



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Sixty-eighth session

12–30 January 2015

Item 4 of the provisional agenda

### Consideration of reports of States parties

## List of issues in relation to the combined second to fourth periodic reports of Switzerland

**The State party is requested to submit in writing additional, updated information, if possible before 15 October 2014 (10,700 words maximum).**

*The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.*

### Part I

**In this section, the State party is requested to submit its responses to the following questions.**

1. Please indicate what measures the State party plans to take to strengthen horizontal coordination among the cantons in relation to the implementation of the Convention and whether the State party plans to establish a federal mechanism to effectively coordinate the implementation of the Convention in the State party.
2. Given that the State party has adopted various child-related strategies since 2002, please indicate what measures have been taken to develop a comprehensive policy on children in Switzerland that aims to place the various existing strategies within a consistent framework for the realization of all Convention rights.
3. In the light of the information provided in paragraph 50 of the State party's report (CRC/C/CHE/2-4), please indicate what measures have been taken to implement the recommendation made by the Committee in 2002 (CRC/C/15/Add.182, para. 16) to establish a federal independent human rights institution to monitor and evaluate progress in the implementation of the Convention that is accessible to children and is empowered to receive complaints of child rights violations.
4. Please inform the Committee about steps taken to establish a single and comprehensive system for collecting disaggregated data covering all aspects of the Convention so as to enable the State party to analyse the situation of all children, assess the



progress made in giving effect to their rights, and further develop policies and programmes to implement the Convention.

5. Please indicate the measures taken or planned to systematize the dissemination of and training on the Convention in the State party. In particular, please indicate whether children's rights education is part of the school curriculum for children in all cantons and, if so, at what levels of education. Please also indicate what measures have been taken to ensure that all professionals working with or for children receive regular training on the Convention.

6. Please indicate the measures taken or planned to regulate the activities of multinational corporations that are based in Switzerland but operate abroad. Please indicate whether, under the State party's current legislation, any proceedings have been brought against companies whose activities abroad violate the Convention, whether through the use of child labour or through environmental degradation harmful to the health of local population groups, including children.

7. Please inform the Committee about any measures taken to eliminate discrimination against unaccompanied refugee, migrant and asylum-seeking children, particularly with regard to their right to vocational training, and against undocumented children in situations of extreme vulnerability and hardship in the State party. Please indicate whether an impact assessment of the various measures taken to combat racial discrimination and discrimination against foreign children has been conducted and, if so, describe the results. Please also indicate the steps taken to overcome stigma against lesbian, gay, bisexual, transgender and intersex (LGBTI) children and adolescents.

8. Please indicate the measures taken to ensure that the best interests of the child are systematically taken into account in the State party's relevant laws. Please also indicate whether the impact of legislation and planned measures on children is assessed prior to their adoption. If so, please provide specific examples.

9. Please indicate what measures have been taken to prohibit the use of certain psychiatric treatments on children with autism spectrum disorders, particularly the "packing" technique (wrapping the child in cold, wet sheets).

10. Given that a fourth "baby hatch" opened in the city of Bern in October 2013, and that more such hatches are planned, please explain whether any measures have been taken following the parliamentary initiative launched in 2009 to find an alternative to this approach and, if so, describe those measures. Please also indicate the legislative framework established in this regard.

11. Please indicate what measures have been taken to reform legislation so as to explicitly prohibit all forms of corporal punishment in all settings, including in the home, and to eliminate all references to the "right to inflict corporal punishment" as mentioned in paragraph 162 of the State party's report.

12. In the light of estimates indicating that a significant number of girls and women living in Switzerland are subjected or in danger of being subjected to female genital mutilation, please provide updated information on the measures taken to prevent this practice — including training for health practitioners on how to better identify and understand the practice — and to inform the girls most at risk. Please also indicate whether any prosecutions have been brought against persons responsible for such practices, and the sentences handed down since 2011 under article 124 of the Criminal Code. Please also provide updated information on the fight against early and/or forced marriage.

13. Please provide information on the results of the assessment carried out by the Conference of the Cantons concerning the work of the mechanisms currently in place to protect children and the specific measures taken to fill in the identified gaps.

14. Please provide updated information on the draft order introduced in 2009 on the placement of children outside their families. Please indicate what measures have been taken to reduce and prevent the institutionalization of children and to establish strict regulations and monitoring of children's placement at both the federal and cantonal levels.

15. Please provide updated information on the review of adoption legislation (contained in the Swiss Civil Code) begun in 2013. Please indicate what percentage of international adoptions take place outside the framework of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (hereinafter referred to as the Hague Convention) and indicate how the State party monitors the conditions under which these adoptions are carried out. Please provide information on measures taken to systematically monitor the living conditions of adopted children and to ensure regular follow-up on these children in order to prevent and eliminate any ill-treatment they may suffer.

16. Please indicate how the State party takes into account the best interests of children whose parents are likely to receive custodial sentences or are already imprisoned. In particular, please indicate what measures are taken to ensure that those children can maintain contact with their imprisoned parents and to ensure that children of imprisoned parents are not subjected to stigma or discrimination.

17. Please explain the measures taken to reduce the use of psychotropic drugs, particularly in the case of children with attention deficit hyperactivity disorder (ADHD) or attention deficit disorder (ADD), as the use of these drugs has become increasingly common in the State party in recent years. Please also indicate the measures taken to prevent children with disabilities from being hospitalized in psychiatric units and to ensure that such children are not arbitrarily deprived of the right to be visited by their parents.

18. Please provide specific information on progress made in ensuring that inclusive education measures are standard practice for children with disabilities and in the transition from an integrative system to an inclusive system in all cantons, while allocating the necessary resources to do so. Please provide detailed information on the measures planned or already in place to address the exclusion of children with autism spectrum disorders from mainstream schools, particularly in the canton of Geneva, and their placement in day-care institutions. Please also specify what measures have been taken to more systematically diagnose and provide early and intensive intervention for these children and to expand the use of educational and developmental therapies and methods adapted to their needs.

19. Given the high teen suicide rate, please inform the Committee about measures taken to address the root causes of this phenomenon and thereby more effectively prevent teen suicide.

20. Please explain why the reservation to article 10, paragraph 1, of the Convention regarding family reunification has not been withdrawn as the Committee recommended in 2002 (CRC/C/15/Add.182, para. 7). Please also provide detailed information on measures taken to address the inadequate protection for unaccompanied asylum-seeking children and the lack of adequate reception facilities in some cantons. In addition, please indicate why the Control Committee of the National Council discontinued its work on the rights of the child in the context of measures of constraint implemented under the Aliens Act.

21. Please indicate whether the State party intends to: withdraw its reservation to article 37 (c) of the Convention; raise the minimum age of criminal responsibility to an internationally acceptable standard, ensuring that it is no lower than 12 years; and guarantee the right to legal aid for all children in conflict with the law.

22. Please provide updated information on the measures taken to implement the recommendations the Committee made in 2006 in relation to the Optional Protocol to the

Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/CHE/CO/1).

## **Part II**

**In this section the Committee invites the State party to briefly (three pages maximum) update the information presented in its report with regard to:**

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

## **Part III**

**Data, statistics and other information, if available**

1. Please provide data on the budget appropriations made for children in the past three years, indicating the percentage of the national budget and gross domestic product represented by each budget line and their allocation at the national level.
2. Please provide updated statistical data (disaggregated by age, sex, ethnicity, geographic location and socio-economic status) covering the past three years on the number of:
  - (a) Child victims of ill-treatment, violence and abuse, including sexual abuse, as well as the number of complaints, investigations, prosecutions and convictions in this regard;
  - (b) Crimes of infanticide committed;
  - (c) Children cared for by the mental health services who suffer from behavioural problems, as well as suicides and attempted suicides among children;
  - (d) Children and adolescents who abuse drugs or alcohol;
  - (e) Children whose parents are in prison;
  - (f) Children adopted outside the framework of the Hague Convention;
  - (g) Migrant or refugee children; and
  - (h) Undocumented children.
3. In addition, please provide updated statistical data covering the past three years (disaggregated by age, sex, ethnicity, geographic location and socio-economic situation) on the situation of children deprived of their family environment, including the number of children:
  - (a) Separated from their parents;
  - (b) Placed in institutions;
  - (c) Placed in foster homes;
  - (d) Abandoned by their families, particularly those placed in baby hatches; and
  - (e) Adopted in Switzerland or abroad.

4. Please provide updated statistical data covering the past three years (disaggregated by age, sex, geographic location, type of disability and socio-economic status) on the number of children with special needs, including children with autism spectrum disorders:

- (a) Living with their families;
- (b) Living in institutions;
- (c) Placed in psychiatric hospitals;
- (d) Regularly attending primary school;
- (e) Regularly attending secondary school;
- (f) Regularly attending special schools;
- (g) Not attending school; and
- (h) Abandoned by their families.

5. Please update any information contained in the report that may be outdated and provide information on recent developments related to the rights of the child.

6. In addition, the State party might wish to list the issues affecting children that it considers to be important with regard to the implementation of the Convention.

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