Bern, 5th September 2017

Answers of Switzerland to the **OHCHR Report on protecting the rights of the child in humanitarian situations, Human Rights Council resolution 34/16**

1. **Main challenges in protecting the rights of the child in humanitarian situations**

Switzerland is not directly affected by armed conflict or other humanitarian situations within its territory. However, as one of the 15th most important humanitarian donors[[1]](#footnote-1), Switzerland is preoccupied by humanitarian situations and the effects they have on the civilian population. Vulnerable groups, such as children, are disproportionally affected and therefore need special protection. Among the challenges identified are the increasingly complex nature of today’s conflicts (e.g. the proliferation of armed groups), the violations of international humanitarian law (e.g. the lack of protection for the medical mission) as well as the protracted nature of many armed conflicts (e.g. Syria, Yemen). These all have negative effects on the protection of civilians, especially children.

1. **Legal framework**

The Federal Constitution of the Swiss Confederation in its article Art. 11 specifically states that “children and young people have the right to the special protection of their integrity and to the encouragement of their development”. Furthermore “they may personally exercise their rights to the extent their power of judgment allows” [[2]](#footnote-2). This article also guides Swiss Foreign Policy, including its development and humanitarian aid. These rights are also guaranteed by the UN Convention on the Rights of the Child (CRC), which entered into force in Switzerland on 26 March 1997. Switzerland is also state party to the three optional protocols to the CRC. Finally, unaccompanied minors are vulnerable persons who must be able to benefit from specific protective measures that are mentioned in the Asylum Act (LAsi).

1. **National policies, strategies and plans of action**

The following documents are relevant because they apply to children affected by humanitarian situations either directly or indirectly:

* Switzerland developed a strategy on the Protection of civilians (PoC) which applies to armed conflicts, fragile contexts which could lead to armed conflicts or in post-conflict situations. One of its three pillars focuses on activities for vulnerable groups such as children[[3]](#footnote-3). This strategy is currently under review.
* Under the PoC strategy the Swiss Foreign Department of Foreign Affairs developed an action plan for the protection of children associated with armed forces or groups in armed conflict (2014-2016) [[4]](#footnote-4). This action plan is currently under review.
1. **Good practices**

As Switzerland is not affected by humanitarian situations, this part will focus on good practices in relation to its foreign policy activities. Since 2015, Switzerland has been supporting the Committee on migration, refugees and displaced of the Parliamentary Assembly of the Council of Europe and its campaign in ending the detention of migrant children in the member countries of the Council of Europe.

Switzerland’s main support to children in humanitarian situations is multidimensional and includes different instruments. Switzerland is an important donor to UNICEF and other organisations which have a special child protection mandate (e.g. in 2016, Switzerland contributed with CHF 36 millions to UNICEF). Parts of these funds are multi-year general contributions to allow these organisations sufficient flexibility to respond to worldwide humanitarian challenges affecting children. Switzerland also seconds experts on child protection to international organisations (for instance to UNICEF South Sudan) or to other relevant offices (Office of the SRSG Children and armed conflict, CAAC).

Switzerland is also active at the multilateral level for instance by supporting the mandate of the SRSG Children and Armed Conflict. Switzerland is also an active member of the Group of Friends of children affected by armed conflict in order to advance this cause in cooperation with like-minded states. Switzerland participates in multilateral debates, such as in the UN Human Rights Council and the UN General Assembly. Since 2012, Switzerland has been supporting the Child Protection Working Group (CPWG), a network of organizations in Geneva, which is working to ensure that child protection measures are better integrated into humanitarian activities. Furthermore, Switzerland also supports legal and policy processes through relevant human rights resolutions or for instance by signing the Declaration on the Safe Schools Declaration which aims to protect education and schools in armed conflict.

As many contemporary armed conflicts are non-international, the engagement with armed groups is necessary to improve compliance by these groups with international humanitarian law and human rights law. This is why Switzerland is a long-standing supporter of the NGO Geneva Call which engages with armed groups, also on child protection.

Lastly Switzerland supports children in humanitarian situations through financing international and national NGOs. The following projects provide some examples of Swiss support:

1. Since the beginning of 2015, the Diffa region in Niger has become increasingly insecure which has led to a paralysis of economic activities and has forced more than 150,000 people - refugees and returnees from Nigeria - to flee Boko Haram’s threats. Among these displaced persons, there are more than 12,000 children who have had to drop out of school. The Government of Niger appealed to donors - including Switzerland - to support the reception and relocation of these displaced persons. In 2016 Switzerland supported an education program in order to contribute to the re-scolarisation of the 12,000 children during an initial period of six months. The program included the construction and rehabilitation of 41 schools, the supply of school material, the training of teachers in emergencies, and the psychosocial support of children.
2. Another project supported by Switzerland aims to provide opportunities for young people living in conflict-affected areas in Colombia. The main objective is to prevent them from joining armed groups by offering them access to culture and sport. Young Colombians are sent abroad to meet other young people in a sporting setting. The FDFA in collaboration with the Ministry of Foreign Affairs of Colombia organized a first edition of the project "young athletes without borders" at the end of 2013. Since then, some 106 young people have taken part in five different trips. These adolescents live in Nariño, a region that is one of the main centers of the internal armed conflict and violence. The preliminary results of an impact study showed that 90% of the participants did pursue their higher education, which is quite high compared to the average population, especially in the rural areas.
3. Switzerland has been supporting the NGO Women's Initiatives for Gender Justice (WI) in the field of rehabilitation and reintegration of former Lord’s Resistance Army (LRA) child soldiers in Uganda and survivors of sexual violence in the Democratic Republic of the Congo (DRC). This project also contributed to bringing perpetrators of sexual violence to justice both nationally and internationally before the International Criminal Court.
4. **Children in decision-making processes**
1. <https://www.irinnews.org/maps-and-graphics/2016/12/20/biggest-donors-2016> [↑](#footnote-ref-1)
2. <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html> [↑](#footnote-ref-2)
3. <https://www.eda.admin.ch/dam/eda/en/documents/publications/MenschenrechtehumanitaerePolitikundMigration/Strategie-zum-Schutz-der-Zivilbevoelkerung-in-bewaffneten-Konflikten-2013_en.pdf> [↑](#footnote-ref-3)
4. <https://www.eda.admin.ch/dam/eda/en/documents/publications/Friedenspolitik/Strategie_Kindersoldaten_141007_EN.pdf> [↑](#footnote-ref-4)