



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Switzerland\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Switzerland<sup>1</sup> at its 2553rd and 2554th meetings,<sup>2</sup> held on 20 September 2021, and adopted the present concluding observations at its 2562nd meeting, held on 24 September 2021.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party, under the simplified reporting procedure, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral high-level delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, including the revision of article 261 bis of the Criminal Code to prohibit discrimination based on sexual orientation, the revision of the Asylum Act to accelerate asylum procedures, and the creation of the children and youth policy conference. The Committee notes with appreciation the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Protocol to the Forced Labour Convention, 1930 (No. 29) of the International Labour Organization.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: data collection (para. 12), non-discrimination (para. 18), corporal punishment (para. 27), children with disabilities (para. 34), asylum-seeking, refugee and migrant children (para. 43) and administration of child justice (para. 46).

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\* Adopted by the Committee at its eighty-eighth session (6–24 September 2021).

<sup>1</sup> [CRC/C/CHE/5-6](#).

<sup>2</sup> See [CRC/C/SR.2553](#) and [CRC/C/SR.2554](#).



5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

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

### **Reservations**

6. The Committee reiterates its previous recommendations<sup>3</sup> for the State party to consider withdrawing its reservations to articles 10 (1), 37 (c) and 40 (2) (b) (ii)–(iii).

### **Legislation**

7. The Committee recommends that the State party ensure the compatibility of cantonal legislation with the Convention, and develop a child-rights impact assessment procedure for national legislation and policies relevant to children.

### **Comprehensive policy and strategy**

8. While noting that child policy is primarily the responsibility of the cantons, the Committee is of the view that a comprehensive child rights policy and strategy at the federal level could serve as a basis for cantonal plans and strategies. Recalling its previous recommendations,<sup>4</sup> the Committee recommends that the State party:

(a) Develop and adopt a comprehensive policy on children that encompasses all areas covered by the Convention and, on the basis of that policy, develop a strategy for its application at the cantonal level that is supported by sufficient human, technical and financial resources;

(b) Ensure that such a policy provides guidance for cantons on implementing the Convention, and includes a special focus on groups of children in vulnerable situations, including children in alternative care, children with disabilities, asylum-seeking, refugee and migrant children and children without a regular residence status.

### **Coordination**

9. The Committee notes with appreciation the measures taken to strengthen cooperation between the cantons and the Confederation on the implementation of children's rights, including the creation of the children and youth policy conference. Recalling its previous recommendations,<sup>5</sup> the Committee recommends that the State party:

(a) Establish a body for children's rights at the federal level, with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the cross-sectoral, national and cantonal levels and the implementation of the above-mentioned comprehensive child rights policy and strategy;

(b) Ensure that such a body is provided with the human, technical and financial resources necessary for its effective operation and that it includes the participation of children and civil society.

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<sup>3</sup> CRC/C/CHE/CO/2-4, para. 7. See also CRC/C/15/Add.182, para. 7.

<sup>4</sup> CRC/C/CHE/CO/2-4, para. 11.

<sup>5</sup> Ibid., para. 13.

### Allocation of resources

10. The Committee regrets the limited progress made in developing a child-specific approach for the planning and allocation of resources in the federal and cantonal budgets, and the lack of information on child-related expenditure at the cantonal level. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee reiterates its previous recommendations<sup>6</sup> for the State party to incorporate a child rights-based approach into the State budgeting process, including by implementing a tracking system for the allocation and use of resources for children and assessing how investments in all sectors serve the best interests of children.

### Data collection

11. The Committee remains seriously concerned that the collection and analysis of data on the situation of children is fragmented and inconsistent across cantons, and that there is no centralized system of disaggregated data collection or data on certain groups of children in disadvantaged situations. The Committee is of the view that a comprehensive system for the collection and analysis of disaggregated data at the federal level is necessary for the effective implementation of the Convention.

12. Recalling its previous recommendations,<sup>7</sup> the Committee urges the State party to:

(a) Expediently create an integrated, comprehensive and standardized data collection and management system covering all areas of the Convention, with data disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background;

(b) Ensure that data is also collected and analysed on violence against children, including in the digital environment; the health status of children under 14 years of age; domestic and intercountry adoptions; missing children; and the situation of children in disadvantaged situations, including children in alternative care, children with disabilities, asylum-seeking, refugee and migrant children, children without a regular residence status and children of incarcerated parents;

(c) Ensure that the data and indicators are shared among departments, cantons and civil society organizations and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

### Independent monitoring

13. The Committee notes the State party's commitment, made in the context of its first, second and third cycles of the universal periodic review, to establish a national human rights institution, and the measures taken to create an ombudsman's office for children's rights, but regrets that the office will not have a mandate to receive and investigate complaints from children. The Committee reiterates its previous recommendations<sup>8</sup> and further recommends that the State party:

(a) Expediently establish the ombudsman for children's rights with a mandate to regularly monitor and evaluate progress at both the federal and cantonal levels in the fulfilment of children's rights under the Convention and to receive, investigate and address complaints from children in a child-friendly manner;

(b) Ensure that independent mechanisms for human rights monitoring have adequate human, technical and financial resources to implement and monitor the application of the Convention;

<sup>6</sup> Ibid., para. 15.

<sup>7</sup> Ibid., para. 17. See also [CRC/C/15/Add.182](#), para. 18.

<sup>8</sup> [CRC/C/CHE/CO/2-4](#), para. 19. See also [CRC/C/15/Add.182](#), para. 16.

(c) **Ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

#### **Dissemination, awareness-raising and training**

14. **The Committee welcomes the financial support available for civil society to raise public awareness about children’s rights and the awareness-raising activities conducted to commemorate the thirtieth anniversary of the Convention, but notes that the training provided to relevant professional groups is not systematic and that knowledge of children’s rights among such professionals remains insufficient. The Committee recommends, in line with its previous recommendations,<sup>9</sup> that the State party:**

(a) **Continue its awareness-raising regarding children’s rights among the public and promote the active involvement of children in public outreach activities;**

(b) **Ensure systematic training on children’s rights and the Convention and the Optional Protocols thereto, including through the allocation of sufficient resources, for all professionals working for and with children, in particular those working in the areas of education, health, child protection, social protection, alternative care, justice and asylum.**

#### **Cooperation with civil society**

15. **While welcoming the efforts of the State party to support and collaborate with civil society, the Committee recommends that the State party:**

(a) **Engage children’s organizations, including organizations of children with disabilities and lesbian, gay, bisexual, transgender and intersex children, in the formulation, implementation and monitoring of public policies and programmes concerning their rights;**

(b) **Ensure access by civil society organizations working with and for children to public financing at the national, cantonal and municipal levels.**

#### **Children’s rights and the business sector**

16. **The Committee notes with appreciation the adoption of the revised national action plans on the implementation of the Guiding Principles on Business and Human Rights and the action plan on corporate social responsibility for the period 2020–2023, but is concerned about the reliance on voluntary self-regulation and reporting by the business sector and the lack of legal accountability for business enterprises that have violated children’s rights. Recalling its previous recommendations,<sup>10</sup> the Committee recommends that the State party:**

(a) **Adopt regulations to ensure the compliance of the business sector with international human rights and children’s rights;**

(b) **Establish monitoring mechanisms for the investigation and redress of violations of children’s rights, with a view to improving accountability and transparency;**

(c) **Require companies to undertake assessments of, consultations on and full public disclosure of the environmental, health-related and child rights impacts of their business activities and their plans to address such impacts.**

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

### **Non-discrimination**

17. **The Committee welcomes the efforts to combat discrimination against children in disadvantaged situations and to expand the grounds on which discrimination is prohibited**

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<sup>9</sup> [CRC/C/CHE/CO/2-4](#), para. 21.

<sup>10</sup> *Ibid.*, para. 23.

under article 261 bis of the Criminal Code to include sexual orientation. However, the Committee is concerned about de facto discrimination against children in disadvantaged situations, in particular with regard to access to education and health services, and that discrimination on all explicit grounds covered under the Convention, including sex, disability or socioeconomic or other status, is not prohibited under article 261 bis of the Criminal Code.

18. **Taking note of target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure that all forms of discrimination, including on the basis of sex, disability and socioeconomic, residence or other status, are prohibited by law;**

(b) **Ensure the full implementation of relevant laws prohibiting discrimination, including by raising public awareness of the legal prohibition of discrimination, adequately sanctioning perpetrators, and removing procedural barriers that prevent child victims of discrimination from accessing justice and receiving remedies;**

(c) **Evaluate, with the participation of children and civil society, existing measures aimed at combating discrimination against children in disadvantaged situations, in order to assess their impact and revise measures accordingly;**

(d) **Develop policies and awareness-raising measures aimed at addressing the root causes of de facto discrimination, with a view to eliminating discrimination against children in disadvantaged situations, including refugee, asylum-seeking and migrant children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children and socioeconomically disadvantaged children.**

#### **Best interests of the child**

19. **The Committee remains concerned that the concept of “the good of the child” in the Constitution does not correspond to the principle of the best interests of the child enshrined in the Convention, and has contributed to the insufficient implementation of the principle of the best interests of the child in decisions affecting children. Recalling its previous recommendations,<sup>11</sup> the Committee recommends that the State party:**

(a) **Ensure that the principle of the best interests of the child is consistently applied in programmes and administrative and judicial proceedings, including in relation to parental custody, placement in alternative care, and migration and asylum procedures;**

(b) **Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration, drawing on the elements provided in the Committee’s general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (paras. 52–79);**

(c) **Ensure that the legal meaning of the term “best interests of the child” is well understood and applied by all professionals working and for children, including by disseminating the above-mentioned procedures and criteria and harmonizing the translation of the term across all national languages.**

#### **Respect for the views of the child**

20. **While welcoming the 2020 study commissioned by the State party on the implementation of the right of the child to be heard, the Committee recalls its previous recommendations<sup>12</sup> and recommends that the State party:**

(a) **Guarantee the right of children to be heard in any decision affecting them, including in criminal and asylum proceedings, and ensure that this guarantee extends**

<sup>11</sup> Ibid., para. 27.

<sup>12</sup> Ibid., para. 29.

to children with disabilities, children in alternative care, young children and asylum-seeking, refugee and migrant children;

(b) Strengthen measures to promote the meaningful and empowered participation of all children, in particular children in disadvantaged situations, within the family, in the community and in schools, such as by developing toolkits for consulting children on national policy issues, introducing school councils, and ensuring that the outcomes of children's councils and parliaments and the federal youth session are systematically fed into public decision-making;

(c) Develop initiatives aimed at increasing child participation and ensuring that children's views are taken into account by local authorities, such as initiatives to develop relevant guidelines for cantons and municipalities and to ensure that programmes funded under the Extracurricular Activities Act have a child participation component;

(d) Develop operational procedures or protocols for professionals working with and for children to ensure that due weight is given to the views of children in all proceedings.

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

#### **Birth registration and nationality**

21. Recalling its previous recommendations,<sup>13</sup> the Committee recommends that the State party:

(a) Ensure that all children born in the State party, irrespective of their parents' legal status, have access to birth registration and are entitled to a nationality at birth, or subject to a significantly reduced residence requirement if otherwise stateless, and that parents without regular residence status who register their children are not reported to migration authorities;

(b) Consider acceding to the Convention on the Reduction of Statelessness, the European Convention on Nationality and the Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession.

#### **Right to identity**

22. While welcoming the legislative measures to ensure the rights of adopted children, approved in 2018, and that children conceived by medically assisted reproduction have access to information regarding their biological origins, the Committee recommends that the State party:

(a) Remove legitimate interests as a precondition for a child's right to information regarding his or her biological origins, in line with its previous recommendations;<sup>14</sup>

(b) Develop a standardized procedure for confidential birth services to ensure that information about the biological origins of such children are preserved, and promote its use throughout all cantons, with a view to eliminating the use of baby boxes.

#### **Freedom of expression, association and peaceful assembly**

23. Noting with deep concern that the Federal Act on Police Measures to Combat Terrorism is applicable to children as young as 12 years of age, the Committee urges the State party to revise its counter-terrorism legislation to bring it into line with children's rights standards and ensure that it is not used to undermine children's rights to privacy and freedom of expression and association.

<sup>13</sup> Ibid., para. 31.

<sup>14</sup> Ibid., para. 33.

### **Right to privacy and access to appropriate information**

24. The Committee regrets that the federal data protection law of 2020 does not provide any special protections for children. With reference to its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party:

(a) Develop regulations and safeguarding policies to protect the privacy of children in the digital environment, as well as standards for ensuring their safety and protection;

(b) Ensure that laws on access to information and the digital environment, including the federal data protection law, ensure respect for children's right to privacy, protect children from harmful content and materials and online risks, and provide for mechanisms to prosecute violations;

(c) Enhance the digital literacy and skills of children, teachers and families, and protect children from information and material harmful to their well-being.

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

### **Torture and other cruel, inhuman or degrading treatment or punishment**

25. The Committee is concerned about reports of inhuman treatment or punishment, including beatings and placement in "reflection rooms", of children at federal asylum centres. Drawing attention to target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Continue to ensure that allegations of cruel, inhuman or degrading treatment or punishment of children in facilities for asylum-seeking and refugee children are duly investigated, that perpetrators are punished in a manner commensurate with the gravity of their acts, and that child victims receive adequate remedies;

(b) Ensure that children have access to confidential, child-friendly complaints mechanisms for the reporting of cases in such facilities.

### **Corporal punishment**

26. The Committee remains deeply concerned that corporal punishment is legally and socially acceptable in the State party. It regrets the State party's persistent position that an explicit prohibition of corporal punishment in the Civil Code is not necessary because existing laws on violence and abuse are sufficient in protecting children from corporal punishment. The Committee is of the view that such legislative provisions do not guarantee the protection of children from corporal punishment, and that clear prohibition in applicable sectoral legislation is essential.

27. The Committee reiterates its previous recommendations<sup>15</sup> and strongly urges the State party to:

(a) 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;

(b) 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.

<sup>15</sup> Ibid., para. 39. See also [CRC/C/15/Add.182](#), para. 33.

**Violence, including abuse, sexual exploitation and online violence**

28. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Develop, in close cooperation with the cantons, a federal strategy and action plan for preventing, combating and monitoring all forms of violence and abuse against children, including sexual violence, bullying and violence in the digital environment, and with a focus on children in disadvantaged situations;

(b) Strengthen coordination among cantonal authorities and child protection specialists to implement multisectoral measures for the prevention and intervention of violence against children, and adopt indicators to monitor progress achieved in the prevention of violence and in combating factors underpinning violence against children at home, in school, in alternative care settings and within a child's circle of trust;

(c) Establish a federal mechanism, with appropriate procedures and guidelines, for ensuring the effective investigation of cases of violence in the digital environment, including sexual exploitation, cyberaggression and grooming, and the prosecution of perpetrators in all cantons;

(d) Strengthen efforts, including through increased human, technical and financial resources, to train professionals concerned to identify and adequately respond to cases of violence and child abuse, including psychological abuse, and establish reporting guidelines.

**Harmful practices**

29. The Committee welcomes the measures taken to combat female genital mutilation and to implement the federal programme to combat forced marriage, and recommends that the State party:

(a) Strengthen measures aimed at preventing female genital mutilation, including through the allocation of sufficient resources for the protection of and support for victims, awareness-raising campaigns, implementation of the recommendations of the postulate report of November 2020 and training of relevant professional groups;

(b) Prohibit the performance of unnecessary medical or surgical treatment on intersex children where those procedures may be safely deferred until children are able to provide their informed consent;

(c) Provide social, medical and psychological services, as well as adequate counselling, support and reparations, to families with intersex children;

(d) Develop awareness-raising campaigns targeted at religious communities that conduct child marriages on the harmful effects of child marriage on the physical and mental health and well-being of girls.

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

**Family environment**

30. While welcoming the measures taken to increase the availability of day-care services, the Committee recommends that the State party develop federal standards for the quality of day-care services and a mechanism for monitoring the implementation of those standards.



### Children deprived of a family environment

31. Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recalls its previous recommendations<sup>16</sup> and recommends that the State party:

- (a) Adopt national standards for the quality of alternative care, including for children living with foster families and in federal asylum centres, and encourage their application across all cantons;
- (b) Enhance preventive measures to avoid discrepancies in the quality of and access to preventive services between cantons, including prioritizing social measures for families in order to prevent children, in particular those under the age of 3 years, from entering alternative care;
- (c) Strengthen measures to reduce the number of days children spend in institutional care, including by allocating sufficient resources for child protection services and towards the training, support and counselling provided to foster and adoptive parents;
- (d) Ensure that children in alternative care are heard in decisions affecting them throughout their stay, and that relevant authorities have the technical capacities required to guarantee respect for children's views in alternative care;
- (e) Ensure that children are separated from their family only if it is necessary for their best interests and subject to judicial review, in accordance with article 9 (1) of the Convention, and that poverty and disability, including autism spectrum disorder, are never the justification for removing a child from parental care;
- (f) Ensure that the findings of the study on children of incarcerated parents are shared among relevant departments and used for the formulation of programmes aimed at providing psychological and social support to such children.

### Adoption

32. Taking note of the recommendations of the report of the Federal Council concerning illegal adoptions of children from Sri Lanka, the Committee recommends that the State party:

- (a) Adopt legislative and procedural reforms to ensure that the principle of the best interests of the child is at the core of international adoption, and prevent the abduction, sale and trafficking of children;
- (b) Ensure that all children, including those adopted in the past, receive adequate support to know their origins.

## F. Children with disabilities (art. 23)

33. The Committee welcomes the progress achieved in ensuring the access of children with disabilities to inclusive education in mainstream schools, but is concerned that:

- (a) According to some of the latest data available, many children with disabilities, including children with autism, have to attend special schools or classes outside mainstream schools;
- (b) In some circumstances, teaching provided in integrated classes and special schools can limit the access of children with disabilities to mainstream higher education and vocational training;
- (c) Children with disabilities, including children with autism, are still sometimes placed in institutions, and sometimes together with adults;
- (d) Children with disabilities continue to face discrimination and social exclusion.

<sup>16</sup> CRC/C/CHE/CO/2-4, para. 49.

34. Recalling its previous recommendations,<sup>17</sup> the Committee recommends that the State party:

- (a) 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;
- (b) Strengthen the training of teachers and professionals in integrated classes providing individual support and due attention to children with disabilities, including children with severe autism and children with learning disabilities, and increase the amount of support available to such children;
- (c) Continue its measures to develop and ensure the availability of mobile educational services in all cantons, inclusive early childhood education and care services, after-school childcare services and vocational training opportunities for children with disabilities, including children with autism and children with intellectual and psychosocial disabilities, through adequately trained teachers and adapted curricula; and ensure that such measures are adequately resourced;
- (d) Legally prohibit the practice of “packing” children in the public and private sectors and promote specialization in autism among health professionals;
- (e) Expand the provision of adequate support services for children with disabilities, with a view to preventing the placement of such children in specialized centres;
- (f) Ensure that training, counselling and related support continues for parents of children with disabilities;
- (g) Undertake awareness-raising campaigns in order to combat stigmatization of and discrimination against children with disabilities, and promote a positive image of such children as rights holders, with respect for their evolving capacities on an equal basis with other children.

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

### **Health and health services**

35. The Committee welcomes the measures to promote healthy lifestyles among children. With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:

- (a) Ensure the availability of quality paediatric primary care to all children, including prenatal care to mothers, particularly in respect of children in disadvantaged situations;
- (b) Continue efforts to address overweight and obesity in children and actions to promote a healthy lifestyle, including by regulating the marketing of unhealthy foods to children, raising public awareness of nutrition issues and adopting standards for nutrition in childcare facilities;
- (c) Ensure that adolescents with gaming disorders or other forms of online addiction receive the necessary technical and financial help and support;
- (d) Strengthen actions to promote breastfeeding and monitor the implementation of the International Code of Marketing of Breast-milk Substitutes and the baby-friendly hospital initiative.

### **Mental health**

36. The Committee notes with appreciation the measures to promote the mental health of children and address the shortage of psychiatric and psychotherapeutic

<sup>17</sup> Ibid., para. 55.

services for children. Taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Allocate adequate financial, technical and human resources for mental-health services and programmes to ensure that the number of qualified medical professionals, including child psychologists and psychiatrists, is sufficient to meet children's mental-health needs in all cantons;
- (b) Strengthen measures to support health authorities to better diagnose mental-health problems among children;
- (c) Ensure the effective implementation of the 2016 action plan on suicide prevention, and that it includes preventive measures specifically for transgender adolescents;
- (d) Invest in addressing the underlying causes of suicide and poor mental health among children and ensure that children's perspectives are included in the development of response services available for children;
- (e) Ensure that prescription of drugs for children with attention deficit hyperactivity disorder is used only as a measure of last resort, and that children and their parents are properly informed about possible side effects of such medical treatment and about non-medical alternatives.

#### **Impact of climate change on the rights of the child**

37. The Committee is concerned about the disproportionately high carbon footprint of the State party, in particular through investments made in fossil fuels by its financial institutions, and the negative impact of climate change and air pollution on children's health. Drawing attention to targets 3.9 and 13.3 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Reduce greenhouse gas emissions in line with the State party's international commitments and ensure that the Federal Council strategy of net zero emissions by 2050 is implemented in accordance with the principles of the Convention;
- (b) Conduct an assessment of policies and practices related to the aviation and transport sectors and the impacts of the resulting atmospheric pollution and greenhouse gas emissions on children's rights as a basis for designing a well-resourced strategy to remedy the situation, including investments in carbon-neutral technologies;
- (c) Ensure that private and publicly owned financial institutions take into consideration the implications of their investments with regard to climate change and the resulting harmful impacts on children, including by introducing regular monitoring and evaluation of financial institutions with regard to their investment activities and adopting binding rules for these institutions;
- (d) Strengthen awareness-raising among children, with the active participation of schools, on climate change and environmental health, including on relevant air quality and climate legislation and the right of children to the enjoyment of the highest attainable standard of health;
- (e) Ensure that children's needs and views are systematically taken into account in developing policies and programmes addressing climate change;
- (f) Collect data on the impact of climate change on children and provide information on this issue in its next report.

#### **Standard of living**

38. The Committee notes that the Federal Council is responsible for regular poverty monitoring but is concerned that the overall level of children living in poverty remains high, a situation that could be further exacerbated by the coronavirus disease (COVID-19) pandemic, and that some children without a regular residence status or Swiss citizenship do not apply for social assistance as it may negatively affect their residence

permit status. Taking note of target 1.2 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Further strengthen its policies to ensure that all children have an adequate standard of living throughout its territory;
- (b) Support the effective implementation and monitoring of the recommendations of the national programme against poverty, including through the development of time-bound and measurable indicators;
- (c) Strengthen the system of family benefits and child allowances, including by implementing supplementary family benefits and ensuring the implementation of the guidelines of the Swiss Conference of Welfare Organizations in all cantons;
- (d) Ensure that measures include a particular focus on children from disadvantaged families, including migrant children, children without a regular residence status and children living in emergency accommodation.

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

### **Early care and education, including vocational training**

39. The Committee is concerned about the disparities between Swiss-born children and asylum-seeking, refugee and migrant children in completing upper secondary education, disparities between cantons regarding access to education, and the high rate of children who have experienced bullying in schools. Drawing attention to targets 4.1, 4.2, 4.3, 4.4, 4.5 and 4.a of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Expeditiously adopt the national strategy to strengthen the encouragement of early care, and ensure that it includes measures for ensuring access by children in disadvantaged socioeconomic situations;
- (b) Strengthen measures to integrate asylum-seeking, refugee and migrant children into mainstream education in all cantons, and ensure access by children in disadvantaged groups, including asylum-seeking, refugee and migrant children and children without a regular residence status, to post-compulsory education and vocational training;
- (c) Address the overrepresentation of migrant children in special-needs schools and special-needs classes;
- (d) Develop national programmes to prevent bullying, including cyberbullying, that encompasses prevention, early detection mechanisms, intervention protocols and harmonized guidelines for the collection of case-related data; provide support to child victims, including lesbian, gay, bisexual, transgender and intersex children and asylum-seeking, refugee and migrant children; and raise awareness about the harmful effects of bullying.

### **Human rights education**

40. Drawing attention to target 4.7 of the Sustainable Development Goals, the Committee welcomes the measures taken to integrate human rights into language-region curricula, and recommends that the State party strengthen efforts to promote the development of a culture of human rights in the education system and:

- (a) Strengthen the teaching of human rights and the principles of the Convention within the harmonized school curricula, including language-region and subject area curricula, and in the training of teachers and education professionals in all cantons, taking into account the framework of the World Programme for Human Rights Education;
- (b) Ensure that teachers receive the necessary support to teach children's rights in schools.

### Rest, leisure, recreation and cultural and artistic activities

41. The Committee welcomes the financial support available for projects that promote access to cultural life for children in disadvantaged groups. With reference to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party:

(a) Ensure that public and private sporting, recreational, leisure, cultural and artistic activities are accessible for children with disabilities, asylum-seeking, refugee and migrant children, and children in disadvantaged socioeconomic situations;

(b) Fully involve children in planning, designing and monitoring the implementation of policies and programmes relevant to leisure, play, recreation, cultural life and the arts.

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

### Asylum-seeking, refugee and migrant children

42. The Committee welcomes the measures taken to improve conditions for unaccompanied children in federal reception centres and reform the asylum system to ensure child-friendly reception conditions and efficient asylum procedures. However, the Committee is concerned that:

(a) There is no separate procedure for assessing the best interests of the child and integrating them into asylum procedures, the views of children under 14 years of age are not heard or taken into account, and invasive age determination procedures continue to be used;

(b) Persons of trust sometimes also function as the child's legal representative;

(c) Reception standards for asylum-seeking children continue to vary widely between cantons, as the guidelines of the conference of cantonal directors of social services are not binding and there is no system established to monitor the implementation;

(d) Provisionally admitted persons or refugees are subject to a waiting period of three years for family reunification with their children, and family reunification is possible only if certain conditions are met;

(e) Children between 15 and 18 years of age can be detained because of their migration status;

(f) There are reports of unaccompanied children disappearing during the asylum procedure.

43. With reference to the joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, the Committee recommends that the State party:

(a) 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, including by: (i) developing a procedure for assessing and determining the best interests of the child in all asylum processes; (ii) strengthening coordination between the asylum system and the child protection system and ensuring that child protection professionals are involved in such decisions; and (iii) exempting children from the accelerated asylum procedure;

(b) Ensure that all children, including children below 14 years of age and children who are accompanied by their parents or family members, have their views heard in migration and asylum processes in all situations;

(c) Establish age determination procedures that respect the privacy and integrity of the child, include multidisciplinary assessments of the child's maturity and level of development and respect the legal principle of the benefit of the doubt;

(d) Assign asylum-seeking children, including unaccompanied children, to a canton as soon as possible so that they promptly receive necessary support, and ensure that all unaccompanied children are assigned a person of trust;

(e) Clarify the respective roles of a person of trust and a legal representative of unaccompanied children, and ensure that only persons who are adequately trained in both the legal and psychosocial fields can serve the dual function of legal representative and person of trust;

(f) Establish a mechanism for monitoring the implementation of the recommendations of the conference of cantonal directors of social services on unaccompanied children, with a view to ensuring that all reception centres at the cantonal level are sufficiently supported to conform to minimum standards for reception conditions, integration support, welfare and education for children;

(g) Review its system of family reunification, in particular for persons granted provisional admission or provisionally admitted refugees;

(h) Ensure that children under the age of 18 are not detained because of their migration status;

(i) Investigate reports of alleged disappearance of children during the asylum procedure, establish their whereabouts and prosecute those responsible for crimes involved in such disappearances.

#### Children without a regular residence status

44. Noting with appreciation the policy that children without a regular residence status are guaranteed access to compulsory education, vocational training and health insurance, and with reference to joint general comment No. 3 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 of the Committee on the Rights of the Child (2017), the Committee recommends that the State party:

(a) Ensure access by children without a regular residence status to health insurance, adequate housing, child protection and other social benefits, and that they do not suffer any negative consequences for registering for these services;

(b) Strengthen measures to prevent the social exclusion of and discrimination against children without a regular residence status.

#### Administration of child justice

45. The Committee remains concerned at the low age of criminal responsibility and that in some cantons, children can still be detained together with adults.

46. With reference to its general comment No. 24 (2019) on children's rights in the child justice system, the Committee recommends that the State party:

(a) Raise the age of criminal responsibility to at least 14 years of age, in accordance with the Convention and international standards;

(b) 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;

(c) Allocate sufficient human, technical and financial resources for the systematic training of all professionals working with the child justice system, including judges, prosecutors, police officers and defence lawyers, on the provisions of the Convention;

(d) Ensure that all cantons have taken measures to prevent the placement of children together with adults during police custody, pretrial detention, administrative detention and youth welfare placement in all cantons.

## **J. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

### **Optional Protocol on the sale of children, child prostitution and child pornography**

47. Recalling its previous concluding observations,<sup>18</sup> and with reference to its 2019 guidelines on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography,<sup>19</sup> the Committee recommends that the State party:

(a) Bring its legislation into line with article 3 of the Optional Protocol, and explicitly criminalize sexual exploitation of children perpetrated through the use of information and communications technology;

(b) Adopt a comprehensive policy and strategy to implement the Optional Protocol, including measures aimed at strengthening cooperation among responsible authorities and ensuring early identification, recovery and social reintegration of child victims of sexual exploitation;

(c) Conduct a study to assess the scale of the sale of children, the sexual exploitation of children in prostitution and the use of children in pornographic performances and materials, both online and offline.

### **Optional Protocol on the involvement of children in armed conflict**

48. The Committee recommends that the State party:

(a) Explicitly criminalize the recruitment of children below the age of 18 years by non-State armed groups;

(b) Establish a mechanism for the early identification of asylum-seeking, refugee and migrant children who may have been recruited or used in hostilities abroad, and ensure that the personnel responsible for the referral of such children are trained in children's rights and child-friendly interviewing skills;

(c) Provide child victims with appropriate assistance for their full physical and psychological recovery and social reintegration.

## **K. Ratification of international human rights instruments**

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## **L. Cooperation with regional bodies**

50. The Committee recommends that the State party continue to cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

<sup>18</sup> CRC/C/OPSC/CHE/CO/1.

<sup>19</sup> CRC/C/156.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

51. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including the most disadvantaged ones. The Committee also recommends that the combined fifth and sixth periodic reports and the present concluding observations be made widely available in the languages of the country.

### **B. National mechanism for reporting and follow-up**

52. The Committee recommends that the State party establish a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution, when established, and civil society.

### **C. Next report**

53. The Committee invites the State party to submit its seventh periodic report by 7 March 2026 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014<sup>20</sup> and should not exceed 21,200 words.<sup>21</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

54. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents<sup>22</sup> and paragraph 16 of General Assembly resolution 68/268.

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<sup>20</sup> [CRC/C/58/Rev.3](#).

<sup>21</sup> General Assembly resolution 68/268, para. 16.

<sup>22</sup> [HRI/GEN/2/Rev.6](#), chap. I.