

## **Recommendations that Child Rights Network Switzerland suggests to make to Switzerland, June 19<sup>th</sup> 2014**

1. The federal government must have a clear mandate to implement child rights. To this effect, the Federal Council must establish explicit legal foundations.

- A material constitutional basis has to be adopted in order to enable the federal government to issue principles on the protection, promotion and participation of children and youth.

2. Political strategies as well as legislative, administrative and judicial systems have to implement the principle of the best interest of the child according to the recommendations formulated in the General Comment No. 14.

- This applies for example to Switzerland's obligations to assure family reunification for foreign labour workers if it is in the concerned child's best interest. The principle of the best interest has to be taken as a primary consideration when formulating new legislation following from the popular vote to include quantitative limits and quotas for immigrants into the Constitution.

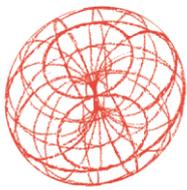
3. The federal government and the cantons have to jointly elaborate a general national strategy for the implementation of child rights; they must take concrete measures to raise public awareness and sensitise the population for the issue. Sufficient resources have to be made available for these steps. Also, the federal government has to support the cantons in the implementation of child rights related federal legislation.

4. The federal government and the cantons have to establish national coordination and monitoring mechanisms, for example a national human rights institution, with a clear mandate in the field of child rights.

- More concretely, the federal government has to elaborate a plan of action and a sustainable coordination mechanism for the implementation of the CRC as part of the new legislation on child and youth promotion (*Kinder- und Jugendförderungsgesetz*).

5. For the purpose of continuous reporting, the federal government must improve the current inadequate data collection on child rights and formulate guidelines for data collection by the cantons.

- A range of indicators covering specific risk groups, vulnerable children and children in precarious situations has to be defined for data collection in order to be able to deduce appropriate political strategies. For example,
  - statistical data on violence against children is often absent. Violence against children is wide-spread but less visible while it has long-lasting effects on children;



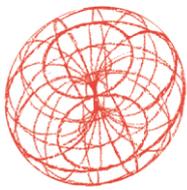
- the federal government should establish a report on the situation of undocumented children in order to analyse which measures have to be taken to respect their needs and rights;
- statistics on children living in foster care (families and institutions) is largely missing but indispensable;
- the federal government should issue a report on the situation of children with a parent in jail in order to launch appropriate measures to improve their situation.
- Reporting on the situation of children in Switzerland must be done on a regular and long-term basis in order to be effective.

6. The federal government, in collaboration with the cantons, has to introduce nationwide uniform protection measures for particularly vulnerable groups of children (children in poverty, children with a disability, unaccompanied children, minor asylum seekers and children without a legal residence status). In particular, Parliament must abolish the enforcement of measures involving imprisonment against minor asylum seekers and youth without legal residence status; cantons and municipalities have to guarantee access to basic education and vocational training for unaccompanied minors and asylum seeking children.

- For example, efforts undertaken by some cantons to respect the special needs and requirements of unaccompanied children as well as the priority treatment of the asylum requests of unaccompanied children are welcomed. However, these measures are not in place in the entire country and the federal government should take all possible efforts to avoid any discrimination in reception and care in the cantons. Switzerland should establish procedures in light of the General Comment No. 14 for unaccompanied and undocumented children in view of determining a durable solution.

7. In administrative and judicial proceedings, children concerned must be systematically given the opportunity to participate in a manner in accordance with their age and situation (particularly through being heard or represented by appropriate representatives).

- The right of the child to be heard has to be respected in all administrative and judicial proceedings (including medical decisions and with regard to education). To this end, the federal government
  - should financially support the cantons and training facilities in the training of all judicial professionals (along the lines of the Swiss Victim Assistance Act (Opferhilfegesetz, OHG, SR 312.5));
  - should promote the Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice of November 17, 2010 and ensure its implementation;



- should issue a report on the current situation of children's participation in all judicial and administrative proceedings (according Art. 12 para. 2 CRC), and highlight good practice.

8. Parliament has to formulate the necessary legal foundations to implement the recommendations of the UN Committee on the Rights of the Child and the Human Rights Council relating to the prohibition of corporal punishment of children.

9. Parliament has to adapt the protection of minors under penal law to new technological developments in the Internet and explicitly make sexual harassment of minors via the Internet a criminal offence.

10. Companies with headquarters in Switzerland must be obliged to respect child rights worldwide. This should also apply to their subsidiaries, suppliers and other involved partners. Consequently, the Federal government must conduct

- a mapping of existing regulations and
- an analysis of gaps in existing regulations in the light of the UN Guiding principles and the UN CRC General Comment No. 16.

Based on this analysis, an action-plan (national strategy) respecting the UN Guiding principles and the UN CRC General Comment No. 16 has to be adopted.