

CHILD RIGHTS NETWORK SWITZERLAND **– JOINT ACTION FOR THE RIGHTS** **OF CHILDREN**

Christina Weber

The Child Rights Network Switzerland was founded in November 2003 to promote the dissemination and the implementation of the UN-Convention on the Rights of the Child (CRC) in Switzerland. By strengthening coordination of the Network's activities, the voice of the non-governmental organizations (NGOs) involved should have a larger impact on the public debate about the rights of the child. The following article will discuss the Network's beginnings and activities, such as the symposium on the state of children's rights in Switzerland in November 2005, or Switzerland's second reporting on the implementation of the CRC due in 2008. The article will also highlight the future challenges for Switzerland and the Network – networking for children's rights is a demanding and long-term commitment for all those involved.

Child Rights Network Switzerland

Beginnings of the Network

The CRC was adopted by the UN General Assembly on 20 November 1989. After ratification by 20 member states, it came into effect on 20

September 1990. At that time, the Swiss government showed no signs of ratifying the Convention. Several NGOs therefore formed an informal group to lobby for a ratification of the CRC and the implementation of children's rights in Switzerland. They worked intensely on persuading the political decision-makers, as the ratification was being hotly disputed in some circles. Switzerland ratified the CRC on 24 February 1997, although with five reservations,¹ and was the last country in Europe to do so. The CRC officially came into effect on 26 March 1997. Shortly thereafter, a working seminar took place in Berne to set up a core group that would coordinate the cooperation between organisations.

A first report of a group of NGOs and UNICEF Switzerland, the Report on the state of children and youth in Switzerland,² was published in 1999. This report described for the first time, ten years after the adoption of the CRC by the UN General Assembly, the state of children in Switzerland in regard to their rights to family, health, education, participation, as well as their

right to protection from violence or abuse. The report showed that, basically, the conditions for growing up and for the development and encouragement of children and youth in Switzerland are fine. They usually grow up in materially and socially secure circumstances and have access to education and health care. However, there are children and youths without legal status, who hardly have access to social security and education; and convicted youths are generally not imprisoned separately from adults, despite legal measures stipulating the contrary. Furthermore, children living in poor families or victims of violence, abuse and exploitation need more protection.

Switzerland's first report

In 2000 the Swiss government presented its Initial report on the implementation of the Convention on the Rights of the Child.³ Under the auspices of UNICEF Switzerland, the core group founded in 1997 edited the Swiss NGO report⁴ which had been co-signed by 46 organisations. The NGO report was in fact a shadow report of the state report, in which the NGOs pointed out several shortcomings in the implementation of the CRC in Switzerland. Remaining reservations, the fundamental prohibition of corporal punishment still outstanding and the inadequate support of alien children and minor asylum seekers were only some of the shortcomings. It was also critical of the fact that children have only restricted possibilities to voice their opinion in areas that affect their lives. The NGOs further stated that there is insufficient and unsystematic data on the state of children and youth in Switzerland, and that the dissemination of information about the CRC to children and adults was not extensive enough. A further significant point of criticism target-

ed the implementation of the CRC, which in the NGOs' opinion was incoherent due to Switzerland's federalist structures. The federal government has ratified the CRC but is not authorised to issue directives to the cantonal or local communities. In many areas, such as education and health care, it is not the Swiss confederation but the cantons which are responsible for the CRC's implementation.

The Initial report of the Swiss government was considered by the Committee on the Rights of the Child (Committee) in May 2002. The Committee confirmed many of the shortcomings put forward by the NGOs in its Concluding Observations⁵ and gave the Swiss government about 30 recommendations for the improvement of the CRC's future implementation.⁶

After the report in 2002, several organisations called for a formal network. Nine organisations subsequently drafted a common declaration in the form of a Memorandum of Understanding, in which the goals and organisation of the Network were stipulated. On 6 November 2003, the Child Rights Network Switzerland was founded during a symposium in Berne. Twenty-five organisations signed the Memorandum of Understanding. At present, 51 organisations are members of the Network.⁷ Since its founding, the Pestalozzi Children's Foundation has been responsible for the coordination office and chairs the Network. An inner circle of 11 organisations⁸ operates the Network and meets regularly for working sessions.

Aims and activities

The Network strives to promote the recognition and implementation of the CRC in Switzerland. Coordination and the exchange of information among the organisations in-

volved is encouraged, and a broad dialogue among experts about the CRC is stimulated in various areas of society. The increased coordination of the various activities in the Network should also amplify the NGOs' voice in the public discourse about children's rights. The main task of any such National Coalitions or Networks, however, is to accompany the reporting process according to Art. 44 CRC and monitor the implementation of the CRC.

After the Network's founding in November 2003, its first tasks were to define the inner circle's collaboration and the instruments to be used in addressing the general public, such as the web site, stationery and an information brochure.⁹ Furthermore, it was possible to clarify which federal office is the contact within the federal administration for partners dealing with the CRC. This was a demanding task, as no federal administration office had been appointed for the implementation of the CRC since 2002. In 2005, however, the Federal Social Insurance Office was appointed as the responsible office and has therefore been the contact office for the Network.

Network building and lobbying

The announcement of the Federal Social Insurance Office's responsibility brought the Network a step closer to the re-appointment of the coordination office within the federal administration. The Federal Social Insurance Office, however, would not be coordinating the implementation of the CRC in all its aspects. As with any federal office, the appointed service in the division "Families, Generations and Society" has no directive capacity towards the cantons for the implementation of the CRC. To ensure a systematic and coherent implementation of the CRC, the federal government would need this

authority to issue directives, since most of the responsibility for the implementation lies with the cantons and local communities.

Intermediate report on the implementation of the CRC

One of the main tasks of the Network in 2005 was to publish an interim report¹⁰ on the status of the implementation of the CRC after Switzerland's initial state report in 2002. This interim report was the first major activity of the Network and demonstrated the broad expertise of the member organisations. The starting point of the interim report was the Committee's 30 recommendations in its Concluding Observations in 2002. The Network picked up the following questions: What has been achieved since 2002, and what hasn't? Which items are on the political agenda and what, from the Network's viewpoint, should urgently be addressed? The interim report was also the basis for dialogue and exchange with the Federal Social Insurance Office. For 2007, the main issue in this discussion will be the catalogue of measures for the implementation of the CRC for the attention of the Federal Council.

Symposium "Children's Rights in Switzerland – Way Forward"

On 7 November 2005 a symposium entitled "Children's Rights in Switzerland – Way Forward"¹¹ was held in Berne and organised in cooperation with the Federal Social Insurance Office. The Network presented the results of its interim report, the "Ten Priorities for Action", to a broad spectrum of experts and the media. The main gaps in the implementation of the CRC were considered priorities. The Network demanded important legal foundations and coordination efforts for the implementation of

the CRC, as well as improvements in the state of children and youth in Switzerland.

___ There is no ombudsperson for children and youth who examines laws and decisions for their compliance with children's rights. Authorities, courts and politics too often put other interests before the principle of the best interest of the child.

___ The physical and psychological health of children and youth in Switzerland leaves something to be desired. The Network therefore demands that the federal government develop a National Plan of Action for the improvement of children's environment and health by 2007, including programmes for maintaining their psychological health, suicide prevention, reduction of drug abuse and traffic accidents.

___ Children are still victims of various forms of violence. However, there are only a few significant studies on this issue. The Network therefore demands more research and awareness-raising, as well as new measures for the protection of children. Most notably included is the explicit right of the child to a violent-free education, but preventive and protective measures are also included.

___ Children's poverty is becoming an increasingly pressing reality in Switzerland. The Network therefore demands a National Plan of Action against poverty which would improve the situation of children and youth.

___ A study on the new law on aliens and asylum seekers shows that the best interest of the child is not valued as a higher-ranking ground rule.¹² The alien law often impedes the promotion of children and youth regardless of their legal status. The Network therefore demands a right to education and employment for unaccompanied minor asylum seekers.

___ Generally, the Network requests the federal government, cantons and communities to recognise the principle of the child's best interest and expects a stronger commitment to the implementation of the CRC. Without coordination, responsibility is absorbed by the many federal and cantonal offices, and the federalist structures impede a coherent implementation of the CRC in Switzerland.

Strategy development

After building the Network and holding the successful symposium, the work in 2006 focused on strategy development and securing the Network on a long-term basis. At its annual meeting in November 2006 the Network adopted their "Vision 2012"¹³ with respective objectives and measures. The dissemination of the CRC in Switzerland, drafting a National Plan of Action for the implementation of the CRC,¹⁴ and instating a national ombudsperson for children and youth remain important objectives. The Network furthermore wants to establish a competent platform for issues around children's rights, child protection and children's policy in Switzerland for its member organisations. To achieve these objectives the Network needs a financially secured coordination office. The current coordination office is presently funded by member contributions, which cover about a quarter of the annual budget, and a substantial annual contribution from the Pestalozzi Children's Foundation. Discussions and clarification as to how funding can be secured on a long-term basis are further objectives for 2007.

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- 1 Today, three reservations remain: To Article 10 para. 1, family reunification (Swiss legislation does not guarantee family reunification to

- certain categories of aliens); to Article 37 lit. c, conditions of imprisonment (the separation of adults from youths deprived of liberty is not unconditionally guaranteed); to Article 40, juvenile penal code (no guarantee for the unconditional right to assistance; no separation between the examining authority and the sentencing authority; no revision of a sentence by the first instance). www.humanrights.ch.
- 2 Kinder und Jugendliche in der Schweiz: Bericht zur ihrer Situation, 1999. Publishers: UNICEF Schweiz, Coordination suisse des droits de l'enfant, Pro Familia Schweiz, Stiftung Kinderdorf Pestalozzi, Schweiz. Kinderschutzbund, pro juventute. Available in German and French.
 - 3 Erster Bericht der Schweizer Regierung zur Umsetzung des Übereinkommens über die Rechte des Kindes. 1. November 2000; available in German and French.
 - 4 Swiss NGO Report: Comment on the Swiss government's report to the UN Committee on the Rights of the Child. <http://www.unicef.ch/d/information/publikationen/schattenbericht.pdf>.
 - 5 The Concluding Observations are recommendations of the Committee to the State Parties for further improvements in the implementation of the CRC on the national level.
 - 6 Concluding Observations of the Committee on the Rights of the Child: Switzerland 07/06/2002. UN document CRC/C/15/Add.182.
 - 7 Child Rights Network Switzerland www.netzwerk-kinderrechte.ch.
 - 8 Stiftung Kinderdorf Pestalozzi, Enfants du monde, Fondation Terre des hommes, Fondation Suisse de Service Social International (Swiss International Social Service Foundation), Institut international des droits de l'enfant, Kinderlobby Schweiz, Kinderschutz Schweiz, Pfadibewegung Schweiz, pro juventute, Schweiz. Arbeitsgemeinschaft der Jugendverbände (SAJV) (National Youth Council Switzerland), UNICEF Switzerland.
 - 9 Web site of the Child Rights Network: www.netzwerk-kinderrechte.ch.
 - 10 Zwischenbericht zum Stand der Umsetzung der Konvention über die Rechte des Kindes seit dem Ersten Staatenbericht der Schweiz im Jahre 2000. This document is continually being updated; last update 5 April 2006. Publisher Child Rights Network Switzerland. Download (in German): www.netzwerk-kinderrechte.ch.
 - 11 Kinderrechte in der Schweiz: Was muss die Schweiz tun? Zehn Prioritäten zum Handeln, 7. November 2005. Ed. Netzwerk Kinderrechte Schweiz. Download (in German and French) www.netzwerk-kinderrechte.ch.
 - 12 Marguerat, S.; Nguyen, Minh Son; Zermatten, Jean, 2006. Das Ausländergesetz und das revidierte Asylgesetz im Lichte des Übereinkommens über die Rechte des Kindes. (The alien law and the revised asylum seekers law in the light of the Convention on the Rights of the Child); published by Fondation Terre des Hommes. Lausanne.
 - 13 Document for internal use.
 - 14 Drafting National Plans of Action by the signatory states for a systematic and coordinated implementation of the CRC was recommended by both the Committee and at the World Summit for Children in 1990.
 - 15 Art. 5 para. 4 and Art. 191 of the Constitution of the Swiss Confederation (1998).
 - 16 Maywald, J., 2004. Monitoring as an Instrument to Implement the UN-Convention on the Rights of the Child. In Volume 8 of the Series Implementation of the CRC, ed. National Coalition Germany. Rights of the Child in Germany and Europe, Documentation on the 9th open Forum, 2003 Osnabrück. S. 52–57.
 - 17 Theis, J., 2004. Promoting Rights-based Approaches. Ed. Save the Children Sweden, Stockholm.
 - 18 Defence for Children International (DCI) is an international NGO which aims to promote and protect the rights of children. DCI is present in the world through more than 45 national sections. <http://www.dci-is.org>
 - 19 Detrick, S., 1992. The United Nations Convention on the Rights of the Child: A guide to the

Travaux préparatoires. Dordrecht; Boston:
Martinus Nijhoff Publishers.

- 20** From 1983, members of the NGO Group of the Convention on the Rights of the Child, (as the Informal Ad Hoc NGO Group for the Drafting of the CRC) were actively involved in the drafting of the Convention. As soon as the CRC had been adopted by the United Nations General Assembly, the NGO Group decided to continue working as a group on the monitoring and implementation of the CRC and adopted its current name.
<http://www.crin.org/NGOGroupforCRC/about.asp>
- 21** National Coalitions and Networks are national associations of NGOs to promote the recognition and implementation of the CRC and usually jointly draft the NGO report to the Committee.
- 22** Convention on the Rights of the Child, Article 45 a).
- 23** World Conference on Human Rights. Web link
<http://www.unhchr.ch/html/menu5/wchr.htm>

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