

UN CRC	Ratification Date	Care-Related Concluding Observations
	24 Feb 1997	<p>CRC/C/CHE/CO/2-4 4 February 2015</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHE%2fCO%2f2-4&Lang=en</p> <p>II. Follow-up measures undertaken and progress achieved by the State party</p> <p>4. The Committee welcomes the entry into force of the following legislative measures, inter alia:</p> <p>...</p> <ul style="list-style-type: none"> • The Ordinance on the Placement of Foster Children, as on 1 January 2013; <p>...</p> <p>III. Main areas of concern and recommendations</p> <p>D. Civil rights and freedoms (arts. 7, 8, and 13-17)</p> <p>Right to know and be cared for by parents</p> <p>32. The Committee notes that according to Swiss Civil Code, article 268 (c), on adoption, and the Law on Medically Assisted Procreation, article 27, the child can only be informed of the identity of his or her biological parents on the condition that he or she has a “legitimate interest” and remains concerned whether the concept of “legitimate interest” is always in line with the best interests of the child.</p> <p>33. The Committee recommends that the State party intensify its efforts to ensure, as far as possible, the respect for the right of adopted children and children born as a result of medically assisted procreation to know his or her origin. The Committee in particular recommends that the State party consider the removal of a reference to legitimate interests as a pre-condition to the child’s right to request information regarding his or her biological origin.</p>

		<p>Right to Identity</p> <p>34. The Committee is deeply concerned about the absence of regulation and the increasing number of baby-boxes that allow for the anonymous abandonment of children in the State party, which is in violation of, inter alia, articles 6 to 9 and 19 of the Convention.</p> <p>35. The Committee urges the State party to prohibit the use of baby boxes and strengthen and promote the already existing alternatives and consider introducing, as a last resort, of the possibility of confidential hospital births.</p> <p>F. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))</p> <p>Family environment</p> <p>44. While welcoming the measures adopted by the State party to provide support to parents in the fulfilment of their parental obligations, such as the adoption of the Federal Act on Financial Aid for Childcare outside the Family, the Committee remains concerned about the insufficient availability of different forms of family support, including day care services.</p> <p>45. The Committee recommends that the State party strengthen its measures to support families, including by ensuring sufficient availability of quality care for children throughout its territory.</p> <p>46. The Committee notes that the State party's law prohibits surrogate motherhood and aims at not encouraging surrogate motherhood arrangements made abroad. The Committee is nevertheless concerned about the uncertainty of the legal status of the child during the one year period of assessment of possible adoption.</p> <p>47. The Committee recommends that the State party:</p> <p style="padding-left: 40px;">(a) Accelerate the assessment procedure and ensure that the child is not stateless or discriminated against during the waiting period between his or her arrival in the State party and formal adoption; and</p>
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		<p>(b) Ensure that the best interests of the child is the paramount consideration in the decision concerning adoption.</p> <p>Children deprived of a family environment</p> <p>48. While welcoming the revision of the Ordinance on the Placement of Foster Children, the Committee is concerned that:</p> <ul style="list-style-type: none"> (a) Reliable data and information on the situation of children placed in foster or institutional care are lacking; (b) Large disparities between cantons exist regarding the criteria on the selection, duration and review of placements of children and the quality of various forms of alternative care, including the support, training and monitoring of foster families and the implementation of care standards; (c) The number of foster families is insufficient in some cantons; (d) For children under the age of three only institutional care is available; and (e) Support to biological parents is limited when a child placed either in a foster family or an institution returns to his or her family. <p>49. Drawing the State party's attention to the Guidelines for the Alternative Care of children (General Assembly resolution 64/142, annex), the Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Establish mechanisms for collecting and systematically analysing information and disaggregated data on children in all alternative care settings; (b) Ensure cooperation between the cantons in order to make it possible to place a child with a foster family in another canton, when necessary, while still respecting the right of the child to have contact with his or her biological family; (c) 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 its territory; (d) Strictly regulate and effectively enforce the quality standards in alternative care settings throughout the State party, including through ensuring that adequate human, technical and
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		<p>financial resources are allocated to alternative care centres and relevant child protection services and systematic training in, and support for, child rearing for foster families is provided;</p> <ul style="list-style-type: none"> (f) Ensure periodic review of the placement for children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children; (g) Strengthen the promotion and recruitment of foster families to ensure regional distribution; (h) Ensure that alternative care for young children, especially those under the age of 3 years, is provided in family based settings; and (i) Strengthen its support to parents where children placed in alternative care settings return to their families. <p>Adoption</p> <p>50. While welcoming the revision of the Law on Adoption, the Committee is concerned about the considerable number of intercountry adoptions being carried out with countries of origin that are not party to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (the 1993 Hague Convention) and the lack of data on the adoptions from these countries. The Committee is also concerned that adoption procedures with regard to children from the countries that are not party to 1993 Hague Convention, including assessment of prospective adoption parents and decision making, do not always ensure the paramountcy of the child best interests. The Committee is further concerned about the uncertainty of the legal status of children adopted from abroad by Swiss parents during the first year before the adoption process is finalized.</p> <p>51. The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Collect in a systematic and on-going manner statistical data, disaggregated by age, sex and national origin, and relevant information on both domestic and intercountry adoption; (b) Ensure that the paramountcy of the best interests of the child is strictly observed in intercountry adoptions and all safeguards provided in the 1993 Hague Convention are met, even if the other country is not a contracting State to that Convention; and
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		<p>(c) Accelerate the assessment procedure and ensure that a child adopted from abroad is not stateless or discriminated against during the waiting period between his or her arrival in the State party and formal adoption.</p> <p>Children of incarcerated parents</p> <p>52. While welcoming the establishment of units where an incarcerated mother and her child can be accommodated together in the canton of Zurich, the Committee is concerned about the lack of data on the number and situation on children of parents in prison and information whether a continued relation of a child to his or her imprisoned parent are sufficiently supported.</p> <p>53. With reference to the Committee's recommendations during its day of general discussion in 2011 on the "Rights of Children of Incarcerated Parents", the Committee recommends that the State party collect data and undertake a study on the situation regarding the situation of children with parents in prison in the State party, with a view to ensuring personal relations between children and their parents, including regular visits, adequate services and appropriate support in line with article 9 of the Convention, and that the best interests of the child is a primary consideration in all decisions taken.</p>
		<p>Country Report</p> <p>CRC/C/CHE/2-4</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHE%2f2-4&Lang=en</p>
OPSC to CRC	Ratification Date	Care-Related Concluding Observations
CRC/C/OPSC/CHE/1	18 Sept 2006	<p>4 February 2015</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fCHE%2fCO%2f1&Lang=en</p>

		<p>V. Prevention of the sale of children, child prostitution and child pornography (art. 9, paras. 1 and 2)</p> <p>Measures adopted to prevent offences prohibited under the Optional Protocol</p> <p>17. While noting the efforts of the State party to prevent offences prohibited under the Protocol, the Committee is concerned that measures are fragmented and do not cover all areas of the Protocol. In particular, the Committee is concerned that:</p> <ul style="list-style-type: none"> a. The State party lacks programmes that specifically target children in vulnerable and marginalized situations; b. There are insufficient mechanisms in place to identify and monitor children at risk of becoming victims to the offences under the Optional Protocol; and c. Preventive work is often carried out by non-governmental organizations with limited financial support of the State party. <p>18. The Committee recommends that the State party expand and strengthen its preventive measures to cover all areas of the Optional Protocol and in particular:</p> <ul style="list-style-type: none"> a. Establish special prevention programmes targeting children in vulnerable and marginalized situations, including Roma children or other ethnic minority children, children placed in institutions, children living in street situations, children affected by migration, asylum-seeking and refugee children and girls who are victims of domestic violence.
OPAC to CRC	Accession Date	Care-Related Concluding Observations
	26 June 2002	
ICCPR	Accession Date	Care-Related Concluding Observations
	18 June 1992	

ICESCR	Accession Date	Care-Related Concluding Observations
	18 June 1992	
CEDAW	Ratification Date	Care-Related Concluding Observations
	27 March 1997	
CRPD	Accession Date	Care-Related Concluding Observations
	14 April 2014	
UPR	Date of Consideration	Link to Page
	29 Oct 2012	http://www.ohchr.org/EN/HRBodies/UPR/Pages/CHSession14.aspx
Hague Intercountry Adoption	Ratification Date	Link to Country Profile
	24 Sept 2002	http://www.hcch.net/index_en.php?act=states.details&sid=73

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Better Care Network
www.bettercarenetwork.org



Country Care Review:
Switzerland

UN United Nations
UPR Universal Periodic Review