First report by the Swiss government concerning the implementation of the Convention on the Rights of the Child dated 1 November 2000

ANSWERS TO QUESTIONS SUBMITTED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD ON 8 FEB. 2002 AND UPDATE OF SWITZERLAND'S FIRST REPORT ON THE CONVENTION ON THE RIGHTS OF THE CHILD

Original versions: German and French Unofficial English translation

PART I: Answers to the Committee's questions

A. Data and statistics

1. Demographic data

Source: federal census, 1990¹

Population < 20 yrs by sex, residence status, country of origin, canton of residence and age group

	<u> </u>	7-,							<u> </u>						<u>.g. g.</u>						
Age	Total	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Total	1581574	77110	81384	81566	78355	78682	77553	77711	76389	77340	76579	77501	74965	73833	74602	74870	76547	80475	83549	88835	93728
Sex																					
Male	811473	39354	41713	41774	40053	40210	39390	40039	39350	39447	39478	39625	38350	37973	38468	38137	39359	41411	43264	45928	48150
Female	770101	37756	39671	39792	38302	38472	38163	37672	37039	37893	37101	37876	36615	35860	36134	36733	37188	39064	40285	42907	45578
Residence status																					
Swiss	1278236	62002	65665	66219	63743	64535	63505	63451	62527	63267	62685	63169	61007	59741	60027	59973	60887	64057	66482	70573	74721
C permit	210829	8471	9009	9073	8928	8923	9098	9343	9437	10033	9988	10507	10370	10653	11337	11716	12445	12913	13027	13067	12491
B permit	67468	4997	5178	4835	4370	3987	3804	3783	3448	3144	3006	2996	2776	2702	2592	2515	2510	2591	2574	2739	2921
A permit	1735	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	34	175	545	976
Applicant for asylum	12166	984	923	835	759	659	620	643	527	509	483	411	375	325	287	258	246	360	614	949	1399
DFA permit	4724	201	212	220	217	247	221	258	250	234	288	257	296	280	230	232	232	224	232	213	180
Other status	5118	267	242	258	217	219	211	174	148	119	101	130	117	108	105	149	192	271	421	706	963

¹ The evaluation of the 2000 census has not yet been completed.

	Total	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Country of origin																					
Switzerland	1278236	62002	65665	66219	63743	64535	63505	63451	62527	63267	62685	63169	61007	59741	60027	59973	60887	64057	66482	70573	74721
Albania	76	2	4	4	3	5	4	7	5	4	4	5	6	1	3	4	4	1	2	3	5
Andorra	19	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	3	2	5	1	6
Belgium	1198	62	72	58	54	76	52	49	53	50	56	71	55	49	63	66	58	66	67	49	72
Bulgaria	293	12	21	16	19	12	14	16	17	11	17	17	16	11	11	10	16	9	17	12	19
Denmark	463	16	24	22	18	16	12	18	14	10	14	18	8	13	20	14	17	17	49	63	80
Germany	10123	461	473	479	406	405	402	415	414	441	492	486	483	437	504	558	572	609	648	679	759
Finland	367	19	19	21	17	26	17	21	16	11	16	22	19	14	11	14	23	16	16	13	36
France	8689	400	419	357	350	368	376	388	387	379	373	409	406	415	439	435	453	476	540	612	707
Greece	2150	62	73	71	82	71	89	92	87	86	105	99	107	113	120	122	143	147	161	165	155
UK	3620	171	182	174	182	160	179	183	164	159	182	200	198	158	177	200	153	190	210	191	207
Ireland	175	10	12	9	7	6	10	8	9	6	6	5	6	9	6	7	6	4	5	15	29
Iceland	27	-	1	-	3	2	1	1	1	1	-	1	2		2	-	2	2	2	2	4
Italy	91157	3563	3768	3647	3577	3678	3718	3781	3762	4005	3992	4240	4187	4364	5002	5119	5609	5974	6171	6455	6545
Yugoslavia	51808	3035	3131	2978	2928	2827	2854	2780	2698	2609	2445	2323	2179	2206	2075	2107	2456	2539	2568	2733	2337
Liechtenstein	254	7	6	7	9	7	9	9	9	6	7	5	8	7	12	18	17	22	24	29	36
Luxembourg	122	4	1	4	3	5	2	3	6	5	4	4	5	2	5	8	6	5	11	7	32
Malta	15	1	2	1	1	1	1	-	1	-	-	-	1	-	-	1	-	1	-	2	2
Monaco	7	1	-	1	1	1	-	-	-	1	-	-	1	-	-	-	-	-	-	-	1
Netherlands	1973	105	106	96	89	95	65	84	82	76	90	93	91	95	92	92	89	124	106	151	152
Norway	344	17	15	10	19	10	3	15	11	13	6	8	9	13	13	17	16	16	28	26	79
Austria	3504	111	137	130	138	120	125	140	131	129	131	154	153	168	174	177	200	227	270	293	396
Poland	1625	52	68	59	62	72	76	87	92	102	70	104	110	99	102	85	102	90	66	62	65
Portugal	28971	1961	1990	1959	1769	1601	1612	1561	1397	1328	1348	1382	1293	1353	1331	1391	1159	975	976	1159	1426
Romania	934	46	47	54	49	52	42	29	33	41	34	50	49	55	54	47	39	62	50	58	43
San Marino	3	-	1	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Sweden	1128	52	54	60	50	53	45	63	46	42	59	53	53	45	43	55	55	53	50	67	130
Soviet Union	606	11	21	30	33	36	33	35	35	39	40	35	34	47	35	34	27	38	25	13	5
Spain	30690	1296	1368	1409	1356	1283	1287	1310	1362	1486	1417	1616	1646	1667	1729	1704	1738	1810	1782	1782	1642
Czechoslovakia	1347	42	33	48	46	45	44	50	52	54	60	77	90	95	95	108	101	97	79	79	52
Turkey	30482	1796	1860	1784	1711	1570	1580	1577	1529	1575	1496	1443	1418	1353	1212	1222	1230	1334	1389	1566	1837

	Total	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Hungary	899	31	25	30	27	27	49	41	49	36	48	45	40	61	67	64	60	64	48	44	43
Vatican City	1	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	
Cyprus	24	-	1	1	1	-	-	-	-	-	1	-	2	-	-	-	1	-	3	8	6
Equatorial Guinea	3	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	1	-	-
Ethiopia	474	27	29	38	34	28	23	28	21	18	20	17	12	16	13	15	26	21	41	28	19
Djibouti	5	2	1	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Algeria	557	36	49	39	41	30	28	25	29	27	20	20	29	18	28	27	21	25	22	25	18
Angola	613	47	77	60	51	43	35	47	42	26	28	14	13	14	11	16	6	9	20	30	24
Botswana	4	-	1	-	-	-	-	-	-	-	-	1	1	-	1	-	-	-	-	-	-
Burundi	24	2	1	-	2	2	-	1	1	3	1	-	2	1	-	1	-	1	4	2	-
Benin	17	2	1	1	1	1	-	-	2	1	-	1	1	3	-	1	-	1	1	-	-
Ivory Coast	68	3	3	1	4	2	2	4	2	5	3	5	1	6	2	5	2	4	5	6	3
Gabun	18	-	-	1	-	1	-	1	-	2	1	2	-	1	1	2	1	1	2	1	1
Gambia	2	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1	-	-	-	
Ghana	146	11	10	17	8	7	13	4	11	5	7	5	4	4	5	7	2	3	5	9	9
Guinea-Bissau	5	-	-	-	-	-	-	-	-	1	-	1	-	1	-	1	-	-	-	-	1
Guinea	17	-	1	2	-	1	1	-	2	-	2	2	2	-	1	-	-	-	-	-	3
Cameroon	172	4	5	6	6	6	6	4	9	2	9	14	12	14	11	12	16	10	7	12	7
Cape Verdi Islands	122	13	9	12	11	6	9	7	12	4	4	4	2	3	3	4	4	4	3	3	5
Kenya	129	4	3	2	3	2	7	5	5	5	7	6	10	10	8	6	10	10	6	10	10
Congo	37	3	2	1	2	2	2	3	-	5	1	-	-	2	2	4	2	1	1	1	3
Zaire	884	61	55	71	63	60	46	73	39	56	57	56	41	39	34	30	27	34	20	15	7
Lesotho	10	1	1	2	-	2	1	-	1	1	1	-	-	-	-	-	-	-	-	-	-
Liberia	21	1	1	-	2	-	2	-	-	1	1	1	-	-	3	-	1	1	2	2	3
Libya	75		3	5	4	5	1	5	4	3	3	3	3	5	2	5	4	4	2	6	5
Madagaskar	79 7	3	3	7	4	3	6	2	4	3	3	6	2	5	2	5	4	3	7	4	3
Malawi		-	1	-	-	1	-	1	-	2	-	-	-	-	1	-	-	-	-	1	-
Mali Morocco	15		1	-	-	1	2	1	-	-	1	1	1	-	-	1	-	1	1	1	2
Mauritania	431	36	31	30	24	26	21	14	22	15	14	16	14	22	12	16	20	21	24	23	30
Mauritania	4	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	1	-	-	-	1

	Total	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Mauritius	161	7	7	6	5	6	5	3	6	8	6	12	9	8	8	13	8	16	11	9	8
Mozambique	14	-		_	-	-	-	-	-	2	-	-	-	-	2	-	1	3	3	1	2
Niger	18	-	1	-	1	-	-	-	1	-	-	1	2	-	3	-	4	3	1	1	-
Nigeria	59	2	4	5	2	3	3	-	1	2	4	1	2	5	4	4	3	3	4	5	2
Burkina Faso	10	-	1	1	-	-	2	-	-	-	1	2	1	-	1	-	-	1	-	-	-
Zimbabwe	35	-	1	1	1	1	2	1	2	-	-	1	2	1	2	-	1	6	3	6	5
Rwanda	44	6	1	5	3	4	4	3	1	2	3	1	1	1	2	1	1	1	1	1	2
Zambia	14	-	3	1	-	-	1	-	1	1	-	1	1	1	-	-	1	-	1	1	1
Senegal	77	5	6	4	6	4	1	2	7	2	3	3	7	4	3	5	1	3	3	5	3
Seychelles	25		-	1	1	-		2	-	2	3	1	-	-	2	1	3	1	4	-	4
Sierra Leone	21	2		-	1	-	-	1	1	-	-	3	1	2	-	2	1	1	4	-	2
Somalia	111	11	10	8	4	10	8	8	2	4	2	1	6	-	4	4	5	5	8	8	3
South Africa	157	3	4	3	12	6	6	8	7	13	6	9	7	8	10	6	10	9	7	9	14
Sudan	74	3	4	5	8	5	7	5	4	4	2	4	2	4	2	2	3	4	4	1	1
Namibia	7	1	1	-	-	-	1	-	-	1	-	-	-	-	-	-	-	1	-	1	1
Swaziland	2	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1	-
Tanzania	58	1	2	3	3	4	4	2	1	1	2	2	5	2	1	1	4	5	5	4	6
Togo	59	3	2	2	4	3	1	2	2	6	3	5	3	2	5	1	5	3	1	1	5
Chad	18	1	1	-	-	1		1	-	2	-	3	-	-	1	2	1	-	1	2	2
Tunisia	611	63	61	52	43	53	39	42	33	30	37	22	15	16	23	15	19	11	14	8	15
Uganda	54	1	2	2	3	2	6	1	2	1	2	3	2	1	3	4	4	4	2	4	5
Egypt	376	34	31	34	25	27	28	22	23	25	17	7	14	11	12	9	10	9	12	13	13
Central African Republic	4		1	-	-	-		-	1	-	-	-	-	1	-	-	-	-	-	-	1
Argentina	301	11	16	11	8	10	19	18	10	9	15	13	17	19	20	22	27	17	15	11	13
Bahamas	5		-	-		-		-	-	-		-	-	-	-	-	1	-	2	-	2
Barbados	1	-		-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Bolivia	131	4	9	8	5	2	3	5	7	9	7	5	7	6	4	6	5	9	7	12	11
Brazil	858	54	59	36	36	27	42	59	42	59	48	51	56	44	31	34	48	40	28	35	29
Chile	1754	62	73	84	77	86	62	62	70	95	80	95	102	96	92	106	103	98	113	107	91
Costa Rica	31	2	1	1	1	1	1	2	-	1	1	2	3	3	1	2	1	1	2	3	2
Dominican Republic	279	8	5	4	9	15	4	13	20	13	19	13	22	22	24	14	19	19	16	11	9
Ecuador	66	1	4	3	2	2	1	1	1	3	4	3	4	2	4	1	3	3	7	11	6

	Total	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
El Salvador	52	3	2	3	3	1	2	3	-	2	-	4	2	3	3	4	3	3	5	3	3
Guatemala	44	3	6	7	3	-	2	-	6	1	-	1	-	1	-	2	1	2	2	4	3
Guyana	4	-	1	1	-	-	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Haiti	198	5	10	9	9	11	15	16	9	12	12	11	9	19	5	13	9	4	6	7	7
Belize	6	-	-	-	-	-	-	-	-	1	-	-	-	-	1	1	-	-	1	1	1
Honduras	27	2	4	1	2	1	1	1	-	-	2	-	2	1	2	-	2	-	1	1	4
Jamaica	37	2	-	-	3	-	4	4	3	-	4	-	2	3	2	1	1	1	3	1	3
Canada	594	39	23	37	24	30	20	28	21	31	18	41	16	19	24	22	24	34	52	55	36
Colombia	336	17	34	41	25	21	21	18	17	19	5	10	10	8	11	10	12	9	13	18	17
Cuba	27	-	1	-	3	-	-	-	3	1	2	2	1	1	2	1	2	1	2	5	-
Mexico	228	1	5	9	5	6	4	5	2	8	10	5	3	7	5	6	20	20	25	41	41
Nicaragua	21	1	-	1	1	2	-	1	1	1	-	2	3	3	-	-	1	1	-	2	1
Panama	25	2	3	3	1	3	1	2	2	-	-	-	1	1	1	1	1	-	-	2	1
Paraguay	34	-	6	8	2	-	-	-	1	1	2	-	2	-	-	2	1	-	1	2	6
Peru	259	12	22	31	13	9	13	8	7	10	15	7	15	10	10	12	15	17	6	16	11
Trinidad and Tobago	5	-	-	-	-	1	-	-	1	-	-	-	-	-	-	-	-	1	-	-	2
Uruguay	212	6	11	12	15	18	4	14	13	12	11	7	10	11	11	10	8	9	12	10	8
Venezuela	124	4	4	-	3	3	3	7	7	3	9	5	3	8	7	6	7	7	19	15	4
USA	2666	135	134	135	132	119	116	119	118	107	106	114	111	117	110	124	178	201	189	173	128
Dominica	16	2	-	-	3	1	-	3	-	1	1	-	-	1	-	-	1	-	-	-	3
Antigua and Barbuda	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-
St. Lucia	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-		-	-	-	-
St. Christopher & Nevis	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Afghanistan	267	10	8	16	11	21	13	15	13	14	13	16	16	20	13	17	9	9	10	8	15
Bahrain	12	-	-	-	-	1	1	1	1	-	2	2	-	-	-	1	1	-	-	1	1
Bhutan	3	-	-	1	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Brunei	3	-	-	-	1	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
Myanmar	16	-	1	1	2	-	1	2	-	1	-	-	2	-	1	1	1	1	1	1	-
Sri Lanka	2210	293	192	110	93	102	92	68	82	55	71	40	48	36	32	34	27	47	84	247	457
Taiwan	77	4	7	7	2	5	3	7	2	7	3	4	3	1	4	3	3	9	2	1	-
China	330	24	24	21	15	13	15	11	16	17	19	10	17	11	17	21	19	14	17	19	10
Hong Kong	86	5	3	4	2	5	2	6	3	3	3	4	4	7	6	3	4	3	1	5	13
India	1201	69	111	153	100	71	72	86	59	60	63	51	26	27	19	24	21	35	27	58	69
Indonesia	111	1	3	6	6	5	1	8	5	8	5	5	6	5	10	4	1	6	6	6	14
Iraq	136	6	6	7	5	12	6	12	9	7	7	7	6	7	3	6	6	6	7	4	7

	Total	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Iran	1075	42	44	40	53	49	50	66	56	71	67	85	62	52	54	54	48	46	46	46	44
Israel	242	10	13	13	12	14	2	16	12	14	14	9	24	13	11	14	6	8	19	13	5
Japan	1082	35	47	64	57	71	46	60	53	41	53	38	42	43	40	48	59	104	88	49	44
Yemen	9	-	-	2	-	-	1	-	-	1	1	1	1	-	-	-	1	-	-	1	-
Jordan	50	5	2	3	4	4	-	4	2	1	3	1	-	3	1	3	1	2	3	3	5
Cambodia	747	34	26	37	31	33	39	42	39	44	59	71	36	28	27	17	31	33	49	40	31
Qatar	10	1	-	1	-	-	-	1	2	-	-	-	1	-	1	-	1	1	-	-	1
Kuwait	215	10	3	9	12	10	9	21	15	10	14	18	13	9	11	12	6	9	10	11	3
Laos	262	4	14	9	14	9	11	11	18	9	14	15	11	16	20	17	15	19	11	9	16
Lebanon	2057	148	147	130	119	91	92	85	65	61	60	50	48	37	35	33	43	67	226	227	293
Malaysia	99	8	7	3	3	4	5	4	2	1	5	3	4	5	2	3	3	1	4	12	20
Oman	9	-	1	-	-	-	2	-	-	1	-	-	-	1	-	-	-	1	-	1	2
Mongolia	8	-	1	-	1	2	-	-	2	-	-	-	-	-	1	-			-	1	-
Nepal	11	-	-	1	-	-	-	-	2	1	1	1	-	-	1	-	2	1	-	1	-
People's Republic of Korea	94	1	4	3	6	2	3	5	7	6	5	6	5	4	6	7	2	4	6	4	8
United Arab Emirates	17	-	-	-	1	1	-	-	1	-	1	1	-	-	3	-	3	1	1	2	2
Pakistan	265	22	17	18	19	12	13	21	13	10	11	7	6	11	4	4	5	11	14	14	33
Philippines	647	34	44	45	38	41	35	39	40	31	22	27	31	29	26	27	22	16	19	35	46
Saudi-Arabia	77	1	-	2	3	3	3	1	4	1	3	2	5	6	4	9	6	4	4	7	9
Singapore	24	-	1	1	-	1	-	-	3	-	2	2	-	3	-	-	1	1	2	5	2
Republic of Korea	115	2	5	9	4	8	1	9	7	10	12	4	3	7	2	3	6	5	7	6	5
Syria	260	16	18	21	14	22	9	10	12	18	8	15	14	11	17	4	8	7	10	8	18
Thailand	602	17	6	19	18	18	28	22	30	18	40	42	38	38	27	36	33	39	35	60	38
Tibet	375	23	16	18	17	22	15	24	26	19	25	21	18	17	13	16	17	18	16	15	19
Vietnam	2479	130	108	137	139	102	87	87	105	110	101	125	125	127	143	142	142	150	147	145	127
Bangladesh	71	9	4	4	2	7	3	5	5	3	5	3	4	4	1	1	-	4	-	2	5
Palestine	22	1	-	-	2	-	-	-	-	-	1	1	3	3	-	2	2	2	1	3	1
Australia	331	9	19	25	16	13	13	17	15	15	12	18	12	13	15	15	12	12	16	32	32
Fiji	9	-	1	-	2	-	-	1	1	1	1	-	-	1	1	-	-	-	-	-	-
New Zealand	83	3	5	2	4	5	2	3	5	3	3	4	8	3	3	3	5	5	7	6	4
Papua New Guinea	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-		-
Tonga	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-

Population of cantons: age group 1-19

Source: Federal Office of Statistics, ESPOP, 1999

Total	1 663 861
Geneva Valais Vaud	88 243 67 790 144 728
Berne	211 204
Fribourg	62 488
Jura	17 265
Neuchatel	38 182
Solothurn	57 100
Aargau	132 588
Basel Landschaft	56 841
Basel Stadt	32 813
Zurich	252 906
Appenzell A.Rh.	14 034
Appenzell I. Rh.	4 397
Glarus	9 953
Grisons	45 137
St. Gall	116 631
Schaffhausen	16 619
Thurgau	60 233
Lucerne	88 089
Nidwalden	9 594
Obwalden	9 058
Schwyz	33 704
Uri	8 985
Zug	24 301
Ticino	60 978

2. Budget allocation for social needs

A period of eighteen months from balance sheet date is normally required for the calculation of consolidated figures for expenditure at the three government levels. Therefore, consolidated figures for 2000 and 2001 can not yet be presented.

<u>Expenditure on education by the federal government, the cantons and the municipalities,</u> 1999²

Authority	Fed. govt.	Canton	Municipality	Total	% of over- all budget
Expenditure (in thousand CHF)					(CHF 119,439,476)
Kindergarten		360'666	612'296	972'962	0.8
State school	17'068	4'423'275	6'943'341	11'383'684	9.53
Schools for children with special needs	*	480'451	506'562	987'013	0.8
Vocational training	394'750	1'972'464	428'603	2'795'817	2.34
General education	12'290	1'751'978	64'242	1'828'510	1.53
Advanced vocational training	231'969	885'302	26'603	1'143'874	0.96
Universities	1'933'273	1'869'930	4'986	3'808'189	3.19
Other forms of education	676'706	291'959	42'178	1'010'843	0.85
Total	3'266'056	11'675'359	8'016'515	22'957'930	20

^{*} Since it was not consolidated with the other data, government expenditure (particularly in the area of disablement insurance) has not been taken into account.

b. Healthcare

Expenditure on health care by the federal government, the cantons and the municipalities, 1999³

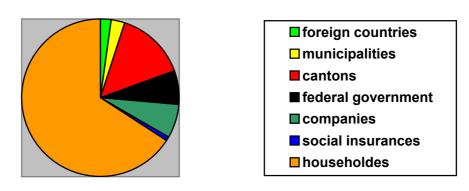
Autority	Fed. govt.	Canton	Municipality	Total	% of over- all budget
Expenditure (in thousand CHF)					(CHF 119,439,476)
Hospitals		7'097'304	4'987'826		
Nursing homes		350'052	1'445'165		
Psychiatric clinics		1'349'788	95'246		
Total	7'708	8'797'144	6'528'237	15'333'089	12.8%
Out-patient health care		147'697	137'188	284'885	0.23%
Disability insurance	3'176'021	1'041'965	165'457	4'383'443	3.76%
Health insurance	1'648'046	2'498'089	312'436	4'458'571	3.73%
Disability (only canton/municipality)		333'750	77'846	411'596	0.34%
Youth protection	250'000	342'510	505'818	1'098'328	0.91%
Other	185'883	499'738	261'702	947'323	0.79%
Total	5'267'658	13'660'893	7'988'684	26'917'235	23%

² These figures have been taken from the following publications of the Federal Financial Administration: "Overall expenditure by the federal government, cantons and municipalities in 1999 (by function and category)" and "Overall expenditure by the cantons (by function)" and "Overall expenditure by the municipalities in 1999 (by function and category)".

³ The figures have been taken from the publications of the Federal Financial Administration "Overall expenditure by the federal government, cantons and municipalities in 1999 (by function and category)", "Overall expenditure by the cantons (by function)", "Overall expenditure by the municipalities in 1999 (by function and category)".

Costs for inoculations and school doctors based on the example of the canton of Thurgau: Pupils are subject to three school medical exams over the course of their compulsory school education. School doctors receive CHF 9.90 per pupil and year. On top of this there are costs for inoculations amounting to CHF 90,000. These are initially paid by the canton, and may be claimed back from the health insurances on the basis of an agreed formula.

1998 healthcare costs by contributing body



Source: Federal Office of Statistics

c. Childcare facilities

The federal business census, Swiss employee survey and Swiss income and consumption survey⁴ indicate that, over the past ten years, the number of households that trust their children to third parties for childcare purposes has more than doubled. As a consequence, public expenditure in the area of childcare facilities has risen significantly.

The most important federal government expenditure is as follows:

- Childcare centres for children of government employees: the federal government maintains some childcare centres that are financed through contributions from the individual departments and the federal personnel office. In 1999, the available funds totalled approximately CHF 1.7 million, and the figure for 2000 was CHF 1.83 million. In general, it may be stated that more funds are available each year: for example, last year the credit granted by the federal personnel office was increased again from CHF 400,000 to CHF 500,000.
- On the basis of the Equal Rights Act, an annual credit of CHF 4 million is available for measures relating to equal rights between men and women at the workplace. Some of this credit is used for supporting umbrella organisations that promote childcare outside the family.
- Finally, a procedure for drawing up a federal law on financial aid for supplementary childcare is currently in progress: based on a parliamentary initiative⁵, the National Council Commission for Social Security and Healthcare drew up a draft of the above metionned federal law. The National Council has debated the law on 17 April 2002, and is now about to forward it to the Council of States. The law foresees a form of "incentive financing", i.e. the federal government will provide the cantons with financial aid for the creation of supplementary childcare centres. In accordance with

⁴ Cf. Frauenfragen (Women's Issues) 2/2001, journal of the Federal Commission for Women's Issues, p. 39 ff.

⁵ Parlamentary initiative submitted by Jaqueline Fehr (00.403): incentive financing for extrafamilial childcare.

the present draft, the sum of CHF 100 million per annum is to be made available for a period of 10 years, i.e. a total of CHF 1 billion.

d. Youth care

Youth care lies within the prime responsibility of the cantons, so the available funding on federal level is rather modest. Federal government spending in the period from 1999 to 2001 was as follows⁶:

1999: CHF 250,000 2000: CHF 300,000 2001: CHF 450,000

The federal government also supports non-governmental organisations that are active in the area of youth protection. These include the Child Protection Association (2001: CHF 50,000), arge kripo (2001: CHF 450,000) and "Helpofon", an emergency telephone service for children (phone no. 147; 2001: CHF 200,000).

The above mentionned financial statistics are uniting under the heading "Youth/youth protection" a variety of areas of exenditure. These concern outlays for youth athorities, youth aid, youth homes, hostels, youth secretariats, children's homes, day nurseries, day-care centres, child protection, protection of girls, "Pro Juventute", orphanages and reception centres. The figures for 1999 where as follows:⁷

Munipalities: CHF 517,139,000 Cantons: CHF 342,510,000

e. Juvenile delinquency

According to the Federal Office of Justice, the following expenditure is incurred at the federal government level for prevention and rehabilitation in the area of juvenile delinquency: Based on the federal law dated 5 October 1984 concerning contributions in the areas of execution of sentence and other measures, and the accompanying ordinance, the federal government supports facilities that take in children and youths who display severely disturbed social behaviour, by subsidising construction and operation costs. These contributions are intended for rehabilitation and secondary prevention measures. In 2001, the subsidies provided by the federal government for construction purposes amounted to approximately CHF 7 million, while contributions towards operating costs totalled around CHF 62.5 million. On top of this, the government finances pilot projects intended to promote developments in the area of execution of sentence within the juvenile offender segment. Last year, its contribution amounted to approximately CHF 1 million.

A survey was conducted among the cantonal authorities in connection with the question posed by the Committee. Due to the tight deadline, they were only able to provide approximate figures concerning expenditure. The canton of Appenzell Ausserrhoden estimates that, based on past experience, roughly 20% of its costs for the execution of sentences is spent strictly on rehabilitation, while a further 10-20% is required within the framework of examinations costs (e.g. clarifications of a medical nature). As part of their mandate to prevent crime, the police organises a variety of special events on the topic of prevention (lectures, debates, workshops on violence, drug use and sexual offences, etc.).

⁶ According to information provided by the Centre for Family Issues (Federal Department of Home Affairs).

⁷ "Overall expenditure by the cantons (by function)" and "Overall expenditure by the municipalities in 1999

⁽by function and category)", both by the Federal Financial Administration.

The associated costs are not budgeted separately, but in the canton Appenzell Ausserrhoden they are estimated at around CHF 7,000.

Overall, approximately 2% of the canton's budget is allocated for the prosecution of juvenile offenders, and less than 1% for prevention and rehabilitation in the area of juveline delinquency.

The expenditure for prevention and rehabilitation of juvenile delinquents is not shown separately in the financial statistics for the whole of the country. In 1999, expenditure on execution of sentence, administration of justice (for adults and juveniles at a time) and police activities were as follows:⁸

Justice and police expenditure by the federal govt., cantons and municipalities, 1999

Authorities Expenditure (in tousa	Fed. govt.	Canton	Municipality	Total	% of over- all budget (CHF 119,439,476)
Legal supervision Police Admin. of justice Exec.of sentence	173'207 116'881 101'609 111'329	765'008 2'090'962 978'243 573'061	477'830 596'730 32'611 684	1'416'045 2'804'573 1'112'463 685'074	1.19 2.35 0.93 0.57
Total	503'026	4'407'274	1'107'855	6'018'155	5.04

3. Family environment

a./b. Children living separated from their parents or in institutions

The statistics below show the types of household in which children and youths live, from which it can also be deduced whether they live with their parents, separately from their parents, or in institutions (source: 1990 census).

⁸ From the following publications of the Federal Financial Administration: "Overall expenditure by the federal government, cantons and municipalities in 1999 (by function and category)", "Overall expenditure by the cantons (by function)" and "Overall expenditure by the municipalities in 1999 (by function and category)".

Age	
	1

		9	10	11	12	12	1.4	15	1.6	17	16
One person	Total	-	10	11	12	13	14	15 131	16 313	17 740	18 1961
Couple,	Total	324	302	321	329	372	419	504	702	1065	1901
without children	Head of household	324	302		329	312		13	41	232	97:
without children	Brother, sister	1	-	1	4	7	4	19	20	41	97. 5
	Other relative	187	173	191	196	244	243	267	246	326	354
	Non-relative	136	173	129	129	121	172	207	395	466	51
C1-											6673
Couple,	Total	69402	69815	67014	65658	65626	64896	64898	65764	66273	
with children	Head of household	-	-	-	-	-	-	2	9	68	24
	Son, daughter	69017	69387	66629	65285	65202	64426	64122	62882	63618	64507
	Brother, sister	100	1	7	9	13	19	32	53	64	114
	Other relative	188	224	202	178	216	228	251	325	397	42
	Non-relative	197	203	176	186	195	223	491	2495	2126	1452
Parent, with children	Total	6028	6457	6559	6677	7075	7611	7979	8775	9439	1046
	Head of household	-	-	-	-	-	-	1	2	6	16
	Son, daughter	5942	6386	6480	6607	6999	7545	7855	8565	9195	10183
	Brother, sister	-	-	2	2	2	-	3	3	6	4
	Other relative	57	47	46	41	51	40	61	57	74	77
	Non-relative	29	24	31	27	23	26	59	148	158	183
Single person, with	Total	5	3	2	4	6	10	13	21	38	4
parent(s)	Head of household	-	-	-	-	-	-	7	6	11	1.5
	Brother, sister	-	1	-	1	3	6	4	5	13	(
	Other relative	2	2	2	1	2	2	1	2	3	•
	Non-relative	3	-	-	2	1	2	1	8	11	13
Non-family household,	Total	55	58	74	82	91	115	177	253	437	568
with relatives	Head of household	-	-	-	-	-	-	33	33	68	93
	Brother, sister	7	9	17	28	27	33	49	96	188	238
	Other relative	46	46	54	53	63	80	90	115	162	20
	Non-relative	2	3	3	1	1	2	5	9	19	36
Non-family household,	Total	50	59	69	81	89	100	174	426	729	1482
non-relatives	Head of household	_	-	_	_	-	_	51	105	196	486
	Non-relative	50	59	69	81	89	100	123	321	533	996
Penal institution	Total			1				_	_		18
char institution	Personnel	_	_	_	_	_	_	_	_	_	1
	Occupant	_	_	_	_	_	_	_	_	_	18
	Others	_	_	1	_	_	_	_	_	_	10
Boarding school	Total	153	189	276	392	679	1067	1757	2455	1977	1836
boarding school	Personnel	133	109	270	392	-	-	7	2433	11	1630
	Boarders	143	181	255	369	646	997	1656	2343	1900	1742
	Others	10	8	233	23	33	70	94	91	66	79
Tamitala			78	73	76			70			628
Hospitals,	Total	53				77	75		151	407	
elinics	Personnel	-	-	-	-	-	-	4	58	254	428
	Occupants	46	66	63	66	66	67	54	81	126	159
01 2:11 10	Others	7	12	10	10	11	8	12	12	27	4:
Charitable welfare	Total	322	354	384	371	424	397	504	651	866	1019
nome	Personnel	-	-	-	-	-	-	6	44	62	7:
	Occupants	285	311	342	327	364	342	443	539	712	82
	Others	37	43	42	44	60	55	55	68	92	117
Convents, monasteries	Total	10	12	7	5	11	7	20	32	31	3
	Personnel	-	-	-	-	-	-	10	21	15	12
	Others	10	12	7	5	11	7	10	11	16	19
Hotel, guest house	Total	20	28	28	29	30	23	48	239	407	644
Other collective and	Total	157	146	157	129	122	150	272	693	1140	1510

c. Adoption

Source: Federal office of Statistics, Annual Yearbook of Statistics, page 85.

aa. Relevant age at the moment of adoption

	Total	Age 0 to 4	5 to 9	10 to 14	15 to 19	20 +	
1980	1583	387	465	345	230	156	
1990	1198	420	365	209	115	89	
1995	1030	324	294	205	112	95	
1996	1067	310	332	224	136	65	
1997	1043	295	348	206	120	74	
1998	1039	318	288	207	143	83	
1999	875	253	292	179	104	47	
2000	808	283	233	161	83	48	
bb. Nationality prior	r to adoption						
	1980	1990	1995	1996	1997	1998	1999
Europe	1290	681	533	538	502	523	431
of which Switzerland	1060	525	365	325	310	352	252
Africa	21	43	60	78	71	98	57
N. + S. America	102	257	277	231	241	242	223
of which:							
Brazil	4	73	114	68	68	76	55
Colombia	48	59	67	55	73	58	50
Chile	1	37	11	20	14	9	22
Peru	19	23	15	12	8	7	7
Haiti	4	14	14	14	17	16	18
Bolivia	5	4	6	2	0	3	5
Asia	168	216	156	220	228	175	164
of which:							
India	37	110	67	100	77	48	56
Sri Lanka	4	23	6	12	2	6	4
Thailand	13	26	24	23	37	33	36
Indonesia	3	2	1	2	0	2	4
Australia/Oceania	2	0	4	0	0	0	0
Stateless / unknown	0	1	0	0	1	1	0

4. Education statistics

1990 census: children and youths at school during the period under review.

The percentages indicate the proportion of girls and boys in the respective age groups who attended the type of school concerned.

Pre-school	(kindergart	en), girls	0-7						
Age	0	1	2	3	4	5	6	7	Total
Swiss	30'351	32'041	32'338	31'239	31'766	27'168	19'225	1'029	205'157
Foreigners	7'405	7'630	7'454	7'063	6'706	5'553	3'570	457	45'838
Total	37'756	39'671	39'792	38'302	38'472	32'721	22'795	1'486	250'995
%	100%	100%	100%	100%	100%	86%	61%	4%	

Pre-school	(kindergarte	n), boys 0 -	7						
Age	0	1	2	3	4	5	6	7	Total
Swiss	31,651	33,624	33,881	32,504	32,769	28,221	20,921	1,424	214,995
Foreigners	7,703	8,089	7,893	7,549	7,441	5,725	3,954	495	48,849
Total	39,354	41,713	41,774	40,053	40,210	33,946	24,875	1,919	263,844
%	100%	100%	100%	100%	100%	89%	66%	5%	

compulsory	school, g	girls 5 - 18	3												
Age	5	6	7	8	9	10	11	12	13	14	15	16	17	18	Total
Swiss	4'077	11'608	29'335	30'997	30'457	30'990	29'882	29'135	29'183	29'173	23'577	8'689	1'192	472	288'767
Foreigners	1'365	3'269	6'218	6'896	6'644	6'886	6'733	6'725	6'951	7'127	5'848	2'988	667	274	68'591
Total	5'442	14'877	35'553	37'893	37'101	37'876	36'615	35'860	36'134	36'300	29'425	11'677	1'859	746	357'358
%	14%	39%	96%	100%	100%	100%	100%	100%	100%	99.8%	79%	30%	5%	2%	

compulsory	school, bo	ys 5 - 18													
Age	5	6	7	8	9	10	11	12	13	14	15	16	17	18	Total
Swiss	4'039	11'697	30'739	32'270	32'228	32'179	31'125	30'606	30'844	30'132	25'349	9'134	1'257	424	302'023
Foreigners	1'405	3'467	6'692	7'177	7'250	7'446	7'225	7'367	7'624	7'553	6'486	3'289	715	242	73'938
Total	5'444	15'164	37'431	39'447	39'478	39'625	38'350	37'973	38'468	37'685	31'835	12'423	715	666	375'961
%	13%	37%	95%	100%	100%	100%	100%	100%	100%	98.80%	81%	30%	1.60%	1.50%	

Vocational	school, gir	rls, 14 - 19						Vocationa	l school, b	oys, 14 - 1	19				
Age	14	15	16	17	18	19	Total	Age	14	15	16	17	18	19	Total
Swiss	35	2,547	14,183	20,222	19,319	12,479	68,785	Swiss	39	2,625	17,199	24,516	25,445	18,924	88,748
Foreigners	26	625	2,702	3,782	3,373	1,898	12,406	Foreigners	36	816	3,305	4,625	4,436	2,953	16,171
Total	61	3,172	16,885	24,004	22,692	14,377	81,191	Total	75	3,441	20,504	29,141	29,881	21,877	104,919
%	0.2%	9%	43%	60%	53%	32%		%	0.20%	8.70%	50%	67%	65%	45%	

University p	preparatio	n, girls, 14	4 - 19					University	preparatio	n, boys,	14 - 19				
Age	14	15	16	17	18	19	Total	Age	14	15	16	17	18	19	Total
Swiss	297	3,381	6,982	7,270	6,599	4,292	28,821	Swiss	297	3,078	5,923	6,337	6,077	4,198	25,910
Foreigners	75	713	1,302	1,386	1,169	616	5,261	Foreigners	80	624	1,107	1,301	968	635	4,715
Total	372	4,094	8,284	8,656	7,768	4,908	34,082	Total	377	3,702	7,030	7,638	7,045	4,833	30,625
%	1%	11%	21%	21%	18%	11%		%	1%	9%	18%	18%	15%	10%	

Vocational	college, gi	rls, 16 - 1	9			Vocation	al college	, boys, 16 -	19		
Age	16	17	18	19	Total	Age	16	17	18	19	Total
Swiss	52	72	112	372	608	Swiss	50	47	80	342	519
Foreigners	14	24	29	223	290	Foreigners	13	27	37	181	258
Total	66	96	141	595	898	Total	63	74	117	523	777
%	0.10%	0.20%	0.30%	1.40%		%	0.15%	0.20%	0.25%	1.10%	

Technical c	ollege, gir	ls, 16 - 1	9			Technical of	college, gi	rls, 16 -19			
Age	16	17	18	19	Total	Age	16	17	18	19	Total
Swiss	33	34	95	188	350	Swiss	128	137	215	411	891
Foreigners	8	11	26	39	84	Foreigners	41	43	56	93	233
Total	41	45	121	227	434	Total	169	180	271	504	1,124
%	0.10%	0.10%	0.30%	0.50%		%	0.40%	0.40%	0.60%	1%	

University,	girls, 17 -	19			University,	boys, 17 -	19		
Age	17	18	19	Total	Age	17	18	19	Total
Swiss	17	322	1444	1,783	Swiss	16	286	1366	1,668
Foreigners	8	201	416	625	Foreigners	12	202	446	660
Total	25	523	1860	2,408	Total	28	488	1812	2,328
%	0.06%	1.20%	4%		%	0.06%	1.10%	3.80%	

Other instit	tutions, gir	ds, 15 - 19	9				Other insti	tutions, bo	ys, 15 - 19)			
Age	15	16	17	18	19	Total	Age	15	16	17	18	19	Total
Swiss	69	382	1,692	1,704	2,650	6,497	Swiss	61	123	1,047	1,105	1,929	4,265
Foreigners	16	59	549	581	745	1,950	Foreigners	32	66	619	615	744	2,076
Total	85	441	2,241	2,285	3,395	8,447	Total	93	189	1,666	1,720	2,673	6,341
%	0.20%	1%	5.60%	5.30%	7.40%		%	0.20%	0.45%	3.90%	3.70%	5.50%	

Total, girls	Total, girls (schools and colleges)														
Age	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Swiss	30,351	32,041	32,338	31,239	31,766	31,245	30,833	30,364	30,997	30,457	30,990	29,882	29,135	29,183	29,505
Foreigners	7,405	7,630	7,454	7,063	6,706	6,918	6,839	6,675	6,896	6,644	6,886	6,733	6,725	6,951	7,228
Total	37,756	39,671	39,792	38,302	38,472	38,163	37,672	37,039	37,893	37,101	37,876	36,615	35,860	36,134	36,733

Age	15	16	17	18	19	Total
Swiss	29,702	31,208	32,274	34,147	36,434	624,091
Foreigners	7,486	7,856	8,011	8,760	9,144	146,010
Total	37,188	39,064	40,285	42,907	45,578	770,101

Total, boys	(schools and	l colleges)												
Age	0	1	2	3	4	5	6	7	8	9	10	11	12	13
Swiss	31,651	33,624	33,881	32,504	32,769	32,260	32,618	32,163	32,270	32,228	32,179	31,125	30,606	30,844
Foreigners	7,703	8,089	7,893	7,549	7,441	7,130	7,421	7,187	7,177	7,250	7,446	7,225	7,367	7,624
Total	39,354	41,713	41,774	40,053	40,210	39,390	40,039	39,350	39,447	39,478	39,625	38,350	37,973	38,468

Age	15	16	17	18	19	Total
Swiss	31,185	32,849	34,208	36,426	38,287	654,145
Foreigners	8,174	8,562	9,056	9,502	9,863	157,328
Total	39,359	41,411	43,264	45,928	48,150	811,473

Total, child	dren at sch	ool and c	olleges										
Age	0	1	2	3	4	5	6	7	8	9	10	11	12
Swiss	62'002	65'665	66'219	63'743	64'535	63'505	63'451	62'527	63'267	62'685	63'169	61'007	59'741
Foreigners	15'108	15'719	15'347	14'612	14'147	14'048	14'260	13'862	14'073	13'894	14'332	13'958	14'092
Total	77'110	81'384	81'566	78'355	78'682	77'553	77'711	76'389	77'340	76'579	77'501	74'965	73'833
Age	15	16	17	18	19	To	tal						
Swiss	60'887	64'057	66'482	70'573	74'721	1	'278'236						
Foreigners	15'660	16'418	17'067	18'262	19'007		303'338						
Total	76'547	80'475	83'549	88'835	93'728	1	'581'574						

Since the above statistics for compulsory school are not divided into primary school, secondary school and special curriculum, the table below shows the figures for the period from 1990/2000 for each category.

Compulsory school: pupils by type of school and nationality, 1999/2000

	Primary	Secondary	special curriculum	Total
Sex				
Female	234'033	140'981	18'654	393'668
Male	241'011	142'336	30'086	413'433
Total	475'044	283'317	48'740	807'101
%	59%	35%	6%	100%
Nationality				
Swiss	371'777	224'278	26'085	622'140
Foreign	103'267	59'039	22'655	184'961
Total	475'044	283'317	48'740	807'101

If required, Switzerland will be pleased to provide additional statistics on the topic of school education in Switzerland for the period from 1999/2000. The evaluation of the 2000 census, which permits again a separation of schoolchildren into age groups, has not yet been completed.

5. Disabled children

Disability insurance statistic, 2001: contributions for special education for minors and young adults

Age		Females	Males	Total
0-4 yrs		985	1,605	2,590
5-9 yrs		4,982	9,792	14,774
10-14 yrs		4,520	8,692	13,212
15-19 yrs	Special school	1,859	3,260	5,119
-	Vocational school	1,100	1,695	2,795
20-24 yrs	Special school	60	97	157
•	Vocational school	890	1,413	2,303
	Total special school (excl. vocational school)	12,406	23,446	35,852

The above statistics show how many children and young adults received financial contributions for special schools. Roughly half of the almost 36,000 children who received financial assistance in 2001 attended a special school, while the other half received educational therapy either at pre-school level or parallel to their school education. As a general rule, the children in the latter group (i.e. those who make use of preparatory or support programmes) normally live with their families.

The term "special school" also encompasses homes for disabled minors. Normally, special schools offer school and vocational education as well as a place of residence. Special institutions with integrated homes also usually offer a day-school option, i.e. children can live at home and attend special classes at school. This corresponds to the view of several cantonal authorities, who prefer to give children the option of living with their parents. Families receive the necessary assistance. In some cantons (e.g. Basel Landschaft), special measures are to be introduced for integrated education for disabled children. Since the practice is not always the same in every canton, and there are currently no figures for Switzerland as a whole, it has to be renounced to provide statistical details concerning the living circumstances of disabled children in the various cantons.

The following detailed records of the Federal Office of Statistics show which special education measures exist for the various categories of children in Switzerland (period = 1988/89). However, these figures do not differentiate between normal school and special school in all categories. They also take special educational measures into account that are not subsidised by disability insurance, and are therefore not included in the above disability insurance statistics.

Records of the Federal Office of Statistics: children attending special education programmes (1998/1999)

programmes (1990/1999)	
Children with learning disabilities, introductory classes	9,157
Children with learning disabilities, remedial classes	16,429
Children with learning disabilities, classes/year	696
Children with behaviour disorders	3,681

⁹ Disability insurance statistics, 2001, p. 10.

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Children with sensory and speech disabilities 3	343
Mentally handicapped children (with educational abilities) 5,5	67
Mentally handicapped children (able to learn practical skills) 2,3	88
Mentally handicapped children (multiple disabilities) 6	501
Physically handicapped children 7	767
Children with behaviour disorders 2,2	.01
Hearing-impaired children 10	37
Speech-impaired children 8	303
Sight-impaired children 2	205
Children with permanent and chronic sicknesses 1	01
Children with multiple physical handicaps	22
Other children in the "special curriculum" programme 3,0	11

Total 47,009

One of the tasks assigned to National Research Programme no. 45, "Problems of the welfare state", which commenced its research in September 2000, concerns the compilation of statistics on the disabled in Switzerland. The first findings are expected to be released in approximately 3 years.

During 2000, the Swiss Conference of Cantonal Education Directors (EDK) conducted a comprehensive survey among the cantons on the topic of integration and special assistance for disabled children in primary and secondary schools. The results of this study may be viewed on http://www.ides.ch/umfrage/mainUmfrage_F.html10.

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¹⁰ Answers are given in the respective languages spoken in the cantons.

6. <u>Unaccompanied minors who have applied for asylum</u>

a. Unaccompanied applicants aged 2 - 18

Total

2 15

ar emecon		. uppiieui		10					
Source: Feder	al Office	of Statistic	S						
Application	ns subn	nitted by	girls, 19	999 to 20	001				
Age	2	3	<u>4</u>	5	6	7	8	9	10
1999	0	1	0	0	1	() 4		
2000	1	0	0	0	1	() 2	0	2 2
2001	0	0	0	1	0	() 1	0	1
Total	1	1	0	1	2	() 7	1	5
•		•							
Age	11	12	13	14	15	16	17	18	Total
1999	3	4	4	8	24	31	1 77	77	237
2000	3	1	3	9	12	17	7 48	28	127
2001	0	0	3	10	16	42	2 55	25	154
Total	6	5	10	27	52	9(180	130	518
Application	s submi	tted by bo	vs. 1999	to 2001					
Age	2	3	4	5	6	7	8	9	10
1999	2	2	1	1		1	3	1 5	1
2000	0		0	0		0	0	0 0	1
2001	0	1	0	0		0	2	2 0	1
Total	2	3	1	1		1	5	3 5	3
•			•				•		
Age	11	12	13	14	15	16	17	18	Total
1999	1	_	17	45	13	30 3	310 6	609 406	1'538
2000	0	_	4	20	4	56 1	.56 2	248 110	600
2001	2		5	19	Ç	94 3	325 5	216	1'233
Total	3	10	26	84	28	30 7	91 14	732	3'371
Applications	submit	ted by girls	s and bo	vs, 1999 t	to 2001				
Age	2	3	4	5		6	7	8	9
1999	2	3		1	1	2		3 5	6
2000	1			0	0	1		0 2	0
2001	0	1		0	1	0		2 3	0
Total	3	4		1	2	3		5 10	6
					-				
Age	11	12	13	14		15	16	17	18
1999	4			1	53	154	34		483
2000	3	6		7	29	68	17.	3 296	138

332

111

1601

 862

b. Comparative overview for the period from 1999 to 2001

Source: Federal Office of Statistics

	1999	2000	2001
Total no. of applications for asylum	46,068	17,611	20,633
Total and percentage of unaccompanied minors applying for asylum	1,775 (4%)	727 (4.1%)	1,387 (6.7%)
Percentage of unaccompanied minors aged 15 to 18	93.7%	92.8%	96.4%
male	86.6%	82.6%	88.9%
female	13.4%	17.4%	11.1%
Main countries of origin	Yugoslavia: 833	Sierra Leone: 96	Guinea: 266 (19.1%)
Main countries of origin	(47%) Albania: 267 (15%)	(13,2 %) Guinea: 77 (10.6%)	Sierra Leone: 229 (16.5%)
	Sierra Leone: 183 (10.3%)	Albania: 68 (9.4%)	Algeria: 67 (4.8%)
		Somalia: 61 (8.4%)	Somalia: 61 (4.4%)
	Guinea: 55 (3.1%)	Yugoslavia: 45	Yugoslavia: 56 (4%)
	Somalia: 53 (3%) Iraq: 43 (2.4%)	(6.2%)	Iraq: 54 (3.9%)
		Ethiopia: 32 (4.4%)	Angola 51 (3.7%)
	Sri Lanka <i>34 (1.9%)</i>	Sri Lanka 27 (3.7%)	Albania: 48 (3.4%)
	Ethiopia: 32 (1.8%)	Iraq: 26 (3.5%)	, , ,
	Angola: 30 (1.7%)	Angola: 23 (3.1%)	Palestine: 47 (3.3%)
	Guinea-Bissau: 28	Palestine: 23 (3.1%)	Afghanistan: 35 (2.5%)
	Turkey, Algeria,	Turkey: 22 (3%)	Russia: 34
	Afghanistan,		Mali: 33
	Congo: 10-20	Algeria, Afghanistan, Guinea Bissau, Nigeria, Bangladesh, Congo: 10-	Mauritania: 32
		20	Nigeria, Congo, Ethiopia, Turkey, Sri Lanka: 20-30
			Ivory Coast, Burkina Faso, India, Boleros, Macedonian, Sudan, Georgia, Lithuania, Guinea Bissau, Pakistan: 10-20

Proceedings, applicants aged from 1 to 18			
(Cut-off date, 28 Feb. 2002)			
	Unaccompanied	Joint application	
		with parents	Total
Initial authority (Fed. Off. Refugees)	128	2'694	2822
Second instance (appeals commission)	13	3'131	3144
Dismissals	9	2'004	5966
Provisional acceptance	56	11'723	11779

c. <u>Statistics concerning rulings by the Federal Office of Refugees and asylum appeals commission</u>

Sources: respective institution (Federal Office of Refugees and asylum appeals commission)

As can be seen from the above statistics, a very large majority of unaccompanied minors applying for asylum are close to adult age – approximately half the applicants will become adults in the course of their application procedure. The way in which the term "minor" is defined for statistical purposes has therefore a significant effect on the results obtained.

aa. Statistics of the Federal Office of Refugees concerning rulings in favour of unaccompanied minors seeking asylum, who were still minors at the time of the decision

	Provisional	Refugee	
	acceptance	status	Total
1999	123	8	131
2000	81	8	89
2001	104	10	114
Total	308	26	334

bb. Statistics of the asylum appeals commission concerning all rulings regarding unaccompanied minors who were still minors at the time they filed their appeal

1. Appeals and reviews, 1999 - 2001- Total filed- No. filed by unaccompanied minors seeking asylum	35,774 457	100% 1.27%
2. Completed proceedings, 1999 - 2001 Total completed proceedings	34,375	100%
- material rulings - formal rulings	17,183 17,192	50% 50%
<u>Unaccompanied minors</u>	344	100%
material rulings (i.e. decisions based on merits of the case)formal rulings (i.e. decisions based on procedural law)	130 214	37.8% 62.2%

3. Material rulings (unaccompanied asylum seekers)

<u>Sex</u>		
- male	117	90%
- female	13	10%
Outcome of proceedings		
- Rejection of appeal	100	77%
- reversal of judgement	21	16.1%
- Provisional acceptance	9	6.9%
- Recognition as refugee	0	0%

10 cases resulted in reversal of judgement since the unaccompanied minor concerned had not been assigned a legal expert prior to the first hearing concerning reasons for applying for asylum. However, the asylum appeals commission has not had to handle any more such cases lately. 8 reversal of judgement were also attributable to insufficient clarifications by the initial instance with respect to the situation that the applicant would have to expect if he or she returned to his/her country of origin.

In the 9 cases in which the previous instance was instructed to provisionally accept the applicant, this decision was always significantly influenced by the obligation to consider the best interest oft the child as the highest priority.

7. Juvenile delinquency

a. No. of juvenile suspects

source: Swiss police criminal statistics, 1999 and 2000 (up to 18 yrs, including suspects without Swiss residence)

Crimes	Article in the Penal Code	1999	2000
Homicide	111 - 116	12	9
Bodily harm	122 - 123	760	777
Embezzlement	138	55	15
Theft (total) of which break-ins of which snatching other	139	7504 2360 78 5066	7491 1980 65 5446
Car theft	139/SVG 94	1692	1259
Robbery	140	704	578
Fraud	146	4309	319
Blackmail	156	130	87
Threats	180	405	443
Coercion	181	183	101
Deprivation of liberty	183	19	9
Kidnapping	185	0	0
Rape	190	25	26
Sexual integrity	187 - 198	405	282
Arson	221	122	140
Preparatory acts	260bis	8	12
Officials/public servants	285	57	55
Money laundering	305bis	3	0
Total		16393	11603

Sentences by sex and nationality* Persons under 20 yrs (1998)

	No.	%
Female	9582	13.5
Male	61295	86.5
Total	70877	100
Swiss	37820	53.4
Foreigners	33057	46.6
Total	70877	100

^{*} Source: Federal Office of Statistics (Swiss sentencing statistics)

b./c./d. Sanctions imposed on minors 2000

Type of sanction	Sex*					
	male		female		Total	
	No.	%	No.	%	No.	%
Educational measures	332	3.6	62	2.9	394	3.5
Family placement	16	0.2	5	0.2	21	0.2
Reform school	97	1.1	21	1.0	118	1.0
Special treatment	57	0.6	14	0.7	71	0.6
Reprimand	2746	30.0	815	38.0	3564	31.5
Community work	2771	30.3	647	30.1	3422	30.2
Confinement to school	17	0.2	4	0.2	21	0.2
Conditional fine	369	4.0	65	3.0	434	3.8
Unconditonal fine	1588	17.3	255	11.9	1847	16.3
Conditional confinement	425	4.6	67	3.1	492	4.3
up to 30 days	357	84.0	51	76.1	408	82.9
Unconditional confinement	190	2.1	32	1.5	223	2.0
up to 30 days**	108	56.8	25	78.1	134	60.1
Deferral of decision	63	0.7	30	1.4	93	0.8
No measures or penalties	558	6.1	139	6.5	698	6.2
Total	9155	80.9	2146	19.0	11314	100.0

*without indication: 13

**without indication of duration: 42

Status: 5 Oct. 2001

Source: Federal Office of Statistics, Legal Services section

For the country as a whole, the <u>Swiss police criminal statistics</u> are of major importance in the area of criminal statistics. They show which cases have led to charges. They are compiled monthly and published every second year. The Federal Office of Police is to be partially restructured over the next few years, and is expected to have a positive effect on the collection of statistics, especially in the area of juvenile delinquency.

In order to supplement the above figures and as examples, the statistics kept by the canton of St. Gall with respect to the sentencing of juvenile delinquents, and the figures of the canton of Fribourg concerning the ages of juvenile delinquents are been presented.

Statistics of the canton of Fribourg concerning the ages of juvenile delinquents (including attempted crimes), 2001¹¹

Age	Bodily	Assault	Theft	Burglary	Rob-	Rape	Sexual	Arson	Total
	harm				berry		integrity		
8							1		1
9	1		1					1	3
10		1		1				1	3
11	1		1						2
12	1		12	6			1	2	22
13	3	2	36	48			3		92
14	6	4	47	28		1	1	3	90
15	4	11	69	88		2	1		175
16	9	4	61	80	1		3	1	159
17	7	5	42	36	1		1		92
18	9	1	20	10	1		2		43

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¹¹ Cantonal Police of Fribourg, documents for the press conference 27 february 2002, page 21.

Criminal proceedings in the canton of St. Gall by age and sex

No. of accusations, 2001 Crimes ("Verbrechen und Vergehen")

Children (7 to 15 yrs) - of which boys - of which girls	261 234 27
Youths (16 to 18 yrs) - of which boys - of which girls	460 417 43
Misdemeanours (excluding traffic education) Children (7 to 15 yrs) - of which boys - of which girls	480 363 127
Youths (16 to 18 yrs) - of which boys - of which girls	1,125 912 213

It should be noted that the statistics kept by the canton of St. Gall reflect the number of minors <u>accused</u> of crimes or misdemeanours. With respect to offences and crimes, proceedings conclude without a sentence being pronounced in approximately 50% of the cases, while only around a quarter of cases involving misdemeanours end in a pronouncement of sentence.

Canton of St Gall, statistics concerning the sentencing of juvenile delinquents 2001

1. Sentences	Children	Youths
1.1 Measures total	21	21
Educational measures	11	10
Family placement	0	0
Reform school	3	6
Special treatment (on its own or	3	4
combined with educational measures)	4	1
1.2 Penalties total	434	1137
Reprimand	293	240
Community work	141	145
Confinement to school	0	
Conditional confinement up to 30 days		26
over 30 days		6
Unconditional confinement up to 30 days		6 1
over 30 days Conditional fine		46
Unconditional fine		667
1.3 Deferral of sentence		7
1.4 Refraining from measures or penalties	48	58
1.5 Accumulated measures and penalties	111	288
•	111	200
2. Revocations, conversions, amendments 2.1 Revocation of conditional sentence total		6
confinement		5
fine		1
2.2 Conversion from fine to confinement 2.3 Amendment of a measure	3	3 12
	3	12
3. Court orders during execution of sentence		2
3.1 Transfer total		3
to reform institution		2
to therapy facility to re-education institution		1 0
3.2 Conditional release		U
from specific measure		10
from confinement		0
3.3 Revocation of conditional release from		· ·
measure or confinement		1
4. Crimes		
4.1 Criminal offences (penal code)	total	698
Homicide, bodily harm Articles 111-136		76
Theft, robbery Articles 137-172		461
Lible, slander Articles 173-179		9
Deprivation of liberty Articles 180-186		65
Sexual offences Articles 187-212		31
Crimes against society Articles 213-264		42
Other crimes Articles 285-332		14
4.2 Traffic offences		851
4.3 Drug offences		206
4.4 Infringements against other federal laws		256
4.5 Infringements against cantonal laws		33

e. Juvenile recidivists

The collection of statistics concerning the proportion of repeat offenders was introduced on the federal level 2 years ago. Since a data set covering at least five years is required in order to obtain reliable statistics, it is not possible to provide consolidated figures for the whole of the country at this time. Below the statistics for the cantons of Vaud and Appenzell Ausserrhoden has been presented to serve as examples.

Repeat offenders in the cantons of Vaud (VD) and Appenzell Ausserrhoden (AR)

2000	AR	VD
Total sentencings	204	996
Repeat offenders	54	182
2001		
Total sentencings	198	1076
Repeat offenders	48	320

B. General mesures of implementation

I. Reservations and interpretative declaration (questions 1 + 2)

Switzerland has made reservations concerning five articles of the Convention on the Rights of the Child. These are explained separately below.

At the outset, it has to be pointed out, that, in comparison with many other countries, Switzerland pursues a relatively stringent practice when it comes to formulating and submitting reservations. This shows Switzerland's endeavour to take international standards, especially in the area of human rights, seriously and to disclose any irreconcilable points with the internal law. Furthermore, Switzerland considers its reservations to be of a provisional nature only, and will consider withdrawing them as soon as the necessary amendments have been made to internal legislation.

Switzerland has already taken significant steps to amend its existing legislation. Revisions have been initiated in practically all areas that are affected by genuine reservations, and in several cases considerable progress has been achieved.

Interpretative declaration concerning Article 5

Regardless of the open formulation of the article, Switzerland has in our view not made a genuine reservation with respect to Article 5, but rather has submitted an interpretative declaration (i.e. a "not genuine" reservation). ¹² The sole purpose of this type of declaration

¹²Cf. statements of position in Parliament on the occasion of the approval of the Convention on the Rights of the Child (AB S 1996 349 and 1048), the Federal Council's response to the Berberat motion (no. 99.3627, cf. www.pd.admin.ch/BVnet/Poly/vorstoesse/vorstoesse_d.htm), and numerous comments in specialised

is to clarify contractual provisions without intending to restrict the relevant international legal obligations in any way, and this applies to our interpretative declaration regarding Article 5 of the Convention of the Rights of the Child. It draws attention to Swiss legislation governing the obligation of parental care, i.e. to Articles 301 and 302 of the Swiss Civil Code, and does not restrict the scope of application of Article 5 of the Convention on the Rights of the Child in any way.

When Parliament formulated its declaration concerning Article 5, its aim was to point out that, by contrast with Swiss legislation, the Convention on the Rights of the Child only defines the relationship between a child and its parents vaguely. In terms of content, Article 5 of the Convention on the Rights of the Child is compatible with the provisions of Swiss law: Articles 301 and 302 of the Swiss Civil Code define parental care as an "obligation-right" (in German: "Pflichtrecht")¹³, and thus impose both obligations and rights on parents in the same way as the Convention on the Rights of the Child (Articles 5, 18, 27 CRC).

Since, as outlined above, our interpretative declaration concerning Article 5 of the Convention on the Rights of the Child does not affect the scope of application of the latter in any way, the withdrawal is therfore not considered to be of high priority. However, within the scope of the process of withdrawal of the genuine reservations concerning the Convention on the Rights of the Child, it will be considered whether the interpretative declaration regarding Article 5 is to be withdrawn at the same time.

Reservation concerning Article 7

Switzerland has already taken major steps to enable it to prepare the withdrawal of its reservation concerning Article 7 of the Convention on the Rights of the Child: within the scope of the complete revision of the Federal Constitution, in Article 38, paragraph 3, the competency to regulate the naturalisation of stateless children - which had previously been held by the cantons¹⁴ - was assigned to the federal government. This means that the latter is now able to introduce a facilitated procedure for the whole of the country with respect to the naturalisation of stateless children within the scope of a revision of the law on naturalisation. On 21 November 2001, the Federal Council passed its message concerning the naturalisation of young foreigners and the revision of the naturalisation law. The relevant law is currently in the hands of the advisory commissions to the legislative bodies and will be forwarded to the general assembly of the National Council for debate during the 2002 summer session. Following its approval by both houses, it will then be subject to optional referendum.

The existing draft of the revised law specifies that a stateless minor may apply for naturalisation if he or she has lived in Switzerland for a total of five years, one year of which must be immediately prior to the application (Article 30, Federal Naturalisation Act).

When the revised law comes into effect, Switzerland will be able to examine the possibility of withdrawing its reservation concerning Article 7 of the Convention on the Rights of the Child.

literature (e.g. Biaggini in Hauser/Gerber: Die Rechte des Kindes, das UNO-Übereinkommen und seine Auswirkungen auf die Schweiz, p. 37 ff.).

¹³ Cf. Hegnauer Cyril: Grundriss des Kindesrechts und des übrigen Verwandtschaftsrecht, p. 172 ff. For further details, please refer to our first report concerning the implementation of the Convention on the Rights of the Child, section 217.

¹⁴ To date, the only facilitated naturalisation that has been regulated at federal level concerns an stateless illegitimate child whose father is Swiss.

Reservation concerning Article 10

In accordance with current legislation, Swiss citizens and holders of a C permit (residence permit) are entitled to bring their close family members into the country. Permission may also be granted to holders of a B permit (restricted residence permit for a minimum of 1 year) on the basis of a discretionary decision, and the same applies to persons granted the status of refugee in accordance with Article 4 of the Asylum Act. When the bilateral agreements come into effect, citizens of member states of the European Union will also be able to bring their families into the country.¹⁵

The ongoing revision of the Foreign Nationals Act (formerly Federal Act concerning the Permanent and Temporary Residence of Foreigners) foresees (in Article 43) that all holders of a residence permit will be entitled to bring their families, and Article 44 states that the same will apply to persons staying in Switzerland for a short period (e.g. schoolchildren, students, etc. ¹⁶). The draft act and accompanying explanatory message have already been approved by the Federal Council, and have been forwarded to Parliament for debate. The revision will also be subject to optional referendum.

As before, the option of bringing in their families will not apply to persons granted temporary leave of stay and asylum-seekers provided for in the Asylum Act (except in the framework of family asylum under Article 51 of the Asylum Act). If the Convention on the Rights of the Child also stipulates in the area of asylum law that it must be possible to ask for family reunification, Switzerland will be forced to abide by its reservation with respect to Article 10 of said Convention.

Reservation concerning Article 37

Switzerland has also taken significant measures with respect to its reservation concerning Article 37 of the Convention on the Rights of the Child: in accordance with the draft of the Federal Law on the Prosecution of Juvenile Delinquents, minors will be accommodated separately from adults in the future, with respect to both investigatory custody (Article 6) and execution of penalties or measures (Article 14, paragraph 1 and Article 26, paragraph 2). The Federal Council has already approved the accompanying message, and the law is currently being debated in Parliament. To date, the revised law has given rise to almost no requests for amendments, but since it is being handled together with the revision of the General Section of the Swiss Penal Code (numerous cross-references), delays have to be anticipated.

The responsibility for the construction and operation of institutions intended for the execution of measures, penal and investigatory custody lies with the cantonal authorities, which have signed joint inter-cantonal agreements for these purposes. In line with the provisions of the new law on the prosecution of juvenile delinquents, a number of cantons will have to take a variety of structural measures. They will therefore need the maximum implementation period of ten years foreseen in the draft in order to plan and build those facilities that do not yet exist, and/or to make the necessary modifications to existing facilities. However, Switzerland wishes to emphasise the fact that the importance of the interim period regulated in Article 47 of the Federal Law on the Prosecution of Juvenile Delinquents is often over-estimated or misunderstood. Article 47 does not cite

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¹⁵ If a person who is not in gainful employment intends to bring his or her family into the country, he/she must possess sufficient financial means to secure his/her own upkeep as well as that of the family members concerned. Evidence of adequate health insurance is also required.

¹⁶ Cf. list in Article 38, paragraph 2 of the Ordinance on the Limitation of the Number of Foreign Residents.

investigatory custody. This means that the interim period of ten years does not apply precisely in the area in which the principle of segregation has most frequently not been consistently observed, and which is the main reason behind our reservation. Here the principle of segregation will apply immediately after the above-mentioned law comes into effect. In the area of measures referred to in the draft as "accommodation" (on-site educational measures or therapy), the principle of segregation is already being observed everywhere today. The interim period of ten years is only of some importance in connection with the construction of facilities for deprivation of liberty as a penalty for minors in accordance with Article 26 of the Federal Law on the Prosecution of Juvenile Delinquents, since the facilities for this purpose are insufficient at present and this period will be required in order for the authorities concerned to build the additional facilities needed.¹⁷

Reservations concerning Article 40

Switzerland's reservations with respect to Article 40 of the Convention on the Rights of the Child concern four points. In accordance with the Committee's request, they will be dealt with them separately.

1. Entitlement to legal assistance

In its list of issues, the Committee asked to specify the conditions that apply for a minor to obtain legal assistance within the framework of criminal proceedings. The conditions are as follows: the right to legal assistance is stipulated in Article 32, paragraph 2 of the Federal Constitution, Article 14 of the Pact on Civil and Political Rights and Article 6 of the European Convention on Human Rights. According to these provisions and standards, an accused party always has the right to appoint a defender of his or her own choice and, in more severe cases, to a public defender. Furthermore, an assistance may be appointed by the court in accordance with Article 308, paragraph 2 of the Swiss Civil Code, to fulfil the role of guardian. Within the scope of cantonal criminal proceedings, the legal responsibility for regulating defence rights lies as before with the cantonal authorities.¹⁹ Almost all cantons have special provisions governing public defendence. In accordance with these regulations, a public defender has to be appointed by the court if the case at hand is complex or contested, if there is likely to be a requirement for comprehensive educational measures, or if the defendant's legal representative is unable to act on his or her behalf. A public defender is also appointed if the minor is being held in investigative custody. Variations may arise from canton to canton, depending on the code of criminal procedure and standard practice. For cases to be held in front of the Federal Tribunal, Article 36, paragraph 1 of the Federal Law on the Administration of Criminal Justice contains a provision that is reconcilable with the cantonal regulations.

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¹⁷ Until the necessary facilities have been constructed, the current regulation applies (Article 45, paragraph 2, Federal Law on the Prosecution of Juvenile Delinquents, in preparation; Article 95, paragraph 3, Swiss Penal Code), which over ten years ago was interpreted by the Federal Tribunal (Federal Tribunal ruling 112 IV 1 concerning a 17-year-old female offender) as follows: exceptionally a minor may be detained in a prison for adults if it is not possible to find a suitable high-security reform school. It is highly questionable whether the Federal Tribunal would rule in the same manner today, especially in view of the fact that the Convention on the Rights of the Child has been ratified since.

¹⁸ BBI 1997 I S. 1 ff., 187 (message concerning the new Federal Constitution).

¹⁹ The cantons are of course obliged to observe the provisions of the Federal Constitution, Pact II and the European Convention on Human Rights.

The new Juvenile Delinquency Act aims to regulate the question of defence uniformly at the federal level. Article 39, paragraph 1 of the law confirms the existing provision that expressly states that all minors are entitled to voluntary defence. In accordance with paragraph 2, a public defender is required and thus has to be appointed by the court to act in the defence of the accused even if the latter does not request one, if the severity of the case calls for it or if, in a given case, the minor or his/her legal representative is incapable of conducting the defence. Furthermore, if a minor is held in investigatory or precautionary custody, a public defender must be appointed to act on his or her behalf.

Public defendence is provided free of charge, i.e. the canton concerned bears the costs thereof. However, if the minor concerned, or his/her parents have sufficient financial means, the cantonal authorities are entitled to demand repayment of the costs of the public defender.

When the new Juvenile Delinquency Act comes into effect, the withdrawing of the reservation on Article 40 CRC concerning the entitlement to legal assistance will be considered.

2. <u>Separation between examining and sentencing authorities with respect to organisation and personnel</u>

Below, the question posed by the Committee concerning the reasons for our reservation with respect to the separation of personnel and organisation, shall be answered. While some cantons do in fact clearly distinguish between examining and sentencing authorities (e.g. Glarus, Basel Landschaft, Ticino), the majority prefer a system in which these duties are performed by the same personnel. The question as to which of the two methods (combined personnel model or a distinction between examining and sentencing authorities) is in the best interests of the minor concerned, has repeatedly been debated over the past few years. The Federal Tribunal (ruling 121 I 208) and the European Court of Human Rights (e.g. Nortier c. Netherlands, ruling dated 23 June 1993) also had to deal with this question in association with Article 6, paragraph 1 of the European Convention on Human Rights (right to an independent judge). Both courts concluded that the combination of personnel in criminal proceedings involving minors does not infringe against the provisions of the European Convention on Human Rights.

The Federal Tribunal substantiated its decision as follows: combining personnel takes better account of the special factors involved in criminal proceedings involving minors. Here the focus is on education and welfare, i.e. on the character of the person concerned and his or her need for educational measures. The crime itself is of secondary consideration and is regarded as a behaviour that asks to be influenced through welfare and educational measures. In view of these considerations, special demands are placed on juvenile judges: they have to ensure that minors who face charges before them receive the treatment that is best suited to their character, and they have to establish a relationship of trust between themselves and young offenders. Minors should therefore not have to face a large number of legal authorities.

In the Nortier case referred to above, the European Court of Human Rights emphasised the following advantages of the combined personnel model: the sentencing judge already knows the minor concerned, and is therefore in a better position to decide which would be the most suitable penalties and measures. It is possible for a relationship of trust to arise between the sentencing judge and the minor and his or her parents or legal guardian are always able to contact the same person. When a minor immediately confesses (which is more often than not the case), it is often possible to carry out clarifications concerning his or her future already in the preliminary proceedings.

The option of ordering welfare measures at an early stage should also be cited and taken into consideration, since the number of judges with sufficient experience and know-how concerning youth education and welfare is limited. And Article 3.1-1 of the UN model law of juvenile justice dated 1997 permits the combination of examining and sentencing judges. Finally Switzerland wishes to point out that many cantons (e.g. SH, AR, UR, OW, SZ, AG, BS, NE, GR, ZH, SO) opt for separation of personnel when a case is particularly serious, i.e. if deprivation of liberty or measures such as reform school or other forms of special treatment are likely to be called for. In the cantons of Geneva and Fribourg, the examining magistrate hands the case over to another judge if the facts of the case are disputed.

3. Verification by a higher court

Here Switzerland was compelled to make a reservation since in those few cases in which the Federal Tribunal as the country's supreme court is responsible for making an initial ruling, it is not possible for an appeal to be made to a higher court. In accordance with Article 340 of the Swiss Penal Code, the following crimes are subject to federal court ruling, regardless of the age of the accused: certain crimes against persons who are protected by international law, diplomatic missions or consular posts (sections 1 and 2); taking hostages in order to coerce public authorities (section 3); serious crimes endangering public safety (section 4)²⁰; forgery of official deeds and legal tender (sections 5 and 6); and certain crimes against internal and external security, against institutions, administration of justice and the will of the people (section 7). Furthermore, a few special federal laws cite the Federal Tribunal as initial court of jurisdiction²¹. It may be stated that, in practice, it is very seldom the case that minors commit one of the offences cited in Article 340 of the Swiss Penal Code, and when such cases arise, the federal prosecution may refer them to the relevant cantonal authorities. During the past three years, no minors have been sentenced by the Federal Tribunal as initial court of jurisdiction.

When the justice reform comes into effect, cases in which the Federal Tribunal acts as initial court of jurisdiction will be referred to a new court of criminal justice, which has to be established in Switzerland. It will be possible for appeals against the rulings of this court to be addressed to the Federal Tribunal when an infringement of rights or an apparently false interpretation of the facts is supposed in the case, as long as the case involves a matter and penalties of a given minimum legal stature²². The Federal Council has approved the draft of the justice reform and the relevant message, and the matter is currently under consideration of Parliament. The Council of States has already approved the law.

As soon as the new law concerning the federal court of criminal justice comes into effect, the withdrawing of the reservation will be considered.

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²⁰ For example, endangering the lives of human beings through the use of explosives and toxic gases.

²¹ For example, the laws governing responsibilities, armaments, atomic power, civil aviation.

²² In matters of fundamental significance, appeals are acceptable even in cases which do not satisfy the legal stature criterion. In the law, the minimum penalty levels that must be under dispute are defined as follows: fines equivalent to 30 day rates, 120 hours labour, fine of CHF 500 for natural persons, 20 penalty units if penalty is deferred, 30 days imprisonment due to conversion of fine or community work.

4. Free interpreter services

Our reservation with respect to providing free interpreter services is superfluous. Switzerland has withdrawn the reservation containing the same wording concerning Article 6 of the European Convention on Human Rights. This means that, in all criminal proceedings, Switzerland grants accused parties the right to obtain free assistance of an interpreter, regardless of their nationality (Article 1 in association with Article 6, European Convention on Human Rights) and the canton concerned has no longer the right to demand remuneration.

II. Implementation of the Convention on the Rights of the Child (questions 3-6)

1. Brief description of Swiss federalism²³

Switzerland is organised as a federal state. Therefore, power-sharing between the Federal Government and the cantons ist based on the subsidiarity prinziple: All rights and duties are assigned to the cantons insofar as these have not been allocated to the federal government (Article 3, Federal Constitution). This system ensures that no gaps can exist with respect to the allocation of competencies, since, unless a provision to the contrary is stipulated in the Federal Constitution, it is always the cantons that are responsible. In the event that, within a given canton, certain regulatory or enforcement competencies have been assigned to the municipalities, the canton nonetheless normally retains the fundamental legislative authority.

In view of the federal structure outlined above, responsibility for the implementation of a number of subjects encompassed by the Convention on the Rights of the Child lies with the cantons. If a uniform regulation is required for the implementation of obligations under international law, the necessary competency may be assigned to the federal government. For example, this was the case in Article 38, paragraph 3 of the Federal Constitution, in which the federal government is empowered to facilitate the naturalisation of stateless minors. In accordance with the Federal Constitution, the federal government has also regulated the material criminal and civil codes. The cantons are responsible for the enforcement of these two codes, i.e. for the organisation of the relevant law courts, firstinstances administration of justice, and procedural law, insofar as this has not been carried out in individual cases by the federal government²⁴ (Article 122, paragraph 2, Federal Constitution). In accordance with Article 122, paragraph 1 of the Federal Constitution, which is dated 12 March 2000 and has not yet entried into force²⁵, legislation in the areas of civil and criminal procedural law is to become the responsibility of the federal government. The federal gouvernement is also responsible for the implementation of the Asylum Act and many of the provisions of the law governing the rights of foreign citizens. Moreover, in 1991 the federal government passed a law on extracurricular work carried out by or for minors, according to which it is responsible for the payment of financial support for extracurricular activities.

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²³ Cf. Switzerland's core document (HRI/CORE/1/Add.29/Rev.1).

²⁴ For example, within the scope of the new divorce law, the federal government has largely regulated the position of the child within procedural law (right to a hearing, option of procedural assistance, possibility of appeal).

²⁵ Since amendments are still required at the legislative level.

In a number of cases, the federal government also has promotional competencies, for example in the areas of sport and universities (Federal Constitution, Articles 68, paragraph 1 and 63, paragraph 2 respectively).

The process of introducing uniform regulations throughout the country often involves a parliamentary motion or a people's initiative calling for a partial revision of the constitution²⁶. For example, the introduction of a uniform start to the school year for the whole country occurred on the basis of a people's initiative (now Article 62, paragraph 2, Federal Constitution). Swiss democracy thus provides a mechanism that enables the creation of new competencies at the federal government level in sensitive areas.

Switzerland attempts to fullfill his international obligations, within the system of federalism, trough a dense network of mutual, institutionalised or non-institutionalised contacts and options for intervention (see below). The cooperation among the cantons and between the federal government and the cantons takes place both on a voluntary basis as well as on the basis of special provisions of federal law. Due to the derogatory power of federal law²⁷ (see below), clear regulations exist for overcoming collisions of standards. It should also be noted, that the same rules apply to all catons. In other words, no special statutes for individual cantons exist (no asymmetrical federalism).

Finally it has to be mentionned, that Swiss federalism offers important advantages. It promotes competition among the cantons. The level of taxation, infrastructure and range of public services within a given canton are often decisive with respect to choice of place of residence, and this enhances and helps standardise legislation and its implementation in the cantons. Furthermore, the allocation of competencies to the lower state levels can also give rise to a more effective protection of fundamental rights, since it is usually possible to implement pragmatic and new ideas more quickly and simply. For example, it did not take long to bring about a "unité de doctrine" calling for the enrolment of "illegal" minors (i.e. those without a valid residence permit) in schools. It is also possible for local circumstances and needs to be taken more effectively into account. And a study carried out on an international basis has shown that, contrary to the assumptions that Swiss policy is slow-moving and lacking in innovation, the "performance" of our economic and social policies is in fact well above average.²⁸

2. Position of the municipalities

Municipalities are the base level in Switzerland's federalistic system of government. They are public-law bodies with an own legal status and a certain degree of autonomy (= municipal autonomy). The public duties they are required to fulfil are either assigned to them by the relevant canton or are self-appointed insofar as neither the federal government nor the canton is exclusively responsible in the area concerned. They are subject to the supervision of the cantonal authorities, i.e. the federal government does not have any legal authority to directly influence the policies and legislation of municipalities. It should be noted here that, in connection with most of the areas covered by the Convention on the Rights of the Child, the cantons are responsible for at least the basic legislation. For this

²⁶ A request for a partial revision of the Federal Constitution requires the backing of 100,000 citizens with voting rights in order to be considered (Article 139, Federal Constitution).

²⁷ In Switzerland, international law is regarded as part of federal law.

²⁸ Linder Wolf, Schweizerische Demokratie ("Swiss Democracy"), Berne/Stuttgart/Vienna, 1999, 320 ff.

reason, it will subsequently be focused on the relationship between the federal government and the cantons. However, Switzerland would like to briefly draw attention to several points concerning the relationship between the federal government and the municipalities: co-operation and co-ordination between all three levels of government plays an essential role with respect to the implementation of the Convention on the Rights of the Child at the municipal level. Furthermore, the federal government may make the payment of financial aid to the cantons and municipalities dependent on their individual performance. And finally, the legal instruments described below may also be used against legal acts and directives undertaken by the municipalities.

3. Ensuring respect of the Convention on the Rights of the Child at the cantonal and municipal levels (question 4)

In order for the cantons to fully respect the provisions of the Convention on the Rights of the Child and other international agreements, they need to know the contents of all such agreements and the obligations cited therein. For this reason, the federal government fully informs the cantonal authorities in advance about any of its plans that may affect their competencies or significant interests, and integrates them into its decision-making procedures (Article 45, Federal Constitution, and Federal Law on the Participation of the Cantons in the Foreign Policy of the Federal Government). After ratification, all international agreements are published in the systematic legal archives (SR).

The implementation of international agreements also has to be secured at the lower governmental levels. In Switzerland this can readily be accomplished because international agreements automatically become an integral part of our national legislation: Switzerland observes the principle of monism. International law therefore automatically becomes applicable within Switzerland as soon as the agreement concerned becomes legally effective. It is immediately integrated into our legal system without the need for transformation legislation. This means that the cantons and municipalities are automatically obliged to directly observe international agreements without first taking any additional implementation measures.

Despite this recognition of the principle of automatic integration of international agreements into Swiss legislation, certain international clauses (i.e. "non-self-executing provisions") are nonetheless subject to internal implementation procedures. In this connection, the provisions of federal legislation stipulate that the cantons are obliged to carry out the necessary amendments to internal legislation in good time (Article 7 of the Federal Law on the Participation of the Cantons in the Foreign Policy of the Federal Government²⁹).

The principle of shared responsibility for human rights among the three levels of government is also reinforced emphasised by the provisions of Article 35, paragraph 2 of the Federal Constitution, which state that every entity that is obliged to perform official state duties must duly observe all basic rights and contribute towards their realisation. Attention must also be paid to the hierarchy rules already referred to above, according to which federal law – into which international agreements are automatically incorporated – takes precedence over any incompatible cantonal and municipal legislation. Furthermore,

²⁹ SR 138.1.

when international law and federal legislation are not in agreement, international law normally³⁰ takes precedence.

Finally Switzerland would like to explain the options the federal government has at its disposal in the event that a given canton should by way of exception fail to fulfil its obligation of implementing an international agreement.

With self-executing provisions, the parties concerned may enter into legal proceedings and call on the Federal Tribunal to rule on a consitutional complaint concerning an infringement against international law (Article 84, paragraph 1c, Code of Obligations). The Federal Tribunal granted children for example in its ruling 124 III 90 the right to a hearing in divorce cases involving their parents. It cited the decision directly on Article 12 of the Convention on the Rights of the Child. As a result of this ruling, cantonal courts questioned children in difficult divorce suits, based directly on Article 12 of the Convention on the Rights of the Child. The ruling subsequently led to the incorporation of a provision governing the right to a hearing into the Swiss Civil Code (Article 144 for divorce proceedings and Article 314, paragraph 1 for proceedings conducted by a board of guardians). The federal Tribunal has meanwhile made a pronouncement on the right of children to a hearing within the scope of proceedings conducted on the matter of preserving a marriage.³¹

In the event that a canton should fail to implement a non-self-executing provision, the options available to the federal government for taking action are tightly restricted in view of the federal structure of the country: non-self-executing provisions relating to the Convention on the Rights of the Child need to be implemented via corresponding legislation. If the relevant cantonal authority neglects to implement a given provision, the federal government may draw on the supervisory instruments it has at its disposal in accordance with Article 49, paragraph 2 of the Federal Constitution³². These include the option of referring the case to the Federal Tribunal, though the latter cannot impose a regulation that is equivalent to that contained in the Convention on the Rights of the Child due to the principle of separation of powers that applies to non-self-executing provisions. However, in such cases it may record the fact that an infringement against an international agreement has taken place and that legislative action needs to be taken. It should be noted here that the federal government only uses its supervisory instruments with a great deal of restraint, generally preferring to rely on informal instruments, the provision of information and persuasion.

The mechanisms for securing the implementation of the Convention on the Rights of the Child in the area of policy towards minors, are described in section 4 and 5 below.

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³⁰ The only exception according to which a federal law takes precedence over international law is when the prerequisites of the so-called "Schubert practice" exist (Federal Tribunal ruling 99 Ib 39), and this is unlikely to play a role within the scope of the area covered by the Convention on the Rights of the Child.

³¹ Rulings 5P.140/2001 and 5P.290/2001 (an infringement of the right to a hearing was denied in both cases). Other examples: As highest instance in matters relating to asylum law, the asylum appeals commission ruled on 31 July 1998 in the matter of S.K., Sri Lanka, that based on Articles 34 and 22 of the Convention on the Rights of the Child, the unaccompanied minor in question must be provided with legal assistance or aided by a suitable legal expert. In the event that this does not occur, the appeals commission will, in accordance with standard practice, postpone its decision regardless of the material substantiation of the application for asylum. Furthermore, in ruling 1P.460/2001 the Federal Tribunal pronounced that an adopted child of full legal age has an inalienable right to discover the identity of its natural mother, based on various provisions including Article 7, paragraph 1 of the Convention on the Rights of the Child.

³² Options include circulars, warnings, reprimands in specific cases.

4. Co-ordination and co-operation between the levels of government (question 3a)

Switzerland's system of government is characterised by a dense "network" of institutionalised and non-institutionalised connections, both vertical and horizontal in nature, which will be explained below. For the sake of clarity it has been distinguished between exclusive responsibility on the part of the federal government and other cases, and between policy towards minors and the rights of the child.

a. Exclusive responsibility on the part of the federal government

At the federal government level, responsibility for the implementation of the Convention on the Rights of the Child may lie with a number of different departments and authorities. Within the scope of the legislation procedure, the various departments and authorities are obliged to consult one another (= consultation between authorities). Authorities that have been consulted may subsequently submit an objection to a given legislative law (= codetermination procedure), following which the Federal Council as co-ordinating authority has to decide on the next steps to be taken. In this way it is possible to ensure that the various authorities adopt a most uniform procedure for implementing the Convention on the Rights of the Child. Furthermore, with its resolution dated 15 October 1997, the Federal Council stipulated that the Federal Department of Home Affairs is responsible for co-ordinating the implementation of the Convention on the Rights of the Child. This department has created a part-time job (50%) especially for this task.

The cantons are incorporated into the federal government's opinion-forming process if their interests are affected (Article 45, Federal Constitution). With respect to the legislation procedure, this occurs in the form of a formal consultation (consultation procedure). 33

The above mentioned department is also responsible for policy relating to minors, and it maintains close institutionalised and non-institutionalised contacts with the cantons and directors' conferences (see below).

b. <u>Shared responsibility between the cantons and the federal government, or exclusive responsibility on the part of the cantons</u>

The cantons are responsible for a variety of tasks in the area encompassed by the Convention on the Rights of the Child. This applies particularly to the execution of justice, education, certain areas of public health policy, promotion of culture and various areas of social policy.

The directors' and public officials' conferences play a central role as far as co-ordination and co-operation along the horizontal axis are concerned. The highest of these is the Conference of Cantonal Governments, which possesses co-ordinating competencies. There are also numerous other specialised directors' and public officials' conferences, e.g. the Conference of Cantonal Education Directors, the Conference of Cantonal Social Directors, the Conference of Cantonal Justice and Police Directors, the Conference of Cantonal

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³³ Ordinance on consultation procedures, 17 June 1991 (Article 1), SR 172.062.

Guardianship Authorities, and the Conference of Cantonal Youth Promotion Directors which was established in 1994. There are also various regional directors' conferences.³⁴ Each directors' conference comprises the 26 members of the cantonal governments who are responsible for the area of activity concerned. Most of the conferences have their own permanent secretariat. The duties of the various conferences are as follows: promotion of intercantonal co-operation, co-ordination of a uniform policy for the whole country in each area of activity, and a constant exchange of findings and information among the cantons.

The conferences hold periodical meetings of cantonal directors for the purpose of discussing ongoing issues and defining joint objectives and guidelines. For example, in 1997 the Conference of Cantonal Educational Directors issued guidelines on the practical co-ordination of scholarship regulations. Further, the conferences often resort to the instruments of recommendations and declarations. For example, the Conference of Cantonal Educational Directors has issued a significant number of recommendations to date with the aim of promoting education and co-ordinating the corresponding provisions of cantonal legislation (cf. the considerable list of recommendations on www.edk.ch \rightarrow documents juridiques \rightarrow recommendations). In legal terms, recommendations of the Conference of Cantonal Education Directors are based on the intercantonal education agreement dating from 1970 - in which the cantons undertook a legally binding commitment to co-operate. The recommendations of the Conference have therefore a major influence on legal practice and legislation in the cantons. Another example of the considerable impact recommendations may have is the action taken by the Conference of Cantonal Social Directors following the publication of the OECD report on social assistance in Switzerland and Canada. The Conference issued recommendations to the cantons, after which it carried out a survey among the cantons in which the latter were asked to report on the progress of implementation of its recommendations. A follow-up procedure is planned for the near future.

The larger of the directors' conferences also carry out important tasks in the area of research, and publish joint studies concerning development and perspectives. The various conferences also function as important partners for the federal government and thus promote vertical dialogue.

An important way to achieve legally binding co-ordination and co-operation at the horizontal level is the conclusion of intercantonal agreements. These may take the form of directly binding agreements between the cantons (e.g. intercantonal education agreement dated 1970³⁵), or consensual agreements (e.g. agreement permitting children living in border communities to attend school in the neighbouring canton).

In the area of vertical co-operation, in addition to the above-mentioned co-operation between the federal government and various directors' conferences, the federalistic dialogue should be mentioned. This takes place between the Federal Council and representatives of cantonal governments, and deals with selected topics concerning co-operation between the federal government and the cantons. Another example of institutionalised vertical co-operation is the tripartite agglomeration conference. The recently created federal service for youth issues and the Federal Youth Commission (an independent advisory commission of experts) also enable concerted action. Moreover, numerous institutionalised and non-institutionalised contacts regularly take place between

³⁴ For example, in the area of education there are four.

³⁵ Governs school-starting age, length of compulsory education, no. of school weeks per annum, duration of education up to school-leavers' exams, and date of commencement of school year.

the federal government and the cantons. For example, the federal government, the cantons and the directors' conferences co-operated closely within the scope of the present state party reporting procedure. And this year Switzerland will be holding its first national human rights conference, which is intended to function as a discussion forum for all governmental and non-governmental bodies active in this area.

In the area of legislation, vertical co-operation and co-ordination are especially called for when the need arises to define clear competencies. In this case there is an obligation to cooperate (principle of federal loyalty, Article 44, Federal Constitution). This is a modified form of the principle of good faith, though the principle of federal loyalty may primarily be regarded as an code of political behaviour.³⁶

5. Verification of implementation (Question 3 b)

a. The Swiss system of appeals

To be able to list the options for verifying the implementation of the Convention on the Rights of the Child in Switzerland, the country's appeals system has to be described briefly. This is basically divided intro three separate areas, namely administrative law, civil law and penal law, each of which has its own system of appeal and procedure. However, apart from a handful of exceptions³⁷, the principle of three levels of appeal applies in all three areas. In the area covered by the European Convention on Human Rights, appeals may also be addressed to the European Court of Human Rights. As a general rule³⁸, the first two instances are at cantonal level. The "high court" is the only one to rule at cantonal level as second instance, thus giving rise to uniformity within the canton.³⁹ The highest Swiss court is the Federal Tribunal. Depending on the nature of the reprimand, the respective principal form of appeal or the "extraordinary" appeal, the constitutional law complaint, is to be used here ("division of legal process"). The delimitation of these two forms is rather complicated, so merely the most important rules shall be explained: normal appeals (civil law appeal, penal law plea of nullity, administrative law complaint) apply if there is an accusation of an infringement against federal law. Since international law is an integral part of federal law in Switzerland, an infringement of the Convention on the Rights of the Child may be directly reprimanded as long as the provision concerned is considered to be a self-executing one. In the eyes of the courts, a provision is considered to be self-executing if it sets out to govern the legal position of individuals and is sufficiently precisely formulated in order for it to be applied directly to a given individual case. Certain other prerequisites apply with respect to the admissibility of appeals under civil law and administrative law (civil law: non-propertylaw dispute or minimum value in dispute⁴⁰; administrative law: no exclusion through list of exceptions).

Generally speaking, constitutional law complaint should be used if there is an accusation of infringement of basic rights. It is also a subsidiary form of appeal and is thus used especially if an appeal under administrative law has been excluded on the basis of a list of

⁴⁰ If the disputed value ist under this minimum, the complaint of nullity should be used.

³⁶ Häfelin/Haller, Bundesstaatsrecht, N 1105 ff.

³⁷ In particular the competence of the Federal tribunal as initial ruling instance in certain criminal proceedings, and two-level appeals system with respect to administrative law rulings by the federal

³⁸ If a ruling is pronounced by a federal authority, the appeals procedure also remains at federal level.

³⁹ The smaller cantons have also only one first instance.

exclusions. An exception to administrative law complaint often arises in association with political issues or if special knowledge of local circumstances is required. In the area covered by the Convention on the Rights of the Child, this applies to laws governing foreigners, political asylum, civil rights and examinations in the field of education. Alongside infringements of basic rights, constitutional law appeals may be made concerning infringements of international law and inter-cantonal agreements (= limited cognition). Here, too, the international law provision concerned must be of a self-executing nature. The Federal Tribunal may quash the legal act or declare the decree as non-applicable (= derogatory powers of federal law).

In matters pertaining to asylum law, the Swiss asylum appeals commission makes the final ruling in its capacity as independent court.

It may be stated that in a large number of areas covered by the Convention on the Rights of the Child, the Federal Tribunal and asylum appeals commission have the opportunity to secure uniform legal practice and make a valuable contribution towards the implementation of the Convention: as a widely known international law agreement in Switzerland, the Convention on the Rights of the Child is often cited, and this means that the Federal Tribunal and asylum appeals commission have already had many opportunities to verify the conformity of cantonal and municipal law with the provisions of the Convention.

But Switzerland does not possess a constitutional jurisdiction as such, and this means particularly that, with respect to non-self-executing provisions that have to be implemented by lower levels of government in view of the internal distribution of state competencies, it is normally only possible to cite infringements of basic rights within the scope of constitutional law or international law complaints (arbitrary appeals). Similarly, complaints concerning the unequal situation in various cantons may only be made in the form of arbitrary appeals.

The justice reform⁴¹ sets out to simplify appeal procedures in Switzerland. In the three areas of legislation, the separation of legal proceedings is to be done away with and replaced by respective uniform appeals. Furthermore, minimum requirements are to be defined for taking cases to the Federal Tribunal. By contrast, it will still be possible to take fundamental disputes to the Federal Tribunal regardless of the value in dispute. Three new courts are to be established (federal civil court, federal criminal court and federal administrative court) so that it will remain possible to appeal against rulings by cantonal courts, and these will act as instance prior to the Federal Tribunal, or as final instance.

b. Ombudsmen and advisory boards

In order to meet the special needs of minors, in its 1995 report on child abuse in Switzerland, the Federal Council recommended the appointment of supervisory officials. It concluded that appointing cantonal ombudsmen and ombudswomen would be a most effective solution since these officials would be closest to any occurrences of child abuse, and would therefore be in the best position to intervene. ⁴² In the meantime, a number of cantons (e.g. Zurich, the two Basel Stadt, Basel Landschaft, Vaud, Valais, Ticino) have appointed ombudsmen. Generally they act as mediators, but their duties are broad-ranging

⁴¹ Approved by the electorate and states on 23 March 2000. However, since it requires implementation in the legislation, it has not yet come into force.

⁴² Bericht "Kindesmisshandlung in der Schweiz" (Child abuse in Switzerland), statement of position by the Federal Council, p. 175.

and may vary from canton to canton. They are active in the area of prevention, provide information and assume political tasks such as submitting initiatives and carrying out projects with minors. Officials have also been appointed in the towns of Lausanne, Lucerne, Zurich, Berne and Winterthur, and a number of cantons (e.g. Vaud, Fribourg, Jura, Geneva, Berne, Thurgau) have set up advisory boards (child protection groups and committees, interdisciplinary groups) specialising in the protection of minors. Projects aimed at establishing similar bodies also exist in the cantons of Aargau, Solothurn, Zug and Schwyz.

At the federal government level, a number of parliamentary motions have been initiated that call for the creation of a federal supervisory board.⁴³ Clarifications are currently in progress within the federal administration to determine how this matter may best be dealt with.

c. Special procedural aspects

In principle, the enforcement of federal law – and thus the regulation of lower instance legal proceedings – is the responsibility of the cantonal authorities (enforcement federalism). But in civil and penal law a number of fundamental procedural provisions are to be found in federal law. In civil law, this applies especially to the legal position of minors in divorce and guardianship proceedings. And in penal law, certain provisions governing investigation procedures and all provisions governing victims' rights (Victims' Aid Act) are incorporated into federal law. This means that in these areas it is possible to resort to the principal form of appeal (civil law appeal, penal law plea of nullity).

The Civil Code contains various procedural provisions that set out to safeguard the best interest of the child. Although in civil law it is fundamentally the principle of negotiation that applies, in legal matters relating to minors it is the principle of investigation that applies. In accordance with the provisions of the Civil Code and Article 12 of the Convention on the Rights of the Child, minors have to be given a hearing, even if they are not a party in the case concerned. In divorce proceedings there is also the option of awarding minors legal assistance, and this person may file an appeal. Some cantonal provisions for the new divorce law (e.g. canton of Berne) foresee giving minors the right to appeal independently against a divorce ruling concerning their parents.

<u>Political controls</u> is guaranteed through many parlamentary inquiries on federal and cantonal level. Further, please refer to our introductory remarks on Swiss federalism and the above comments on co-operation and co-ordination.

6. <u>Differentiation of competencies at the various levels, procedures for dealing with contradictory regulations or policies at the various levels (question 5)</u>

The Committee asks how Switzerland deals with overlaps and duplications of competencies, contradictions with respect to policies or differences in implementing the Convention at the various state levels.

⁴³ E.g. Fankhauser parliamentary initiative calling for an ombudsman for human rights (98.445); Zisyadis motion calling for the urgent introduction of a federal ombudsman or ombudswoman (01.3492).

⁴⁴ The ruling instance therefore has to clarify the facts of the case and is not bound to the petitions of the parties.

Switzerland endeavours to define competencies at the various state levels as clearly as possible. As explained above, in the relationship between the federal government and the cantons the principle applies that the federal government is only responsible for matters with which it is expressly empowered in the Federal Constitution (= principle of specific enumeration, Federal Constitution proviso). And the majority⁴⁵ of cantonal constitutions also contain their own declarative lists of duties and responsibilities. In the relationship between the cantons and the municipalities, the latter have to perform those duties with which they have been entrusted, but they may also perform others that they have designated to themselves, though these are limited to those that are not exclusively the responsibility of the federal government, canton or other organisations.⁴⁶

If a given duty is not assigned to the sole competence of one of the state levels, as a general rule the highest level issues a framework law and the next level down specifies the implementation provisions. Framework laws cite the basic principles together with the areas to be governed by uniform provisions. This kind of differentiation of competencies exists between the cantons and the municipalities in, for example, the area of education⁴⁷. In some cases the higher state level is granted promotional competencies, e.g. the federal government for the field of scholarships (Article 66, Federal Constitution).

In response to the Committee's questions, it will be outlined, how the legal norms of two state levels are to be situated, if the competencies are divided. Any conflict between federal and cantonal legislation is solved through the principle of priority of federal law, i.e. federal law has derogatory powers. This is a case in which the general collision rule applies, which states that higher established law takes precedence over lower. It also applies in principal to municipalities, though here the principle of municipal autonomy also has to be taken into account. If a given canton exceeds its authority over a municipality by performing tasks that have been assigned to the municipality in accordance with cantonal or federal law, the municipality concerned may file a municipal autonomy complaint. Complaints under constitutional law may also be filed in the event of conflicts between cantonal and federal law.

In the area of policy with respect to minors, any contradictions between policies at the various state levels have to be eliminated through co-operation and co-ordination (see above).

7. Collection of data in Switzerland concerning persons under the age of 18

The present-day situation of collecting data in Switzerland is as follows: the Federal Office of Statistics is entrusted with the task of periodically collecting Swiss demographic data. For this purpose it carries out a comprehensive national census⁴⁸ every ten years in addition to the usual methods for compiling statistics. It also collects data in other areas, mainly in the areas of education and crime. Data concerning specific areas may also be

Only the canton of Ticino has refrained from preparing a list of duties.
 Nuspliger, Bernisches Staatsrecht, p. 36.

⁴⁷ In some smaller cantons (e.g. Basel town), education is exclusively in the responsibility of the canton.

⁴⁸ All residents in Switzerland receive a questionnaire concerning their household (e.g. no. of persons) and themselves (e.g. age, marital status, position in household, no. of children, religion, place of work, means of transport to and from work). In the 2000 census, the need for the municipality concerned to supply the required information applied in less than 1% of the cases.

collected by the relevant federal, cantonal and municipal authorities. For example, the "situation report" (in German: Lagebericht) for 2000 released by the Federal Office of Police contains statistics concerning paedophilia in Switzerland. As an example of the many such activities at cantonal level the comprehensive statistical survey carried out by the canton of Vaud in 2001 on the topic of child abuse⁴⁹ is to be cited. A variety of non-government surveys are also carried out in Switzerland, for example the Swiss Household Panel. Further Studies are carried out by the Nation Research Programmes to specific topics⁵⁰.

In 1999 the Federal office for culture published a study about the situation of youth research in Switzerland, which gave an overview of the remarkable number of ongoing projects (e.g. at universities).⁵¹

It is hoped that National Research Programme no. 52 on the topic of childhood, youth and relations between the generations in changing society, which is to commence work on 1 April 2003, will lead to an optimisation of Swiss data collection concerning minors. The initial module of this five-year research programme will deal with data collection and it has the sum of approximately CHF 3.6 million at its disposal (which is equivalent to 30% of the total funding for the National Research Programme). In accordance with the implementation schedule for this programme, as the various activities are carried out the question is to be examined as to whether the data contained in official statistics yield adequate information (= inventory). In stage 2 of the programme the aim is to clarify how identified shortcomings can be rectified. It is likely that the programme will also incorporate statistics from non-governmental surveys as well as empirical research activities of the National Research Programme, and will make specific recommendations for action. Another priority of the implementation plan will be the compilation of a systematic summary of Swiss data sources concerning children and youths (e.g. in the form of an atlas) for subsequent international comparison, perhaps in co-operation with international organisations. For its own statistical surveys, the research programme has also set itself the goal of incorporating the perspectives of children and youths themselves, i.e. by questioning them directly, in addition to carrying out surveys among experts. It is therefore conceivable that, within the scope of the research programme, it will also be possible to clarify methodological issues concerning this direct survey of children and youths under 15 at the federal government level.

8. Existence of a national policy or action plan for implementing the Convention on the Rights of the Child

Switzerland has a national policy in place today for implementing the Convention on the Rights of the Child. Below the development of Switzerland's policy concerning the rights of the child since the ratification of the Convention is briefly outlined. Preparatory work for the ratification of the Convention on the Rights of the Child (1991-1997) and the compilation of the State party report (1998-2000) gave rise to intensified contacts within the federal administration and between the latter and various parliamentary commissions, the cantons, the inter-cantonal directors' conferences and non-governmental organisations.

⁴⁹ Over a period of three months, all offices and people involved in the area of children's rights were required to anonymously report any suspected or substantiated cases of child abuse. During this period, a total of 791 reports were received (cf. Hofer/Ammann/Bregnard, Maltraitance envers les enfants dans le canton de vaud/child abuse in the canton of Vaud, Lausanne 2001).

 $^{^{50}}$ E.g. the NFP 45 "Problems of the welfare state".

⁵¹ Jugendforschung in der Schweiz, Bericht erstellt im Auftrag des Bundesamtes für Kultur, 1999.

These contacts led to discussions concerning the progress as well as difficulties in the area of the rights of the child, and the networking process proved to be very fruitful with regard to co-ordination and co-operation in national policy on the rights of minors.

The State party report is the first systematic overview of the situation of children and youths in Switzerland, and non-governmental organisations supplemented it with their own publication. The compilation of the State party report was simultaneously an opportunity to more closely examine the social and legal situations of minors in Switzerland, and to present an overview of our accomplishments in this area to date against the backdrop of the Convention. This background information also provides Switzerland with an instrument for its policy concerning minors and yields additional impulses as an orientation aid. Within the scope of the State party report, the Federal Department of Home Affairs formulated elements of a Swiss policy concerning children and youths as a contribution towards a coherent and more co-ordinated policy. And with its statement of position entitled "Principles for a Swiss policy concerning children and youths" (2000)⁵⁴, the Federal Commission for Youth Affairs made its own contribution to the debate.

As the situation outlined above indicates, although Switzerland does not have a national action plan in the strictest sense of the term, it does pursue a clearly defined policy with respect to the implementation of the Convention on the Rights of the Child. It may also be stated that, in this connection, Switzerland's national policy towards children and youths is increasingly being determined by the concept of participation, in addition to the principal goals of protection and welfare. An article in the Federal Constitution governing the protection of children and youths (Article 11), that came into effect on 1 January 2000, provides additional support in this area. This constitutional provision obliges Switzerland's legislators, courts and policy-makers to pay special attention to issues relating to children and youths, and serves as the uppermost principle.

In Switzerland's action plan for equal rights between the sexes, a chapter containing 25 measures has been devoted to girls.

III. Public awareness of the Convention on the Rights of the Child (question 7)

The Swiss public is made aware of the existence of the Convention on the Rights of the Child through information and education campaigns and the actual activities relating to its implementation.

⁵² Children and youths in Switzerland: a report on their situation. UNICEF Switzerland, Pro Familia, pro juventute, Swiss Association for Child Protection, Swiss co-ordination of rights of the child, Pestalozzi "Kinderdorf" Foundation (ed.). Zurich 1999. ISBN 3-9521910-0-0.

⁵³ This report was enclosed as an appendix to Switzerland's first report on the implementation of the Convention on the Rights of the Child.

⁵⁴ <u>http://www.kultur-schweiz.admin.ch/index_d.html</u> => Jugendpolitik => Kommission für Jugendfragen => Publikationen EKJ.

⁵⁵ Article 11: Protection of children and youths

¹ Children and youths are entitled to special protection against bodily harm and to promotion of their development.

² They exercise their rights within the scope of their competence to pronounce rulings.

The Federal Department of Home Affairs, which is responsible for co-ordinating the implementation of the Convention on the Rights of the Child at the federal government level, has created a part-time position (50%) specifically for the purposes of publicising and implementing it. The duties of the employee concerned include maintaining contacts within the federal administration and with cantonal and municipal authorities, research institutions, non-governmental organisations and private individuals, organising scientific activities and holding lectures. The Federal Department of Home Affairs also organises periodical meetings between the federal administration and non-governmental organisations.

The Federal Commission for Youth Affairs, which comprises 20 experts and maintains its own permanent secretariat, also plays an important role in this area. Its duties are to observe and steer the development of minors' rights in Switzerland. It makes recommendations to the relevant authorities, informs the general public about the rights of the child and supports political commitment on the part of minors. The Service for Youth Affairs performs similar functions.

One example of the broad variety of information activities of the federal government is a bulletin called "Familienfragen" (Family Issues), which contains periodical reports concerning activities carried out in association with the Convention on the Rights of the Child. In April 2000, the Federal Department of Home Affairs launched a free bulletin called "Kinderpolitik aktuell – Politique de l'enfance actu' (Current youth policy)" (circulation 12,000) together with the youth organisation, "pro juventute". Further, the activities that are organised for each year's Day of the Rights of the Child should also be mentioned: for example, in 1999 the Federal Department of Home Affairs put together a comprehensive press dossier for the event, and the "conference of children" (Konferenz der Kinder) is carried out each year with the financial support of the federal government. Finally, lectures are held in schools and colleges, and special workshops are organised.

Another important way in which the federal government is able to publicise the Convention on the Rights of the Child is through interdisciplinary further education for specialists in all areas. For example, the Federal Commission for Youth Affairs organises annual youth seminars ("seminaires de la jeunesse") in Biel, an important forum at which specialists are able to exchange know-how and findings. After each conference, a report is released on each topic, and these are distributed to a wide readership.⁵⁶ Orders for these reports are still being received today, for example, for copies of the report on the seminar held in 2000 on the topic of participation, whether as an aid to the implementation of participation projects or for use for educational purposes.

The Federal Department of Home Affairs also regularly organises further education courses. For example, together with UNICEF Switzerland it organised a seminar in February 1999 on the topic of appointing ombudsmen/women for children and youths. Then together with the University of Berne, it organised two interdisciplinary further education courses from January to March 2000 on the topic of children's rights (each course lasted 5 to 8 days). Finally, in March 2000 it organised a symposium together with the University of Fribourg and the Swiss Association for the Protection of the Child, called "Blickpunkt Kindeswohl – Le bien de l'enfant en perspective" (Focus on child welfare).

⁵⁶ The report on the subject of participation may be found at http://www.kultur-schweiz.admin.ch/kultges/files/vera_f.pdf.

Finally, projects initiated by organisations outside the federal administration that are aimed at publicising the Convention on the Rights of the Child also receive financial support from the federal government, e.g. the quarterly journal, "Schweizer Bulletin der Kinderrechte/Bulletin suisse des droits de l'enfant (Swiss Children's Rights Bulletin)". In accordance with the provisions of the federal law on extracurricular youth work, the federal government has an annual credit to the tune of around CHF 6.5 million for extracurricular youth work. In the past it has deployed parts of these funds for financing information campaigns aimed at publicising special events such as the International Day of the Child, holidays for children, and sensitisation towards the topics of equal rights and violence towards children.

A broad variety of activities are also organised at the cantonal and municipal levels with the aim of publicising the Convention on the Rights of the Child. Some of these are briefly described below as examples.

A number of cantons have carried out further education courses for people active in the area of children's rights. For example in the canton of Berne, a conference was held in January 2001 on the topic of hearings for minors, and the canton of Zurich has also carried out further education courses on the same topic for personnel of the law courts, guardianship authorities and youth aid centres. The topic of hearings for minors is further being discussed within the Conference of Cantonal Justice and Police Directors and is to be examined within the scope of a comprehensive report⁵⁷. The canton of Geneva, too, has organised events for specialists in the area of children's rights, and the results of these have been broadly distributed in the press and incorporated into political debate. The canton of Vaud has carried out sensitisation campaigns among members of Parliament and is encouraging them to regard minors as discussion and contractual partners. The canton of Obwalden organised a further education course on the topic of child protection, in collaboration with municipal social services and their directors, cantonal advisory centres and various other institutions. Here both the Swiss Civil Code and the Convention on the Rights of the Child were included in the course. Other further education courses and seminars are in the planning stage. The above examples demonstrate that a large number of cantons place a great deal of value on sharing information and co-operating with the municipalities. The canton of St Gall, for example, initiated a project ("comme ça") with the aim of promoting the work carried out by the municipalities in the area of youth work. The canton of Berne have dealt together with municipal officials responsible for youth issues with topics relating to the Convention on the Rights of the Child on the regional conferences of the Cantonal Youth Commission.

Finally, efforts have been made to inform children and youths about their rights within the scope of the school curriculum, as well as to sensitise the general public to the issue of children's rights. Here the canton of Neuchatel chose, like most of the french-speaking cantons, the International Day of the Child as a platform for sensitising the general public. In the canton of Vaud, two reports concerning the Convention on the Rights of the Child have been published in the press. Appenzell Ausserrhoden carries out periodical PR activities via the cantonal education gazette. The canton of Uri organised public municipal hearings concerning a recently established child protection group, plus a touring exhibition examining the situation of children in society today. The canton of Geneva uses each anniversary of the Convention on the Rights of the Child for organising special events in

⁵⁷ The final report of the workgroup headed by Cantonal Councillor Graf-Schelling (Thurgau) is to be submitted to the Conference of Cantonal Justice and Police Directors at the end of April 2002, which will deal with the contents and proposals contained in the report during a plenary conference to be held in November 2002.

schools, together with media and PR activities. In 2001, children in the canton of Geneva carried out a variety of activities in the streets in order to find out what the situation is like for disadvantaged minors. And the canton of Zurich joined forces with the youth organisation "pro juventute" to create a special unit for informing schoolchildren about the rights of the child.

PART II: Available versions of the Convention on the Rights of the Child

The Convention on the Rights of the Child has been translated into German and Italian, and the versions in the three languages French, German and Italian have been incorporated into Switzerland's systematic legislation archives (SR). As far as the German version is concerned, Switzerland, Austria and Germany organised a joint translation conference (cf. attachement).

PART III: Update

Switzerland's activities aimed at improving the situation of children and youths are both numerous and comprehensive, especially as a consequence of the ratification of the Convention on the Rights of the Child. Namely on cantonal und municipal level, numerous innovative actions have been initiated, adapted to the special circumstances in each region.

1. Laws and enacted legislation

An overview of the most important new federal laws and of the revisions of existing federal acts that have been finalised but have not yet come into force has been prepared below.

- *New divorce law and child law* (entry into force: 1 Jan. 2000): Improvement of the position of minors at legal proceedings (namely right to a hearing, right to legal assistance); introduction of joint parental custody; provisions governing divorce proceedings without consideration of blame.
- Legislation aimed at *promoting vocational training* (resolution II concerning apprenticeships increase in available jobs for apprentices, entry into force: 1 Jan. 2000) and in the area of *university education* (federal law on the promotion of universities and co-operation in university education, entry into force: 1 Apr. 2000, and agreement between the federal government and university cantons concerning co-operation in the area of university education, entry into force: 1 Jan. 2001).
- *Jurisdiction of Courts Act* (entry into force: 1 Jan. 2001): Creation of a uniform nation-wide regulation governing court of territorial jurisdiction in civil law proceedings.
- Federal Law on Medically-Aided Reproduction (entry into force: 1 Jan. 2001): this act created for the first time a comprehensive legislation governing reproductive medicine. Special attention has been paid to the best interest of the child by placing stringent demands on future parents.

- Introduction of the *illegality of possession of hard-core pornography*, as a result of which the possession of child pornography will also be punishable by law (partial revision of Swiss Penal Code, entry into force: 1 Apr. 2002).
- Revision of the *Victims' Aid Act* in order to enhance protection for child victims (effect entry into force: 1 Oct. 2002): Special regulations governing questioning of the child (maximum of two hearings throughout the entire proceedings; questioning by specially trained officers; obligation of recording questioning sessions on video; option of excluding trusted persons from proceedings), plus special consideration to the best interest of the child with respect to direct confrontation and closure of proceedings.
- Hague convention on the protection of children and co-operation in the area of international adoption, plus the relevant Swiss implementation law (provisional entry into force: beginning of 2003): In particular, the implementation law gives the mediation of illegal adoptions the status of a criminal offence. Article 268c of the Swiss Civil Code also introduces the absolute right of the adopted child to information about its own parents⁵⁸.

A number of revisions of federal legislation in which special consideration is being given to areas covered by the Convention on the Rights of the Child have not yet been finalised, but are already well advanced.

- In the area of *family policy*, the main developments of note are a revision of tax legislation and the drafts of a federal law on family allowance and a federal law on financial aid for supplementary childcare (= incentive financing).
- In the area of *criminal law* mention should be made of the extension of the statute of limitations for sexual offences against children and its suspension until the child reaches 18. Furthermore, extraterritorial competence shall be introduced in connection with the prosecution of sexual offences committed abroad against children, and the Transplantation Act will include better protection against organ trading. The justice reform and draft of a Swiss code of juvenile penal proceedings will give rise to improvements in the area of criminal proceedings.
- As already mentioned above, revisions are in progress in the areas of *immigration* and *civil rights*. Further, a special clause is to be added to the *Asylum Act* for the protection of unaccompanied minors.

At the cantonal level too, numerous laws have come into effect or are in preparation in favour of children and youths. The following overview lists the most important developments:

- All cantons have issued provisions concerning the implementation of the *new law on divorce and children's rights* and the *Hague Convention on Adoption*. Some of these grant minors additional rights (e.g. Zurich, Berne), e.g. further-reaching right of appeal for children in divorce proceedings involving their parents.
- Some cantons (e.g. Valais, Vaud, Fribourg) have drawn up special *youth legislation* or plan to do so in the near future. These laws have generally a wide scope of application and deal with areas such as the deployment of ombudsmen/women, youth promotion and policy, prevention and information, protection measures in favour of children and youths, special facilities and programmes for children and youths (e.g. holiday camps, special schools), financial and other services for families and youth organisations, coordination measures, etc. ⁵⁹

⁵⁸ See also Federal Tribunal ruling 1P.460/2001 dated 4 March 2002.

⁵⁹ For example, the youth legislation of the canton of Valais encompasses the cited topics and others.

- A number of cantons have brought about improvements in the area of *family policy*: introduction of admission age of 4 for kindergarten (Neuchatel); increased family allowance (e.g. Zurich and Geneva); improvements concerning alimony advances (e.g. Geneva); introduction of a card for large families for entitlement to discounts (Geneva); introduction of cantonal maternity insurance (Geneva, introduction planned in some other cantons), improvements to cantonal tax laws (e.g. Geneva).
- Various cantons have introduced reforms in the area of *education*, or plan to do so in the near future (e.g. Obwalden, Grisons, Geneva). Here Grisons placed special value on the promotion of highly gifted and disabled children, and education for wandering peoples and the children of refugees.
- In the draft of its revision of the *cantonal constitution*, Vaud introduced a special article governing the rights of the child.

2. New institutions

Below follows an overview of the most important institutions that have been created over the past two years.

Federal level

- The *Child Abuse workgroup* comprises representatives of the criminal prosecution authorities and non-governmental organisations. It has formulated a letter of intent that a number of authorities and NGOs have already signed, and which regulates cooperation and the exchange of information between involved parties in the area of combating sexual abuse of children.
- The "BEMIK" workgroup released a report in January 2001 in which it described the most important measures taken to combat *Internet crime*, and in particular paedophilia and child pornography. The Federal Council subsequently announced the creation of a national co-ordination centre for the purpose of more effectively combating Internet crime. It is to commence operation on 1 January 2003, and its duties will include the identification of criminal misuse of the Internet (monitoring), the co-ordination of investigations (clearing) and conducting nation-wide analyses of Internet crime. It will also function as a contact partner at the international level.
- In preparation for the forthcoming ratification of the *Hague Convention on Adoption*, *central authorities* focusing on adoption issues have been set up at the federal (International Child Protection authority) and cantonal levels. These are responsible for international contacts, carrying out clarifications and making decisions within the scope of adoption procedures and with respect to the possible return of adopted children to their country of origin. The creation of these centres will also ensure the more effective implementation of the provisions of the Convention on the Rights of the Child concerning adoption.
- The Federal Office of Refugees created a team that has been entrusted with the specific task of examining various aspects relating to *unaccompanied minors seeking asyl*, and submitting proposals with respect to future action. It also supports and advises both the federal government and the relevant cantonal authorities⁶⁰ with respect to dealing with the dossiers relating to unaccompanied minors, organises further education courses and makes recommendations concerning any necessary changes to current practice.

⁶⁰ Including the guardianship authorities and other institutions entrusted with the care and representation of minors

Cantonal and municipal levels

- Significant efforts have been made with the goal of bringing about more effective child protection, making it as efficient and professional as possible, as well as more interdisciplinary. Over the past two years, a number of additional cantons have created special psychiatric centres for children and youths within hospitals (e.g. Valais, Berne for the French-speaking area, Geneva, Schwyz). And a large number of other cantons have also set up interdisciplinary child protection groups or specialised support organisations (e.g. Basel Landschaft, Grisons, Berne, Uri, Obwalden, St. Gall, Appenzell Ausserrhoden) that function as contact and co-ordination centres and promote expert dialogue. Some cantons have also established special intervention centres within police offices for the purpose of intervening in cases of domestic violence (e.g. Basel Landschaft and Zurich). Similarly to certain other cantons (e.g. Berne), Basel Landschaft has incorporated the option into its municipalities act for municipalities to contractually join forces in setting up joint authorities, most notably to deal with guardianship issues.
- Many cantons have adopted measures aimed at improving childcare outside the family. These steps include establishing additional *day nurseries*, for which purpose some cntons (e.g. Vaud, Obwalden) have created new legislation or plan to do so in the near future, while the canton of Neuchatel has established a special authority to deal with issues relating to infants. The canton of Basel Landschaft is financing a three-year impulse programme, and the canton of Zurich has quadrupled its day nursery facilities since 1998. But improvements have also been made in the area of *education*, for example block times and day schools have been introduced at some locations, and sheltered lunchtime places and other non-educational services have been created.
- In a number of cantons and municipalities, institutions have been introduced in schools for the purpose of *mediating in cases of conflict*. The models vary greatly in nature and are adapted to the specific circumstances at each location. For example, school social services have been introduced in some places (e.g. in Zurich, Berne), as well as mediators (e.g. Geneva and Appenzell Ausserrhoden) and educational therapists (Appenzell Ausserrhoden).
- Many cantons have taken steps to *improve the standard of care for unaccompanied minors seeking asylum* (e.g. Glarus, Grisons, Thurgau, Geneva, St. Gall, Fribourg, Zurich, Schaffhausen). These improvements range from establishing their own centres to providing separate accommodation for minors, as well as supplementary education and special recreational activities.
- In Western Switzerland and Ticino, preparations are currently being made in line with the draft of a new juvenile delinquency law to establish a closed *penal institution especially for minors*. In addition, Geneva plans to extend his institution to execute educational measures. And the cantons of Basel Landschaft and Basel Stadt plan to set up a special institution in which youths can be held in a specific department that provides social care.
- The canton of Fribourg has established a cantonal commission for the purpose of formulating a cantonal family policy that is uniform, comprehensive and in keeping with the times.⁶¹

⁶¹ For example, it is to deal with topics such as taxes, family allowances, maternity protection, childcare centres for infants and extracurricular care.

3. New policies, programmes and projects

The federal government programmes in the area of child policy have already been mentioned above (see above Part I/B III and Part I/B II 8). Special mention should be made of National Research Programme no. 52 concerning childhood, youth and relationships between generations in changing society, which will be commencing its five years of research activity on 1 April 2003. The initial module will set out to produce precise empirical description of the living conditions of children and youths, for which purpose the programme also plans to collect its own data. This will be followed up in modules two and three by specific implementation mandates concerning the areas of family and supplementary systems, learning, recreation, media and consumption. The available funding amounts to CHF 12 million.

Further, there are various projects and programmes at the federal level that are devoted to specific themes. For example, the Federal Office of Refugees is to introduce periodical courses and exchanges of information within the federal administration and in cooperation with the cantons on the topic of unaccompanied minors seeking asylum. Since 2001, the Federal Aliens Office has been supporting integration projects at federal government level. The Federal Office of Public Health has again defined a strategy for the period from 1999 to 2003 dealing with HIV/AIDS. And the Commission for Family Issues⁶² has again initiated a mentoring project ("woman to woman") in which female politicians provide girls and women an insider's view into their activities.

In view of the tight deadline, it has not been able to examine all the programmes and projects in the cantons and municipalities. Here, alongside the above-mentioned programmes aimed at bringing the Convention on the Rights of the Child to the attention of the general public, there are many programmes and projects aimed at promoting child and youth policy. These include projects aimed at encouraging children and youths to participate at the political level, particularly within the framework of youths' and children's parliaments, plus others aimed at creating policies especially for youths and children. In the canton of Vaud, for example, the authorities have set up an interest group for youth issues, which is to support youth projects and work together with the municipalities and minors in order to define a youth policy. Other cantons (e.g. Fribourg, Berne, Geneva) have also established special institutions, and the canton of Berne has drawn up guidelines⁶³.

Numerous projects and programmes on specific themes have also been initiated. For example, the cantons of Basel Stadt, Basel Landschaft and Grisons, as well as many others, introduced projects in schools on the topic of promotion of public health, while a large number of projects concerning juvenile delinquency have been initiated in the cantons of Neuchatel and Geneva. In view of a recent occurrence, the canton of Basel Landschaft is currently conducting a broad-based information programme on the topic of shaking trauma suffered by infants. Many cantons are preparing for the revision of the Victims' Aid Act by holding further education courses and organising other implementation projects; similar actions were witnessed in association with the new divorce law and the Hague Convention on Adoption.

⁶² In collaboration with the Swiss Union of Youth Associations.

⁶³ Guidelines for youth policy, Berne – Cantonal Youth Commission.