminations suffered by Yenish children. The project also helped raise awareness and inform society about the past wrongs through an exhibition and publication of scientific reports and educational materials. Most importantly, for the first time the study mobilized various sources: both public archives such as the Federal Archives and those from hospitals and institutions that operated at the time. The study focused on individual experiences, giving a voice to victims, families and people directly affected (SNSF, 2007). The research project analysed children’s personal files collected written testimonies and interviewed those affected. In this sense, victims were not merely the objects of investigation. To the contrary, they participated and shared their personal narratives, thus contributing to the reconstruction of truth.

Another action undertaken by the Swiss government, in its attempt to shed light on the past and to search for the truth, was to commission in 1988 a Yenish foundation, the Naschet Jenische, to create a committee tasked with managing victims’ files. The government’s concern was to ensure the preservation of the original files that were crucial to uncovering and reconstructing accurate histories and facilitating the search for truth. By decision of the government, the personal files containing letters, documents and reports pertaining to childhood histories of children separated from their families, had been transferred a few years prior from the private archives of Pro Juventute to the Federal Archives. Access to the files allowed former placed Yenish children to discover their original names, their families and their origins, and thus reunite them with parents and siblings. The committee granted access to the victims to consult their personal files and correct eventual mistakes reported in the documentation (Galle, 2014).

Reparations: apology and monetary compensation

Reparations in TJ are directed to the victims as their aim is to repair the wrongs the victims have suffered alleviating their plights. Reparations efforts include financial compensations, form of restitution, apologies and memorials. They can also serve to restore trust in public institutions by victims and people affected (Moffett, 2017). Financial compensation is a material reparation provided to victims that should be considered as a symbolic gesture instead of a full reparation for the harm suffered (Newman, 2019). Apology is the public acknowledgement victim’s suffering. In consolidated democratic societies, the apology might also contribute to express the willingness to re-examine the past and ensure the legitimacy of the state, in particular of child welfare systems (Arvidsson, 2015).

Alphons Egli, the President of the Swiss Federal Council, as public pressure increased, officially apologized on behalf of the government in June 1986, and acknowledged the government’s role (‘geleistete Bundeshilfe’²) in supporting the forced removal of Yenish children. The apology issued 13 years after dismantling the activities of Pro Juventute was welcomed as the first symbolic act of re-engagement with a dark chapter in Swiss history, through the establishment of State responsibility and public acknowledgement of past abuses. In addition, the 1986 apology was perceived as an implicit recognition of the
Yenish minority, serving to bring the advancement of their rights to the forefront of public policy.

The wording of the Swiss apology, ‘I am not afraid to apologise in public’ symbolized a feeling of regret and a sense of commitment to future reparations. While an important step towards a re-examination of historical records in the attempt to rectify past misdeeds perpetrated against a group of individuals, the subsequent reparation process has been marked by considerable slowness.

Another key event of the reparation scheme was a memorial event held in 2013 during which Swiss authorities officially apologized on behalf of the government for the suffering inflicted to a larger group of victims. This group was made by victims of compulsory and abusive measures such as forcibly removed children, people subjected to administrative detention, people forcibly sterilized or castrated, and included Yenish people. Beyond the symbolic dimension of the apology, the ceremony was the starting point for an unprecedented work of memory.

In terms of financial compensation, the Swiss government commissioned in 1988 a Yenish foundation, the Naschet Jenische, to create a fund committee in charge of granting funds to victims and their families. The committee granted a total of 11 million Swiss francs and issued, what they referred to as, ‘solidarity payments’ to victims from a minimum of 2000 and a maximum of 20,000 Swiss francs per case. Compensations were awarded on the basis of an assessment of the harm suffered. Approximately 2000 applications from victims, family and community members were analysed. Around 321 people were considered ‘severely affected’ and received the maximum amount (Galle, 2014). ‘Solidarity payments’ were met with dissatisfaction by the victims and their associations for two reasons: firstly, the amount of monetary reparation was considered too small compared to the gravity of past actions and the harm suffered. Secondly, the symbolic gesture did not correspond to a genuine compensation entitlement. Therefore, the authentic intention of the government to recognize wrongs and provide adequate material compensation was questioned. Financial compensation was granted at a far later date: in 2016 through a Federal Act (RS 211.233.13), Parliament and the Federal Council decided to provide financial compensation to the victims for a total amount of 300 million Swiss francs (a lump sum of 25,000 CHF per person). This Federal Act resulted from a Reparation Initiative presented by one of the victims in 2014. It played an important role in speeding up the authorities’ decisions on financial compensation by claiming, among other things, that the State was responsible for the payment of reparations for its past failures.

Victim-centred approach

In the TJ framework, reparation programmes are considered a ‘victim-centred’ instruments as are elaborated and addressed specifically to provide reparation to victims or community. When setting up these reparation programmes, the victims should be involved in order to better address their needs (Haldemann and Unger, 2018). In this vein, McEvoy and McGregor (2008) point out the relevance of the ‘from below’ perspective, which encourages the active participation and involvement of affected persons,
community and civil society in the design of TJ process and mechanisms. Such as creating occasions for victims to speak up, to share their views.

In the attempt of involving the victims in the reparation process, a series of round table discussions were organised in 2013–2014. The round table involved not only representatives of Yenish victims but also those of other victims of coercive social measures. The round table served as a forum for dialogue between victims and institutions, where victims were able to express their perspectives, needs and priorities, and contribute to the design and implementation of measures to obtain comprehensive redress. The round table was led by a new figure created by the Swiss government in 2013 during a commemorative event for all the victims of coercive social measures: the ‘Delegate to victims’. This new role was assumed by a delegate of the Federal Department of Justice and Police, who acted as a mediator seeking to reconcile the claims and demands put forth by the representatives of authorities, institutions, researchers and victims’ groups. After 14 months of consultations, the round table presented a report proposing numerous measures such as counselling and assistance for victims, ensuring the protection and consultation of documents, financial reparation for victims, public information and awareness raising (e.g. including the matter in school textbooks), the erection of memorials for all victims and further scientific analyses of the issue (i.e. the NRP 76) (Round table report, 2014). Despite the round table aimed to give voice to the victims, some participants pointed out, during the discussions, that their perceived their participation as marginal, and sometimes the point of view of experts and professionals was put before their own. Victims also pointed out that many of them have lost trust confidence in the authorities (Round table report, 2014).

Discussion

Switzerland is not alone on issuing official apologies for past injustices. The second half of the 20th century saw an increasing number of official apologies and gestures of regret that remain ongoing to this day (Barkan, 2000; Nobles, 2008). Reparations to the victims can be material or symbolic, individual or collective: apologies are a symbolic form of reparation directly aimed at the victim(s). They break with the actions of the past, but they should be combined with other material forms of reparation within a comprehensive process (Newman, 2019). For instance, a common response to historical institutional child abuse has been to launch inquiries, issue formal apologies and fund financial redress schemes (Daly, 2014; Sköld, 2013).

Switzerland has not explicitly invoked or referred to the transitional justice theoretical framework to address the segment of historical misdeeds perpetrated against Yenish children. However, as this study has shown, its State-driven response to their forced removal mobilized instruments and the language of transitional justice practice, such as official State apologies, monetary compensation and truth-seeking via research projects. The response was driven by a set of similar objectives of TJ, such as establishing the truth, redressing and acknowledging past wrongs, and preventing them from reoccurring in the future. The reparation measures taken by Switzerland were not applied in isolation from each other and were instead part of a comprehensive process of redress led by the State.
The mechanisms established especially focused on repairing the harms suffered by the victims and were expressions of efforts to foster victim participation. In particular, the national research programme, which conducted scientific analysis of the past, as well as the round table discussion both enabled victims to tell their stories and contribute to the design of the redress scheme. However, these efforts were not always successful, and victims felt excluded from the reparation process. The fact that government and organisations have taken steps to critically re-examine upon the past does not ensure that all the needs of the parties will be satisfied.

Prosecuting initiatives aimed at achieving justice are part of the transitional justice discourse. In the Swiss case, however, there has not been an effort to hold surviving individuals responsible, nor to prosecute them for their actions and hold judicial trials. Nevertheless, at present it may be difficult to determine responsible parties, as most perpetrators are deceased or cases against them have exceed the statute of limitations. It is not only a matter of prosecuting those responsible, but of contemporary governments assuming political responsibility.

The retrospective exercise of TJ might help in learning more about past wrongs and in avoiding the recurrence of such wrongs in the future. Time is embedded in the notion of transitional justice, even if its connection with ‘an exclusive “moment” in time’ no longer exists (McEvoy and McGregor, 2008: p.6). Dealing with injustices of the past is a continuous process that cannot take place within a limited time period (Nobles, 2008). Consequently, transitional justice may contribute to situations in which violations are still ongoing, to consolidated democracies dissociated from transition moments, and to cases where the political transition has not happened (Hansen, 2017). Transitional justice discourse focuses our attention on the past, but it has implications for the present and the future. The concept of time also holds a connection with two specific temporal dimensions, the present ‘being’ and the future ‘becoming’ of the child. The ‘being child’ focuses on what the child is in the present, as a competent and active actor in the construction his or her own childhood (Uprichard, 2008). The ‘becoming child’ focuses on the child as a future adult and childhood is considered as a future-oriented period. In this binary view of the child either ‘being’ or ‘becoming’, the past dimension of childhood has not received much consideration. Hanson (2017) raised this point and called for further inquiry into a third dimension, embracing the ‘been child’ (Hanson, 2017). Transitional justice discourse directs its gaze backward into the past, by seeking to expose past suffering though the victim’s own stories and experiences. It aims to repair the consequences of wrongful acts, and may contribute to remembering, understanding and learning from children’s and childhood’s past.

**Conclusion**

Switzerland engaged in a process of reconstruction of past experiences and acknowledgement of past wrongs in order to tackle its legacy of injustices, using an approach that, as demonstrated in this article, belongs to the transitional justice discourse.

Transitional justice is an appropriate framework to critically assess and redress large scale historical wrongs which occurred within the child protection system. The advantage
of transitional justice is the myriad of forms it might assume based on context-specific needs. Transitional justice in this framework has the potential to shine a critical light on the present through the lens of the past, by drawing parallels between present-day child protection laws and past mistakes. In operating retrospectively, transitional justice allows to bring the past into the present and holds the hope for improved present policies of child protection through the appraisal of past wrongs. In this vein, through apologies and truth-seeking processes, past child welfare retains their relevance in present time (De Wilde et al., 2018).

Within the history of child protection, there have been abusive practices of removals of children from their parents, as well as placements, child migrations, child adoptions and attempts to ‘re-educate’ ethnic minority children. Some of these practices, such as coercive Yenish child removals in Switzerland, are a silenced story of which little is known at the international level (Meier, 2008). Historical cases of illicit adoptions include for example the Argentinian children of military opponents placed for adoptions at the end of the 20th century (Arditti, 1999), the Spanish children abducted and adopted by Franco sympathizers (Druliolle, 2018). These separations, in some cases allegedly benevolent, which occurred during the 20th century have caused children countless sufferings and have given rise to intense discussions as to previous abuses carried out under the guise of child protection. However, it must be kept in mind that these practices took place in profoundly varied political contexts and the motivations behind them were different. A transitional justice process similar to the one implemented in Switzerland might be applied to cases of illicit practices of transnational adoptions of children, always taking into account the social and political context in which the separations took place. The transitional justice framework may help victims deal with the past, and countries to pursue effective responses including reparations, searching for origins, or seeking family reunification. It might therefore represent a response to redress victims’ harms suffered in childhood and promote specific outcomes following calls for truth, justice, reparation and guarantees of non-recurrence. The awareness around past errors and mistakes might also contribute to the revisions of child protection legislations.

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Notes

1. The Yenish as well as the Romani and Sinti, whether sedentary or nomadic, are national minorities in Switzerland.
2. ‘Federal assistance provided’.
3. Original German: ‘Ich scheue mich sogar nicht, mich in der Öffentlichkeit dafür zu entschuldigen’.
4. Through the democratic tool of the popular initiative, Swiss citizens wishing to propose a total or partial amendment to the Federal Constitution are required to collect 100,000 signatures within 18 months in order to submit it to a popular vote.

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