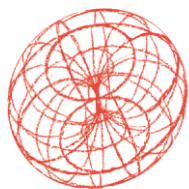


Opening remarks of Child Rights Network Switzerland, June 19th 2014

Esteemed members of the Committee

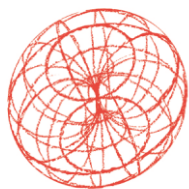
A child that is born in Switzerland is a lucky child. Switzerland has one of the highest GDPs in the world; it has a stable political situation and functioning health and education systems. Every child born in Switzerland has the chance to lead a healthy and self-determined life with a good education and in socio-economic stability. It would be nice, ladies and gentlemen, if this were the end of the story that we, the Child Rights Network Switzerland, came here to tell you today about the situation of child rights in Switzerland. Unfortunately, it is not. So let me start again. A child born in Switzerland is a lucky child, if it has the chance to be born in a certain region, with a certain status of residence, in certain material conditions. Whether or not a child is granted the full range of rights it is entitled to by the Convention on the Rights of the Child depends to a large degree on pure chance.

Why is that? First, Switzerland is a federal state. While the CRC has been ratified by the Swiss national state, its implementation is up to the 26 cantons, the regional entities of Switzerland and even to the municipalities. Whether an article of the CRC is implemented in a certain canton depends on political priorities and on financial resources. For example, the right to inclusive education for disabled children differs between cantons: full inclusion from the youngest age has been practised in some cantons for more than 35 years, while exclusion is the normal practice in others and a last group of cantons has known different forms of schooling with institutionalization. Another blatant example is related to the reserve to art. 37 CRC, which Switzerland will not withdraw yet for deadline reasons (§16, see p.17 of the Swiss state party's report). A specific institution for young people in conflict with the law has been opened on May 1st 2014 ("Aux Léchaies") for the French-speaking part of Switzerland. For the Swiss German part, however, no such institution is planned. Thus, children in Switzerland are in many cases discriminated against depending on which canton they are born and raised in.



Second, Switzerland is a direct democracy, meaning that citizens have an extraordinary amount of participation in the legislation process. In the last years, this democratic quality has been used by Switzerland's far right party in order to launch populist initiatives that might have negative impacts and impose hardships on children in vulnerable situations due to their uncertain status of residence. For example, the Federal Administration has many difficulties to translate an initiative called "expulsion of foreign criminals" voted in 2010 into a law, since it contradicts the principles of non-refoulement and commensurability. On February 9th this year, Swiss voters said yes to an initiative aiming at restricting immigration by using quantitative limits and quotas that apply to all permits covered by legislation on foreign nationals, including cross-border commuters and asylum seekers. The victims of this initiative will not be skilled workers or foreign students. Rather, restrictions with regard to the number of foreigners might even more severely affect family reunification and the right of the child not to be separated from his or her parents against their will. Family reunification is already excluded for asylum seekers and the situation most likely will be further aggravated under the new law that has to enter into force within the next three years. At this point, we also have to mention that due to several revisions of the Asylum Act during the last ten years, more than 2000 children are now excluded from social welfare and only receive emergency assistance. Imposing social hardships on them, the Swiss state presumably aims at driving these children and their families out of the country.

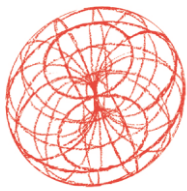
What is more, Switzerland is a state with a rule of law. Yet, children are often deprived of their right to be heard in all judicial and administrative proceedings affecting them. With regard to family law and child protection law proceedings we have seen some progress in the last ten years. Yet, in administrative proceedings under the asylum and migration law, as well as in school related proceedings and in the health care system, considerable gaps in participation and child friendly justice still remain. In addition to that, children are insufficiently protected against violence under the current legislation. While slapping an adult in the face is a criminal offense, slapping a child is not, if it is considered not to exceed the customary and socially acceptable extent. With regard to sexual violence, the number of girls and boys who are victims of sexual violence remains alarmingly high. Yet, only some cantons in Switzerland have introduced measures of education and prevention.



Finally, Switzerland is a landlocked country without natural resources. Therefore, it has been an important part of its socio-economic survival to attract international corporations and to incite them to establish their place of business in Switzerland. Switzerland is home to a large number of international corporations, including Nestlé and Glencore. To this day, Switzerland has formulated no binding rules that compel firms headquartered in Switzerland to respect child rights worldwide. The notion of making human and child rights a mandatory clause in new trade agreements between Switzerland and other countries is practically non-existent. The Trade Agreement between Switzerland and China that has been signed on 6th July 2013 does not once mention “human rights” in its more than 1000 pages. It makes only one reference to the Charter of the United Nations; no special attention is given to child rights although it is well known that child labour in China is widespread.

The considerable lack of reliable data with regard to the situation of children in Switzerland is a crosscutting issue with particular relevance for vulnerable groups of children and children living in dangerous and precarious conditions. An important milestone to overcoming this obstacle would be to install coordinating mechanisms and institutions on the national level, on the cantonal level, and between these levels. Yet, there has been hardly any effort in this direction to this day.

Child Rights Network Switzerland is very concerned about the long delay of the state party report. We lack information and understanding as to on what grounds the Swiss government decided to hand in one single report covering the excessively long period of 2002 to 2017. What is more, the measures listed in the state party report lack the quality of a coherent strategy and their sustainability is questionable. We nevertheless welcome Switzerland's efforts to enhance the coordination between the cantons under the new Child and Youth Promotion Act of 2012. Finally, Child Rights Network Switzerland hopes that the Swiss government has learnt its lesson from the lack of a follow-up process to the 2002 Concluding Observations. We expect the government to communicate the upcoming Concluding Observations proactively to all concerned target groups and to put a coordinated follow-up-strategy and an effective monitoring into practice.



Netzwerk **Kinderrechte** Schweiz
Réseau suisse des **droits de l'enfant**
Rete svizzera **diritti del bambino**
Child Rights Network Switzerland

That is why we are glad and thankful to be here today. We are looking forward to your questions and to assisting the committee in examining the situation of child rights in Switzerland. We have prepared a list of questions that we propose to include in the List of Issues. We have also summed up recommendations that should be made to the Swiss government from our point of view. They can be found both at the end of each chapter of our NGO-report and in a more condensed version in a separate document. You have received these documents and we thank you in advance for considering them. Thank you again for the opportunity to be here today and let's have a fruitful discussion.