



# Country fact sheet for the CRC

## COUNTRY: Switzerland (Reviewed by a local contact)

<b>REPORT N°</b>	N° 2-4 periodic reports for the CRC
<b>PRE-SESSION/SESSION</b>	Pre-session: 68 <sup>th</sup> (16 -20 June 2014) – Session: 68 <sup>th</sup> (12-30 January 2015)
<b>LAWS (THC-1993, GUIDELINES, DOMESTIC LAWS)</b>	<ul style="list-style-type: none"> <li>▪ THC-1993, entered into force on 1 January 2003</li> <li>▪ European Convention on Adoption of Children of 1967, revised in 2008, entered into force on 1 April 1973</li> <li>▪ Federal Constitution (FC), 18 April 1999</li> <li>▪ Swiss Civil Code (SCC), 10 December 1907</li> <li>▪ Federal Act on Private International Law, 18 December 1987</li> <li>▪ Ordinance on the placement of children for care and adoption, 19 October 1977, last revised 1 January 2014 (FCAO)</li> <li>▪ Ordinance on adoption intermediaries, 29 November 2002</li> <li>▪ Ordinance on fees for services in intercountry adoption, 29 November 2002, entered into force on 1 January 2003</li> </ul>
<b>GENERAL SITUATION OF CHILDREN DEPRIVED OF THEIR FAMILY</b>	<ul style="list-style-type: none"> <li>▪ The issue of the care of children deprived of their families in Switzerland must be approached from an historical perspective, in order to understand the perceptions relating to this issue today and its sensitive nature. In the 19<sup>th</sup> and 20<sup>th</sup> centuries, tens of thousands of children were forcibly separated from their families and were victims of coercive measures of assistance including forced adoptions. Following numerous different types of actions and associated movements, apologies were made by Switzerland in September 2010. Then, in April 2013, during a commemoration ceremony in honour of all the victims held in Bern, Federal Councillor Simonetta Sommaruga apologised to the victims on behalf of the Confederation, for the harm that had been inflicted on them.</li> <li>▪ A round table discussion was also established in 2013 in order to pursue the following activities: <ul style="list-style-type: none"> <li>• Coordination of scientific studies on the subject;</li> <li>• Establishment of contact points;</li> <li>• Access to archives;</li> <li>• Clarification of legal issues;</li> <li>• Information from the relevant organisation;</li> <li>• Financial benefits for victims: an agreement was signed on 14 April 2014 for an immediate fund, which receives voluntary contributions. Additionally, the decision to establish a public solidarity fund was made by Swiss legislators and will enter into force within three to four years.</li> </ul> </li> <li>▪ These historical data have an impact on how the issue of children deprived of families is addressed both at a political level and at a societal level, resulting in an absence of harmonisation at federal level of the data on these children and of the alternative care measures that they benefit from. Given that this issue is incumbent upon the social and child protection services of the Cantons, Switzerland remains, to this day, without national statistics on placed children.</li> </ul>

	<p>Ordinance governing the placement of children for care and for adoption (FCAO) of 19 October 1977; <i>Guide Social Romand, Fiches Fédérales, Mesures de protection de l'enfant</i>: <a href="http://www.guidesocial.ch/fr/fiche/110">www.guidesocial.ch/fr/fiche/110</a>; Swiss Civil Code (arts. 307, 310, 311 and 312): <a href="http://www.admin.ch/opc/fr/classified-compilation/19070042/index.html">http://www.admin.ch/opc/fr/classified-compilation/19070042/index.html</a>; Quality4Children standards: <a href="http://www.quality4children.ch/index.asp?site=3&amp;topic_id=68">http://www.quality4children.ch/index.asp?site=3&amp;topic_id=68</a>; <i>Le placement d'enfants en Suisse - Analyse, développement de la qualité et professionnalisation</i>, Expert report commissioned by the Federal Office of Justice, Kathrin Barbara Zatti, June 2005: <a href="https://www.bj.admin.ch/content/dam/data/gesellschaft/gesetzgebung/kinderbetreuung/ber_pflegekinder-f.pdf">https://www.bj.admin.ch/content/dam/data/gesellschaft/gesetzgebung/kinderbetreuung/ber_pflegekinder-f.pdf</a>; <i>The placement of children in Switzerland</i>, Report of the Federal Council: <a href="https://www.bj.admin.ch/content/dam/data/gesellschaft/gesetzgebung/kinderbetreuung/ber-br-f.pdf">https://www.bj.admin.ch/content/dam/data/gesellschaft/gesetzgebung/kinderbetreuung/ber-br-f.pdf</a>; <i>The history of placed babies – Reflection on newborns separated from their parents at birth for security reasons</i>, Institute of Social Studies, Graduate School of Social Work, Jocelyne Leone, Geneva, January 2006; <i>Guidelines for the Alternative Care of Children</i>, CELCIS / ISS / Oak Foundation / SOS Children Villages / UNICEF, 2009 : <a href="http://www.iss-ssi.org/2009/index.php?id=154">http://www.iss-ssi.org/2009/index.php?id=154</a></p>
<p style="text-align: center;"><b>ADOPTION</b></p>	<ul style="list-style-type: none"> <li>▪ Since 1990, Switzerland has ratified several conventions and implemented tools to ensure the respect, promotion and protection of the rights of children in adoption, the most recent one being the implementation, on 29 June 2011, of the law of adoption. It sets out the rules on the procedure for placing children for adoption, on the authorisation of an intermediary in the hope of adoption, as well as the monitoring of this activity.</li> <li>▪ The Swiss Federal Statistical Office identifies each year the number of children adopted in Switzerland both of Swiss or foreign nationality by age and gender. Based on this information, it is possible to analyse the trends of adoption in Switzerland.</li> <li>▪ Statistics show that the number of domestic adoptions is rather stable (on average about 200 adopted children each year over the last 10 years), while there has been a steady decline in intercountry adoptions since 2003.</li> <li>▪ With regards to the countries of origin, statistics show that African countries are the leading countries of origin (Ethiopia), followed by Asian and European countries.</li> <li>▪ Swiss law only recognises full adoption. The adopted child acquires the same legal status as that of a child born from biological parents and therefore, any former parentage link is severed. Adoption is also irrevocable.</li> <li>▪ The procedure for intercountry adoption is essentially the same as in the case of domestic adoption.</li> <li>▪ The adopted child has an absolute right to know his origins, regardless of the consent of the biological parents.</li> <li>▪ The Federal Council launched in 2013 a review of the Adoption Act (Swiss Civil Code), which proposes amendments regarding in particular: <ul style="list-style-type: none"> <li>✓ The minimum age of the adoptive parents;</li> <li>✓ The possibility to adopt as well for couples with proven civil partnership, particularly regarding the adoption of the child of their partner;</li> <li>✓ The duration of the marriage or proven civil partnership before adoption (lowered to a minimum of three years);</li> <li>✓ The relaxation of rules regarding the secrecy of each adoption in favour of the biological parents, who are looking for information about their child placed in adoption or who are searching for their child. The information on the child may be communicated to the parents, if agreed by their child once adult.</li> </ul> </li> </ul> <p>Sources:  <i>L'Adoption en Suisse</i>, The Federal Department of Justice and Police (FDJP), Federal Office of Justice: <a href="https://www.bj.admin.ch/content/dam/data/gesellschaft/adoption/bro-adoption-f.pdf">https://www.bj.admin.ch/content/dam/data/gesellschaft/adoption/bro-adoption-f.pdf</a>; Swiss Civil Code (arts. 264-269); Statement on the review of the Adoption Act, Federal Council, 29 November 2013, <a href="http://www.ejpd.admin.ch/content/ejpd/fr/home/dokumentation/mi/2013/2013-11-292.html#">http://www.ejpd.admin.ch/content/ejpd/fr/home/dokumentation/mi/2013/2013-11-292.html#</a>; BEVNAT, Swiss Federal Statistical Office:</p>

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|  | <ul style="list-style-type: none"><li>▪ Regarding the care of children under 3 years of age, is Switzerland considering the prohibition of their placement in institutional care and the development of family-based alternatives in line with the 2009 Guidelines for the Alternative Care of Children?</li><li>▪ May the responsibility for the care of children separated from their families be delegated to private entities? If so, are they subject to selection, authorisation and regular monitoring?</li><li>▪ Is Switzerland considering strengthening the coordination, control, professionalism and financial support of accredited adoption bodies, whose number is limited?</li></ul> |
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