

Country session: Switzerland

Date of session: 20 September (88th session)

Context

Switzerland was the second country reviewed with a delegation present in Geneva since the COVID-19 pandemic.

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

[Audio file](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

| Common core document | |
|--------------------------------------|-------------|
| Submission | 18 May 2017 |

| CRC | |
|---|-------------------------------------|
| No. of report | 5 th and 6 th |
| Due date | 25 September 2020 |
| Submission | 21 December 2020 |
| Annex 1 and Annex 2 | 21 December 2020 |

Additional comments: The report was drawn up in collaboration with all the departments of the Swiss Confederation and its cantons. The reports also featured input from the national coalition the Swiss Network for the Rights of the Child.

Public reports from children's rights defenders

| <u>Written inputs</u> | |
|-----------------------|--|
| NGOs | <ul style="list-style-type: none"> • Association pour le dictionnaire des droits de l'enfant • Amnesty International • Association Autisme Genève • Association droits de l'enfant suisse orientale • Child Rights Network Switzerland • Fondation Pro Juventute • Global Partnership to End Violence Against Children • Interaction • Stop IGM.org • Global Initiative to End All Corporal Punishment of Children • Swiss Youth for Climate, Center for International Environmental Law • UNICEF Switzerland • Geneva Infant Feeding Association, International Baby Food Action Network |

State delegation

The [delegation of Switzerland](#) was large and technical, with a multi-sectoral and multi-level composition. The delegation of Switzerland consisted of representatives of the Confederation (the central government) as well as the cantons (regional governments). It further included the President and representatives of the Conference of Cantonal Directors of Social Affairs; the Swiss Conference of Cantonal Directors of Public Education; the Federal Office of Social Insurance; the Federal Office of Justice; the Federal Department of Foreign Affairs; the State Secretariat for Migration; the Federal Office of Police; the Federal Office of Public Health; and the Permanent Mission of Switzerland to the United Nations Office and other international organizations in Geneva.

Committee's Task Force members

| Name & Last Name | Country |
|--|----------------|
| Hynd Ayoubi-Idrissi (coordinator) | Morocco |
| Clarence Nelson | Samoa |
| Luis Pedernera | Uruguay |
| Gehad Madi | Egypt |
| Aïssatou Alassane Sidikou | Niger |
| Zara Ratou | Chad |

Dialogue description

i. Character of the dialogue

The atmosphere of the dialogue was cooperative and dynamic. The answers provided by the Swiss delegation were very precise and technical. The delegation answered almost all the questions of the Committee members.

ii. General assessment made by the Committee

The Committee welcomed the various legislative, institutional and policy measures taken by the State party to implement the Convention, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

iii. Main issues discussed:

General Measures of Implementation

- **Coordination:** The Committee noted the efforts made in terms of coordination. The Committee nevertheless asked about the measures envisaged to implement cantonal or national coordination. The delegation replied that child and youth policies were particularly the responsibility of the Conference of Cantonal Directors of Social Affairs (CDAS). A task force had been created to deal with the impact of the COVID-19 pandemic on children and young people under the leadership of the Conference of Cantonal Directors of Social Affairs.
- **Legislation:** With regard to legislation, the Committee welcomed the state's achievements since 2015. The Committee asked the delegation about the compliance of these cantonal and federal laws with the Convention on the Rights of the Child and its Optional Protocols. Two consultations are planned (external and internal).
- **Data collection:** The Committee noted that many cantons are making progress in this area, but there is no centralized system. Therefore, it asked the delegation to inform them about the measures envisaged to use a data collection system at the federal level. The delegation responded that although there are no statistics at the national level on child abuse, a large amount of data is included in the annex to their State report. The delegation also expressed the wish of the Federal Council to collect data at the federal level. The delegation also informed the Committee that a platform named "CasaData" has been set up to be able to provide data on children in alternative care.
- **Independent monitoring:** The Committee noted that a National Human Rights Institution is planned to be established for 2023 but asked if regional mediation mechanisms are planned to be created to ensure follow-up. The delegation replied that a wide range of services, divided between federal, cantonal, and communal actors, exist. Private organizations are also involved in mediation. The government is also in charge of submitting to the parliament a draft law on mediation for children at federal level.

Civil Rights and Freedoms

- **Freedom of expression, association and peaceful assembly:** The Committee referred to the recently adopted Federal Act on Police Measures to Combat Terrorism, recalling that many voices were raised against this law. The Committee therefore wanted to know if the State planned to revise this law. The delegation of Switzerland recalled that citizens approved this law in June 2021. In addition, the preventive police measures will be subject to consultation. The delegation also stressed that educational measures should be preferred to judicial measures.

Basic Health and Welfare

- **Children with disabilities:** The Committee asked whether the views of civil society organisations representing the interests of children with disabilities are considered. The delegation replied that a working group on disability policies brings together all stakeholders and that NGOs always participate. Two meetings are held every year. The Committee then asked the delegation about education for children with disabilities, and inclusive education for children with autism. In response, the delegation pointed out that 97% of children with disabilities attend a normal school and that in a few years this figure will reach 100%. Indeed, since the 2004 law, children with disabilities are no longer sent to a special class. Furthermore, the delegation said that health insurance covers children with autism and that the number of people working with these children has increased.

Special Protection measures

- **Juvenile Justice:** The Committee stressed that the age of criminal responsibility of 10 years is very low. The delegation replied that the system should be understood in the light of Swiss juvenile criminal law. It clarified that in the first place, precautionary measures are put in place and only then are sanctions taken. Furthermore, detention is carried out in juvenile detention centres and no minors are put in prison.

Stateless and undocumented children:

- The Committee asked for clarification on the legislation concerning children of undocumented parents. Switzerland recalled that although it has ratified a number of instruments on this subject, it has not ratified the UN Convention on the Reduction of Statelessness or the European Convention on Nationality. The principle of the right to nationality is indeed not recognised in the Swiss legal system. However, any minor who is stateless may, since 2006, have the possibility to apply for facilitated naturalization. Furthermore, the delegation explained that the right to go to school is more important than administrative problems and police measures. These children can therefore go to school.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew the State party's attention to the need for urgent measures concerning the following areas:

- **Data collection:** The Committee urges the State party to **create an integrated, comprehensive and standardized data collection and management system** covering all areas of the Convention, with disaggregated data.

- **Non-discrimination:** The Committee recommends that the State party **ensure that all forms of discrimination are prohibited** by law. The State party should also **evaluate**, with the participation of children and civil society, **existing measures aimed at combating discrimination** against children in disadvantaged situations and **develop policies and awareness-raising measures aimed at addressing the root causes of *de facto* discrimination**.
- **Corporal punishment:** The Committee strongly urges the State party to **explicitly prohibit, as a matter of priority, corporal punishment in law in all settings, including in the home, schools, childcare institutions, alternative care settings and penal institutions;** and **allocate sufficient resources to awareness-raising campaigns** aimed at promoting positive, non-violent and participatory forms of child-rearing and discipline and underscoring the adverse consequences of corporal punishment.
- **Children with disabilities:** The Committee recommends that the State party **strengthen the right to inclusive education** in mainstream schools for all children with disabilities, including children with autism and children with learning difficulties, and **provide clear guidance** to cantons that still apply a segregated approach. The State party should also **strengthen the training of teachers and professionals in integrated classes** providing individual support and due attention to children with disabilities, and **increase the amount of support available to such children**. The State party must legally **prohibit the practice of “packing” children in the public and private sectors and promote specialisation in autism among health professionals** and **expand the provision of adequate support services for children with disabilities**. Finally, the Committee recommends that the State party ensure **training, counselling and related support** continues for parents of children with disabilities and undertake **awareness-raising campaigns in order to combat stigmatization of and discrimination against children with disabilities**, as well as **promote a positive image of such children** as rights-holders, with respect for their evolving capacities on an equal basis with other children.
- **Asylum-seeking, refugee and migrant children:** The Committee recommends that the State party ensure that authorities in charge of asylum procedures comply with the right of the child **to have his or her best interests taken as a primary consideration** in all decisions related to the transfer, detention or deportation of any asylum-seeking or refugee child. The State party must also **establish age determination procedures** which respect the privacy and integrity of the child, include multi-disciplinary assessments of the child’s maturity and level of development and respect the legal principle of the benefit of the doubt. The Committee recommends that Switzerland ensure that all unaccompanied children are **assigned a person of trust and clarify the respective roles** of a person of trust and a legal representative of unaccompanied children. Finally, the State party needs to **ensure that children under the age of 18 are not detained because of their migration status**.
- **Administration of child justice:** The Committee recommends that the State party **raise the age of criminal responsibility** to at least 14 years of age, in accordance with the Convention and international standards but also **broaden the conditions under which an official legal defence may be appointed for**



children facing criminal charges, with a view to ensuring that effective legal representation is provided, free of charge, to all children who need it. The State party should also **allocate sufficient human, technical and financial resources for the systematic training of all professionals working with the child justice system**, and **ensure that all cantons have taken measures to prevent the placement of children together with adults** during police custody, pre-trial detention, administrative detention and youth welfare placement in all cantons.

The Committee drew the State party's attention to the recommendations concerning the following areas:

- General Measures of implementation: **Reservations; legislation; comprehensive policy and strategy; coordination; allocation of resources; independent monitoring; dissemination awareness-raising and training; cooperation with civil society; children's rights and the business sector**
- General principles: **best interests of the child; respect for the views of the child**
- Civil rights and freedoms: **birth registration and nationality; right to identity; freedom of expression association and peaceful assembly, right to privacy and access to appropriate information**
- Violence against children: **torture and other cruel, inhuman or degrading treatment or punishment; violence, including abuse, sexual exploitation and online violence; harmful practices**
- Family environment and alternative care: **family environment; children deprived of a family environment; adoption**
- Basic health and welfare: **health and health services; mental health; impact of climate change on the rights of the child; standard of living**
- Education leisure and cultural activities: **early care and education, including vocational training; human rights education**
- Special protection measures: **children without a regular residence status ("sans-papier")**

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 10.3 to ensure that all forms of discrimination are prohibited by law
- 16.2 regarding the investigation of allegations of cruel treatment or punishment of children
- 5.2, 16.1, 16.2 regarding violence, including abuse, sexual exploitation and online violence
- 3.4 to promote mental health and wellbeing
- 3.9, 13.5 to reduce greenhouse gas emissions
- 1.2 to ensure that all children have an adequate standard of living throughout its territory
- 4.1, 4.2, 4.3, 4.4, 4.5 regarding inclusive and equitable quality education for children in disadvantaged groups
- 4.7 to promote the development of a culture of human rights in the education system



Next State report

| CRC | |
|---------------|-----------------|
| No. of report | 7 th |
| Due date | 7 March 2026 |

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.