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Official Communications

Adoption of foreign children

Possibility for a child to acquire Swiss nationality through adoption

It is not uncommon for Swiss abroad to adopt a child that is a native of their country of residence. Until quite recently such a child did not acquire by adoption the Swiss nationality of its adoptive parents, but the position has now changed.

On 1st April 1973 new legal provisions concerning adoption came into force in Switzerland. These appear in the Civil Code. Moreover, two other acts have been adapted to the new adoption law, in particular the Federal Act of 29th December 1952 on the Acquisition and Loss of Swiss Nationality. Briefly, «simple» adoption has been replaced in Switzerland by what is called «full» adoption. Under the new provisions the adopted child is put on an almost equal footing, in law, to a legitimate son or daughter. The adopted child forms part of the family of the adopter as if he were the adopter's own child, whereas formerly assimilation was only partial.

In particular, full adoption under Swiss law confers on the adopted child the *Swiss nationality* of the adopter.

Compatriots who adopted a child *abroad* before 1st April 1973 sometimes ask whether their child can now acquire Swiss nationality by virtue of the new provisions. The answer is yes. Foreign children adopted by Swiss abroad can acquire *Swiss nationality* provided certain conditions are fulfilled and certain essential formalities are observed.

Thus, any adoption carried out abroad – whether full or simple adoption – can in principle be made subject to the new Swiss provisions if the request is submitted to the adoption authorities of the canton of origin. If at the time of the adoption the child was a minor (i.e. under 20 years of age) it will become Swiss. **The application must be made by 31st March 1978.**

In cases where an adoption carried out *abroad* does not fulfil the conditions which would enable the child to benefit by the effects of *Swiss law*, particularly with regard to *Swiss nationality*, the adopter can request the authority of his canton of origin to pronounce a *new adoption*.

Another question is often put to us: What is the position with regard to adoptions carried out abroad after 1st April 1973?

Two types of case are involved: If the *foreign* adoption, pronounced in accordance with foreign law, is a *full* adoption – which thus confers on the adopted child all the rights (and obligations) of a legitimate child with respect to the parents – it can be recognized as such in Switzerland. The adopted child can thus acquire Swiss nationality.

If the *foreign* adoption carried out after 1st April 1973 is a *simple* adoption (with limited effects, as under the former Swiss law), it will *not* confer Swiss nationality on the child. If the adoptive parents wish the child to become Swiss, the only course open to them is to request the Swiss authority to pronounce a *new adoption*.

Swiss abroad who have adopted a foreign child, either before or after 1973, sometimes wish to have information on one or other of the following points:

- How can this adoption be entered in the Swiss register of civil status?
- How can a simple adoption be transformed into a full adoption?
- In a given case, will the entering of the adoption in the Swiss register of civil status have the effect of conferring Swiss nationality on the child?

Our compatriots can write on these matters to the Federal Division of Justice, 3003 Berne, or to the consular mission for their area, which will supply them with all the relevant information. On 28th May 1975 the Division of Justice issued guidelines in our three official languages, and our missions abroad also have copies of these.

Increase in OAI/DI Pensions as from 1st January 1977

By virtue of the Federal Decree of 12th June 1975 concerning emergency measures in the field of old-age, survivors' and disability insurance, the Federal Council has decided to increase pensions by 5 per cent in principle from 1st January 1977. This is to compensate for the price rises which occurred in 1975 and 1976. As with previous pension adjustments, the increase will be effected by recalculating the original reckoning bases. Consequently, the pension increases will not be exactly 5 per cent in every case. Differences will be mainly due to the fact that amounts will be rounded up or down to the nearest franc. Thus, increases in those full pensions which started before 1st January 1976 will vary between 4.4 and 5.4 per cent. The increases in full pensions which began during 1976 will in principle be only half that amount, because when these pensions were calculated the 1975 incomes were taken into account and it is therefore simply a question of compensating for the 1976 price rises. Some small partial pensions may even not be increased at all.

Although the most up-to-date technical aids are being used, the adjustment of about a million pensions and the related supplementary pension benefits will take six months.

Official Communications

Regulations concerning the political rights of the Swiss abroad

(of 25th August 1976)

The Swiss Federal Council,
by virtue of Article 8 of the Federal Act of
19th December 1975¹⁾ on the political rights
of the Swiss abroad,

decrees:

Art. 1

Notification

¹ A Swiss abroad who wishes to exercise
his political rights shall notify the Swiss
diplomatic or consular mission with which
he is registered.

² In this notification he shall state:

- a. the commune in which his vote is to
be counted («voting commune»); the
Swiss abroad can choose as his voting
commune one of his communes of
origin or of former domicile only;
- b. if applicable, the commune in which
he wishes to pick up his voting
material («commune of presence»);
the Swiss abroad can choose any
political commune as his commune of
presence.

Art. 2

Transmission of the notification

¹ The diplomatic or consular mission
shall forward the notification to the voting
commune and, where applicable, to the
commune of presence by means of a special
form and shall let the Swiss abroad have a
duplicate of this form.

² If the voting commune is a former
commune of domicile, the notification shall
also be forwarded to the communes of
origin.

Art. 3

Entry in the voting register

¹ After receiving the notification the
voting commune shall enter the Swiss
abroad in a voting register.

² If the communes of origin are informed
that an enfranchised Swiss abroad is trans-
ferring his domicile to Switzerland, they
shall notify the voting commune accord-
ingly; the same applies in the event of the death
of an enfranchised Swiss abroad.

³ The Swiss commune of domicile shall
notify the communes of origin and, where
applicable, the voting commune if an en-
franchised Swiss abroad transfers his domi-
cile from the Principality of Liechtenstein.

Art. 4

Despatch of the voting material

If a Swiss abroad wishes to pick up his
voting material not in his voting commune
but in his commune of presence, the voting
commune shall send to the voting register
office of the commune of presence, not later
than three weeks before polling day, the
official voting material, with the polling
card, the ballot paper envelope and, where
applicable, a covering envelope.

Art. 5

Confirmation of entry

The voting commune or the commune of
presence shall confirm to the enfranchised
Swiss abroad, using a special form, that he
is entered in the voting register, and shall
notify him of the address and opening times
of the voting register office.

Art. 6

Picking up the voting material

¹ The Swiss abroad must pick up his
voting material in person at the voting
register office of his voting commune or
commune of presence not later than the
Thursday before polling day.

² As soon as the Swiss abroad has proved
his identity, the voting register office shall
hand over to him his voting material and,
where applicable, the ballot paper envelope
and covering envelope.

Art. 7

Changing the commune of presence

If a Swiss abroad changes his commune
of presence, he must notify the Swiss diplo-
matic or consular mission of this three
months before polling day. The same proce-
dure as that laid down in Article 1, para-
graph 1, Article 2 and Article 4 is applicable.

Art. 8

Exercise of the voting right in the voting commune

In the voting commune the Swiss abroad
can exercise his right to vote either in the
voting register office directly after receiving
his voting material or at the polling station
during the normal opening hours.

Art. 9

Voting by post

¹ The Swiss abroad can exercise any-
where in Switzerland his right to vote by
post.

² For this purpose he shall put his ballot
paper in the ballot paper envelope. He shall
then put the sealed ballot paper envelope
and, where applicable, his polling card in
the covering envelope, on which he shall
complete the printed particulars, seal and
stamp it and send it off through the Swiss
post.

Art. 10

Signing of requests for federal referendums and popular initiatives

A Swiss abroad can sign requests for
federal referendums or popular initiatives
only on a signature list from his voting
commune.

Art. 11

Domicile in the Principality of Liechtenstein

¹ A Swiss abroad domiciled in the Princi-
pality of Liechtenstein shall submit the
notification provided for in Article 1, para-
graph 1, to the cantonal passport office in
St Gallen; the latter is also competent to
forward notifications in accordance with
Articles 2 and 7.

² The Federal Political Department shall
arrange the details.

Art. 12

Voting by civil servants and other em- ployees of the Confederation

¹ An official of the Confederation who is
subject to the regulations governing its civil
servants or employees and is serving abroad
can vote from there by post.

² The Federal Political Department shall
arrange the details.

Art. 13

Duty of secrecy

The Swiss diplomatic and consular mis-
sions abroad must treat as confidential the
lists of Swiss abroad who have notified
them under the provisions of Article 1.

Art. 14

Collaboration by the Federal Political Department

The collaboration of the Federal Political
Department can only be required for for-
warding the notifications provided for in
Articles 2, 5, 7 and 12.

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Art. 15

Implementation

Implementation is the responsibility of the Federal Political Department.

Art. 16

Repeal of previous legislation

Article 10 of the Federal Council's Decree of 10th December 1945²⁾ concerning the participation of the armed forces in federal, cantonal and communal elections and other ballots is repealed.

Art. 17

Entry into force

These regulations shall come into force on 1st January 1977.

On behalf of the Swiss Federal Council:

The President of the Confederation

(Signed) **Gnägi**

The Chancellor of the Confederation

(Signed) **Huber**

¹⁾ AS 1976 1805

²⁾ SR 161.3

Switzerland

Medicinal forest plants

Pro Juventute Stamps 1976



Barberry



Black Elder



Lime



Lungwort

Designers:

20 + 10, 80 + 40 c.

Vreni Wyss-Fischer, Regensburg

40 + 20, 40 + 20 c.

Hans Schwarzenbach, Berne

Day of issue **29.11.1976**

Dates of the four federal ballots in 1977

The following dates have been reserved by the Federal Council:

13th March 1977

12th June 1977

25th September 1977

4th December 1977

