



Convention on the Rights of the Child

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Committee on the Rights of the Child

Eighty-fifth session

11–29 May 2020

Consideration of reports of States parties

List of issues prior to submission of the combined fifth and sixth periodic reports of Switzerland

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 15 October 2020. The replies should take into consideration the Committee's recommendations, contained in its concluding observations (CRC/C/CHE/CO/2-4 and CRC/C/OPSC/CHE/CO/1) adopted on 30 January 2015. The Committee may take up all aspects of children's rights set out in the Convention and its Optional Protocols during the dialogue with the State party.

I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes, and any other type of measures taken, such as the creation or reform of institutions, significant for the implementation of the Convention, its Optional Protocol on the involvement of children in armed conflict and its Optional Protocol on the sale of children, child prostitution and child pornography;

(b) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how such measures promote the realization of children's rights under the Convention and its Optional Protocols.

II. Rights under the Convention and its Optional Protocols

A. General measures of implementation (arts. 4, 42 and 44 (6))

Reservations

4. Please inform the Committee about the measures taken to withdraw the State party's reservations to the Convention, namely, to article 10 (1), regarding family reunification; article 37 (c), requesting that every child deprived of liberty be separated from adults; and



article 40, in particular regarding due process for children in conflict with the law (art. 40 (2) (b) (ii) and (iii)).

Comprehensive policy, strategy and coordination

5. Please provide information on the measures taken to develop and implement, in consultation with children and civil society, a federal policy and strategy for the overall implementation of the Convention, with the aim to provide a coherent national approach and a framework for cantonal plans and strategies. Please also indicate whether all cantons have a child policy and if not, please explain why. Please inform the Committee about how the coordinating entities for the implementation of the federal act on the promotion of children and young people ensure the coordination of the comprehensive implementation of the Convention.

Data collection

6. Please inform the Committee about the measures taken to:

(a) Collect disaggregated data on the implementation of the Convention and use that data for the formulation, monitoring and evaluation of policies, programmes and projects for the implementation of children's rights;

(b) Ensure that data collected is disaggregated to show the different situations of children with disabilities; children in all alternative care settings; asylum-seeking, refugee and migrant children; undocumented children; children adopted through domestic or intercountry adoption; and missing children, such as abducted children and children who run away from their family or care situation, including unaccompanied children seeking asylum.

Independent monitoring

7. Please provide information on the establishment of a dedicated body for the independent monitoring of the Convention, and to ensure that it is able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of child victims, and undertake monitoring and follow-up activities for child victims.

Cooperation with civil society

8. Please inform the Committee about the efforts made to collaborate with civil society, including non-governmental and children's organizations, in the planning, implementation, monitoring and evaluation of laws, policies, plans and programmes related to the implementation of the Convention and its Optional Protocols.

Children's rights and the business sector

9. Please inform the Committee about the results of the report of the Federal Council, dated 9 December 2016, prepared in response to the proposal (No. 12.3503) entitled "A Ruggie strategy for Switzerland", and the measures taken concerning the establishment of a regulatory framework for industries operating in the State party to ensure that their activities do not negatively affect human rights or endanger environmental, labour and other standards relating to children's rights; and that business enterprises domiciled, registered or operating in the State party with operations abroad are legally accountable for violations of the rights of the child.

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

10. Please provide information on social integration initiatives taken to eliminate, in practice, discrimination against children in marginalized and disadvantaged situations, namely in accessing education, particularly for children with disabilities, children with a

migrant background, refugee and asylum-seeking children and undocumented children. Please also provide information on the measures taken to eliminate discrimination against lesbian, gay, bisexual, transgender and intersex children, including the adoption of the draft law resulting from parliamentary initiative No. 13.407 on combating discrimination based on sexual orientation, and the results of the report on the right to protection from discrimination, prepared by the Federal Council in response to proposal No. 12.3543.

Best interests of the child

11. Please inform the Committee about the measures taken to ensure that the concept of the “best interests of the child” is adequately translated in all official languages of the State party, and its legal meaning well understood. Please provide information on the development, and dissemination to all relevant professional groups, of policy, procedures, criteria and guidance to determine and consistently apply the best interests of the child as a primary consideration in programmes and administrative and judicial proceedings concerning children, in particular regarding parental custody, placement in alternative care and migration and asylum procedures.

Respect for the views of the child

12. Please provide information on requests (*postulats*) No. 14.3382 and No. 13.4304 submitted to the Federal Council, and on:

(a) The procedures adopted by the judicial and administrative authorities to guarantee the right of the child to be heard in any decision affecting her or him, and to ensure that this guarantee extends to child victims, children with disabilities, children in alternative care and asylum-seeking, refugee and migrant children;

(b) The efforts made to ensure that children, in particular children in marginalized and disadvantaged situations, have the right to express their views freely in all matters affecting them and to have those views given due weight;

(c) The measures taken to ensure that professionals in the judicial, welfare and other sectors dealing with children systematically receive appropriate training on how to ensure the meaningful participation of children.

C. Civil rights and freedoms (arts. 7, 8 and 13–17)

Nationality

13. Please provide information on the measures the State party has taken to complete ratification of the Convention on the Reduction of Statelessness; to grant Swiss nationality to stateless children living in its territory; and to prevent statelessness and grant Swiss nationality at birth to:

(a) Children born in its territory, irrespective of the legal status of their parents, if they would otherwise be stateless, including children of refugees, asylum seekers and migrants without regular residence status;

(b) Children born abroad through surrogacy to Swiss nationals.

Right to know and to be cared for by one’s parents, and right to identity

14. Please inform the Committee about the measures taken to:

(a) Ensure respect for the right of an adopted child or a child born as a result of medically assisted procreation to know her or his origin;

(b) Remove the reference to legitimate interest as a precondition for a child’s right to request information regarding her or his biological origin;

(c) Prohibit the use of “baby boxes” (depositories for anonymously handing babies over for adoption).

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**Freedom of the child from all forms of violence**

15. Please provide information on:

(a) The measures taken to prohibit explicitly all forms of corporal punishment in all settings;

(b) The systematic collection and analysis of comprehensive data on all cases of violence against children, including maltreatment, child sexual abuse in and outside the home, and domestic violence;

(c) Studies undertaken to assess the prevalence and nature of violence against children, and the development of a comprehensive strategy for prevention and intervention in cases of violence against children;

(d) The evaluation of the work of existing structures to address violence against children and measures taken to strengthen national coordination to address all forms of violence against children.

Harmful practices

16. Please provide information on the measures taken to:

(a) Prevent and address female genital mutilation;

(b) Ensure that intersex children are not subjected to unnecessary medical or surgical treatment, and to provide adequate counselling, support and access to effective remedies for the victims subjected to such treatment during childhood. Please provide information on whether unnecessary medical or surgical treatment for intersex children is still covered by disability insurance;

(c) Support those in situations of child marriage, in particular information on the support provided by the federal competence centre on forced marriage to the 107 children reported as married in 2017.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**Family environment**

17. Please provide information on the preliminary outcomes of the amended federal act on financial assistance for childcare outside the family in effect from 1 July 2018 to 30 June 2023. Please inform the Committee of any other measures taken to support families, including extending maternity and paternity leave, and to ensure that both parents, including separated parents, share the responsibilities for the upbringing and development of their children.

Children deprived of a family environment

18. Please provide information on the Casadata platform and on the measures taken to:

(a) Ensure that adequate safeguards and clear criteria, based on the best interests of the child, for determining whether a child should be placed in alternative care are applied throughout the territory of the State party;

(b) Regulate and effectively enforce high-quality standards in alternative care settings throughout the State party's territory to ensure that children receive similar quality care irrespective of where they live;

(c) Promote and support foster families;

(d) Ensure that alternative care for children under the age of 3 is provided through family care;

(e) Support parents when children placed in alternative care return to their families.

Adoption

19. Please provide information on the work of the interdepartmental working group charged with ensuring the compilation of statistics related to international adoption, and on the measures taken to:

(a) Ensure that the safeguards provided for in the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption are met, even if the other country concerned is not a party to that Convention;

(b) Accelerate the one-year assessment procedure and ensure that a child adopted from abroad, or a child born through international surrogacy arrangements, is not stateless during the waiting period between her or his arrival in the State party and formal adoption.

F. Children with disabilities (art. 23)

20. Please provide information on the measures taken to:

(a) Ensure State-wide inclusive education and provide clear guidance to cantons that still apply a segregated approach;

(b) Ensure that children with disabilities have access to early childhood education and care, early development programmes and inclusive vocational training opportunities in all cantons;

(c) Legally prohibit the practice of “packing” children with autism spectrum disorders and eliminate it from the disability insurance coverage, and ensure that children with autism spectrum disorders have access to inclusive education and care;

(d) Prevent children with disabilities from being placed in psychiatric units.

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health and health services

21. Please inform the Committee about:

(a) The progress made to ensure access to quality paediatric services throughout the territory of the State party;

(b) The health insurance coverage for children with rare diseases;

(c) The measures taken to address overweight and obesity in children, to promote a healthy lifestyle among adolescents, including by encouraging them to engage in physical activity, and to reduce food-marketing pressure on children with regard to food high in fat, sugar and salt.

Breastfeeding

22. Please inform the Committee on the measures taken to:

(a) Develop a comprehensive national strategy on feeding practices for infants;

(b) Raise awareness concerning the importance of breastfeeding and the risks of formula feeding and to ensure that the International Code of Marketing of Breast-milk Substitutes is strictly enforced.

Mental health

23. Please provide information on:

(a) The action plan for suicide prevention, adopted in November 2016;

(b) The findings and recommendations of the study of the Swiss Coordination Centre for Research in Education on how to provide assistance for students having behavioural and attention disorders; and the measures taken to carry out research on the diagnosis of, and non-drug approaches to the treatment of, behavioural and attention disorders among students;

(c) Measures taken to support health authorities to better diagnose mental health problems among children;

(d) Support children with mental health problems and their families with psychological counselling and emotional support.

Standard of living

24. Please provide information on the impact the comprehensive anti-poverty strategy for Switzerland and the national programme to prevent and fight poverty (2014–2018) have had with regard to decreasing child poverty throughout the territory, in particular among asylum-seeking, refugee and migrant children.

Impact of climate change on the rights of the child

25. Please provide information on the measures taken to:

(a) Reduce greenhouse gas emissions by at least 20 per cent by 2020, including in relation to the aviation and transport sector;

(b) Inform the population about the effect of pollution on children's health and about remedial measures;

(c) Ensure that private and publicly owned financial institutions take into consideration the impact of climate change on the rights of the child in the context of their investments, in particular in the fossil fuel industry.

H. Education, leisure and cultural activities (arts. 28–31)

Early care and education, and human rights education

26. Please inform the Committee about the measures taken to:

(a) Ensure access to affordable early childhood care and education for all children, in particular children in disadvantaged socioeconomic situations;

(b) Prevent early school leaving, in particular among children in disadvantaged socioeconomic situations;

(c) Include mandatory modules in the languages of the State party on the Convention and human rights in general in the harmonized school curricula.

Rest, leisure, recreation and cultural and artistic activities

27. Please provide information on the measures taken to provide children with accessible and inclusive sporting, recreational, leisure, cultural and artistic activities, particularly with regard to children with disabilities, asylum-seeking and refugee children, children of migrant parents and children in disadvantaged socioeconomic situations.

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Asylum-seeking, refugee and migrant children

28. Please provide information on the measures taken to:

(a) Establish age-determination procedures that respect the privacy and integrity of the child;

- (b) Provide all asylum-seeking, refugee and migrant children with mental health services;
- (c) Ensure that reception centres at the cantonal level conform to minimum standards for reception conditions, integration support and welfare for children;
- (d) Ensure that persons of trust working with unaccompanied children are adequately trained in both the legal and the psychosocial fields;
- (e) Exempt unaccompanied children from the accelerated asylum procedure;
- (f) Ensure that children under the age of 18 are not detained because of their migration status.

Children without a regular residence status

29. Please provide information on the measures taken to ensure that all undocumented children have effective access to education, health care and welfare services.

Administration of child justice

30. Please provide information on the measures taken to:
- (a) Raise the age of criminal responsibility;
 - (b) Ensure that children have access to free legal counsel;
 - (c) Adequately train all persons involved in the administration of child justice, including defence lawyers, on the rights of the child;
 - (d) Ensure that children are not detained with adults.

J. Optional Protocol on the sale of children, child prostitution and child pornography

31. Please inform the Committee about the measures taken to implement its previous recommendations under the Optional Protocol (CRC/C/OPSC/CHE/CO/1), including with respect to:

- (a) The adoption of a comprehensive policy and strategy to implement the Optional Protocol, including measures relating to prevention, protection, physical and psychological recovery and the social reintegration of child victims;
- (b) The definition, prohibition and criminalization of the sale of children in accordance with article 3 of the Optional Protocol, and of sexual exploitation through the use of information and communications technology, and the provision under the Criminal Code of full protection for all children under the age of 18.

K. Optional Protocol on the involvement of children in armed conflict

32. Please inform the Committee about the measures taken to implement its previous recommendations under the Optional Protocol (CRC/C/CHE/CO/2-4, para. 71), and measures related to:

- (a) The establishment of a mechanism for the early identification of asylum-seeking, refugee and migrant children who may have been recruited or used in hostilities abroad;
- (b) The conduct of training programmes for the personnel responsible for the identification and referral of those children to protection services.

III. Statistical information and data

33. Statistical information and disaggregated data provided by the State party should cover the period since the consideration of its previous reports. The data should be disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status.

34. The provision of tables presenting trends over the reporting period is recommended and explanations of or comments on significant changes that have taken place over the reporting period should also be provided.

A. General measures of implementation (arts. 4, 42 and 44 (6))

35. Please provide information on the budget lines regarding children and social sectors by indicating the amount and the proportion of each budget line in terms of the total national budget.

B. Definition of the child (art. 1)

36. Please provide data, disaggregated as described in paragraph 33 above, on the number and proportion of children under 18 years of age living in the State party.

C. Civil rights and freedoms (arts. 7, 8 and 13–17)

37. Please provide data, disaggregated as described in paragraph 33 above, on the number of stateless children.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

38. Please provide data, disaggregated as described in paragraph 33 above, on:

(a) The number of cases of violence against children, including corporal punishment, reported to the authorities, investigated and prosecuted, and the sanctions imposed on perpetrators, disaggregated by type of offence;

(b) The number and type of protective measures provided to child victims of violence, in particular domestic violence.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

39. Please provide data, disaggregated as described in paragraph 33 above, on the number and proportion of families and children receiving economic and other types of support services.

40. Please provide data, disaggregated as described in paragraph 33 above, on:

(a) The number of children in institutional care and the average number of days of stay;

(b) The number of children in family- and community-based care;

(c) The number of children adopted domestically and internationally;

(d) The number of children born through surrogate motherhood arrangements made abroad;

(e) The number of children of incarcerated parents.

F. Children with disabilities (art. 23)

41. Please provide data, disaggregated as described in paragraph 33 above, and by type of disability, on:

- (a) The number of children with disabilities;
- (b) The number of children with disabilities living with their families;
- (c) The number of children with disabilities living in institutional care and in family- and community-based care;
- (d) The number of children with disabilities in inclusive education and in separate schools;
- (e) The number of reported cases of violence, including sexual violence, against children with disabilities, the number of investigations and prosecutions carried out and the sentences issued.

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

42. Please provide data, disaggregated as described in paragraph 33 above, on:

- (a) The number and proportion of children with health insurance, including for rare diseases;
- (b) The number of paediatric and mental health services and professionals specialized in young children and adolescents, disaggregated by canton.

43. Please provide data, disaggregated as described in paragraph 33 above, on the number and proportion of children living below the poverty line and in extreme poverty.

H. Education, leisure and cultural activities (arts. 28–31)

44. Please provide data, disaggregated as described in paragraph 33 above, on the number and proportion of children attending early childhood education programmes and the average number of years of attendance.

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

45. Please provide data, disaggregated as described in paragraph 33 above, as well as by country of origin and by accompanied or unaccompanied status, on:

- (a) The number of asylum-seeking and refugee children;
- (b) The number of children in situations of migration;
- (c) The number of asylum-seeking and refugee children, and children in situations of migration, who are in detention, including in transit centres;
- (d) The number of children who were deported from the State party;
- (e) The number of asylum-seeking and refugee children, and children in situations of migration, attending school and with access to health care.

46. Please provide data, disaggregated as described in paragraph 33 above, on the estimated number of undocumented children, and the number of those children having access to education, health care and welfare services.

47. Please provide data, disaggregated as described in paragraph 33 above, and by type of crime, on:

- (a) The number of children in detention, including in pretrial detention, in facilities such as police cells and prisons, and the average number of days of stay;

- (b) The number of children referred to diversion and non-custodial sentencing options;
- (c) The number of children detained together with adults and the average number of days of stay.

J. Optional Protocol on the sale of children, child prostitution and child pornography

48. Please provide data, disaggregated as described in paragraph 33 above, on:
- (a) The number of reported cases of the sale of children, child prostitution, child pornography and trafficking of children;
 - (b) The number of those cases that have been investigated, prosecuted and sanctioned;
 - (c) The number of child victims of those crimes who have been provided with recovery assistance or compensation.

K. Optional Protocol on the involvement of children in armed conflict

49. Please provide data, disaggregated as described in paragraph 33 above, on:
- (a) The number of asylum-seeking and refugee children entering the State party from areas in which children may have been recruited or used in hostilities;
 - (b) The number of those children who benefit from physical and psychological recovery and social reintegration measures.
-