



Human Rights Council

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Joint Stakeholders' Submission on:

The Situation on the Rights of the Child in Switzerland, with special focus on the Geneva Canton

Submitted by:

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I. Introduction

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to the **Rights of the Child** in Switzerland in the following areas: **right to education and health**. Each section conveys recommendations to the Swiss Government.

2. The data and information obtained for this submission has come from various sources and includes information from IIMA's members in Switzerland, in particular the Canton of Geneva, who interviewed children attending public and private schools and their families, teachers, educators, psychologists and civil society members. Additional information was also provided by a member of the Association Points-Cœur in Geneva, working in general practice of medicine and by members of the Association who interviewed teachers and families. All information concerns the period from January 2009 to April 2012.

3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 93 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.

4. **Association Points-Cœur** is an international NGO in special consultative status with the Economic and Social Council. Founded in 1990, the Organization is a global network of volunteers who promote human dignity, assist and form deep personal bonds with troubled, disadvantaged and socially isolated individuals in some of the world's most desperate areas. The Association Points-Cœur is active on five continents, with 41 centres in 20 countries.

5. This coalition of NGOs welcomes the establishment by the Federal Council of the Swiss Competence Centre for Human Rights as a national human rights institution, which began its work in 2011. Notwithstanding, we remain concerned about its lack of independence, resources and the limited role of cantonal authorities.

II. Right to Education

6. This coalition of NGOs welcomes the efforts of Switzerland in ensuring every child in the country has a right to education or training appropriate to their abilities. We recognize as well the high standards of Swiss schools at all levels of education. In fact, the period of compulsory schooling lasts for nine years and consists of primary school and secondary school in all cantons. Attendance is mandatory and free of charge for all children, including foreign nationals.

7. Every child has the opportunity to attend pre-school (*école enfantine*) for one or two years. On reaching six years of age, the child may continue on to the compulsory school stage which lasts from age six to fifteen. After that (15 years of age and older), the pupil must choose among vocational training, a college of further education, or study for a vocational (*matura, maturité*) school-leaving certificate.

8. Nevertheless, Switzerland does not have a national or federal educational system, because provision and management of state (public) education is the responsibility of

the cantons. All the public educational institutions of the cantons are administered by the cantonal departments of education. For this reason, there are variations in the education systems among the 26 cantons. Each canton has its own laws relating to schooling and a cantonal Department of Education that supervises how the commune administers pre-, primary and secondary schools.

9. At the same time, private (independent) schools are likewise subject to cantonal law. Pre-, primary and secondary private schools are overseen by the communes, under cantonal supervision.

10. Moreover, this coalition of NGOs welcomes the efforts of the cantons to standardize their practice in the areas of compulsory schooling (duration, starting age, general curriculum) and in the recognition of equivalent certificates and diplomas through the HarmoS project officially started in 2001 but still in the first phases of its implementation in several cantons. In particular, in Romance Switzerland the HarmoS program officially started only three years ago, and several schools have begun complying with the new rules only this year.

Discrimination in education

11. Despite the efforts of the government several problems in the cantonal educational systems persist. In particular in the Canton of Geneva this coalition of NGOs notes the persistence of discrimination against vulnerable children, especially foreign children, disabled children or children without papers.

12. **Foreign children** are often marginalized because of their linguistic difficulties. The canton of Geneva accounts for 450,000 inhabitants, of which 45% are foreigners representing 180 nationalities. For this reason, many children living in Geneva do not speak French as their mother tongue.

13. This coalition of NGOs welcomes the decision to initiate the “induction classes” (*classes d'accueil*) for children with little or no knowledge of French that enable children to be integrated into the normal system. Nevertheless, we recognize that major measures should be taken by the Geneva Canton because several schools do not organize induction classes but instead try to group children from different schools to economize resources, forcing children to move to unfamiliar schools, sometimes far from their own schools.

14. Swiss public schools are not fully organized to integrate **children with disabilities** because of infrastructural and teaching method limits. In fact, despite the implementation of some technical support (computers, bigger exercise books, books in Braille, etc.) and some hours with a special teacher, children are not sufficiently supported neither during class activities nor in extracurricular activities such as at the canteen or during the recreation period. This lack of sufficient support forces parents to transfer their disabled children to special schools where they can find a more adequate infrastructure and wider sustainability efforts in their learning process.

15. Compared to public schools, private schools offer infrastructure and training that can better respond to the special needs of disabled children, but often school directors

do not accept children with special needs because they can hinder the learning process of other children of whom the parents pay very high school fees.

16. Consequently, disabled children are often relegated to special schools attended only by children with disabilities. Actually, there are different special schools for each specific disability.

17. This coalition of NGOs welcomes the decision of the Swiss government to allow **children without papers** to attend public school without any form of restriction or monetary fee. Unfortunately, once children reach the age of majority they are forced to leave the country even if they have not finished school. Also, the Judges making that decision do not consider if adolescents are still attending school.

Quality in education

Primary education

Public schools

18. Infrastructures of public schools are sometimes very old, but they respond to the security standards requested by the Swiss government. However, schools are not adequately equipped.

19. The teacher/student ratio is often too high, especially in primary school. In fact, classrooms exceed the 24 students per class set by Swiss law. Furthermore, teachers are obliged to more hours of lessons (28-32 hours per week) than their counterparts in neighboring European countries.

20. In Geneva, children belonging to the lower social classes of society attend public schools. Consequently, children attending public schools and those attending private ones experience separate lives.

21. Before the implementation of the HarmoS program, every Swiss school had a different evaluation system, if any evaluation criteria. This made it impossible to compare schools and students' educational levels.

This coalition of NGOs welcomes the decision of the HarmoS program to create a homogeneous evaluation system for primary schools according to a scale of 1 to 6.

Private school

22. Private schools in Switzerland are very expensive, especially in the Canton of Geneva where the population growth caused a proliferation of private schools. In fact, in Geneva there are 289 private schools, with the highest number of international schools per inhabitant in Europe.

23. Private schools have very modern infrastructures that successfully respond to families' requests. In fact, families in private schools are seen as clients who expect the best services for their children.

24. Teachers in private schools are essentially French or foreigners, because the Swiss government requests an exam for foreigners who want to teach in public schools. This

exam is not requested to work in private schools. Furthermore, salaries in public schools are higher than in private ones, so Swiss teachers prefer the public system to the private one.

25. Children attending private schools need to pass an exam to enroll in public schools at anytime. This exam often causes stress for young children.

Secondary education

26. Both children attending primary public and private schools should pass an exam to access secondary education. After the exam children are evaluated with a letter grade of A, B or C.

“A” allows children to attend senior high schools (*Ecoles de maturité gymnasiale, or Ecoles de culture generale (ECG)*). “B” gives the opportunity to access the vocational school-leaving certificate (*Formation professionnelle préparant à la maturité professionnelle*); and finally “C” gives access to a vocational training (*Formation professionnelle initiale*).

27. The mobility from an A group to a B group school is possible only if the child has a very good school curriculum after the first three years of secondary school, while for children addressed to a C group it is very hard to move to a B or A school.

28. According to this coalition of NGOs, this system is too rigid and children in the last year of primary school (12-13 years old) are too young for being so strictly assigned to a secondary school level that will determine their future.

29. Furthermore, children attending public schools and belonging to lower social classes are often addressed to C schools while children belonging to medium and higher social classes and/or attending private schools are often addressed to B or A schools.

30. Therefore, children are really stressed by this system, especially if they are addressed to C schools because they risk being excluded from the high level educational system. Unfortunately, this coalition of NGOs notes that foreign children are often addressed to C schools because of their low level of French.

Tertiary education

31. Only children attending A or B schools can have access to the University. The access to a Swiss University is really difficult especially for foreign students who completed their primary and secondary education in another country. In fact, they need a very good curriculum to be admitted.

32. We propose the following recommendations in order to allow the Swiss government to protect and promote the right to education:

- a. **Fully implement article 28 of the Convention on the Rights of the Child, without discrimination, particularly of foreign children, children with disabilities, and children without papers.**
- b. **Guarantee the integration of children with disabilities in normal schools, avoiding relegating them to special schools.**
- c. **Reorganize the access to secondary educational levels in order to guarantee equal access to every child, independent of them attending a public or private school.**
- d. **Implement the HarmoS program in every canton of Switzerland in order to standardise the educational system at national level.**

III. Right to Health

Access to health services

33. Since 1994 health insurance has been compulsory for all persons residing in Switzerland (within three months of taking up residence or being born in the country). The insured pays the insurance premium for the basic plan up to 8% of their personal income. If a premium is higher than this, then the government gives the insured a cash subsidy to pay for any additional premium. After this percentage the cost of the subscription to health insurance is independent of financial resources and health conditions of the insured.

34. Therefore, health insurance can discriminate the most vulnerable individuals especially those with low salaries but who go over the 8% mark.

Mental disorders and suicide

35. This coalition of NGOs registers an increase of mental disorders in young people aged from 17 to 30 years old, especially in the Canton of Geneva and Vaud. Boys and girls are almost equally affected by these disorders with a slightly higher distribution among boys.

36. Mental disorders find their origin in different causes such as drug use (especially cannabis and cocaine) and alcohol abuse. The low price of alcohol and drugs as well as the lack of governmental controls are the main contributing factors to mental disorders among the youth.

37. Moreover, with Geneva being almost completely encircled by France, with whom its border shares 103 km, young people can easily avoid police jurisdiction in the Swiss Cantons and obtain possession of any kind of narcotic abroad.

38. Another important cause of mental disorders among youth can be found in the breakdown of the family unit. In fact, more than 60% of families living in the Canton

of Geneva are divorced, with 40% of parents remarried. Most of the youth with mental disorders and addiction problems have lost their points of reference in the family and live with a sense of confusion, especially if parents spend most of their life working without taking care of their children.

39. Furthermore, the multiculturalism of this Canton is at the same time its richness and its weakness. In fact, many boys and girls, especially those who are not Swiss, are unable to integrate into the Swiss society for both linguistic and cultural reasons. They do not speak good French, do not recognize their real roots, and sometimes recreate a “ghetto” with people coming from their same country or speaking their same language, reducing more and more the possibility of being integrated into the Swiss society.

40. Another group of at-risk youth is adopted children who take refuge in substance abuse to take out their anger, mistrust and sense of rejection from their natural parents.

41. Despite the numerous preventive actions taken by the Swiss government and the city of Geneva during the last few years, more concrete campaigns should be taken by the authorities in order to make youth aware of the consequences of drug and alcohol abuse, especially on mental disorders and future physical problems. Unfortunately, because of the peculiarity of the Canton of Geneva, a policy of economic sanctions does not produce a positive impact on the reduction of drug and alcohol consumption.

42. Switzerland should not only promote awareness campaigns, especially in secondary schools, but it should actively involve teachers and parents in order to enable them to recognize in advance the symptoms of mental disorders and substance abuse in young people.

43. Furthermore, a strict collaboration among all the psychiatry units, especially between child and adolescent psychiatry, should be implemented in order to facilitate the coordination of experts in taking adequate care of children and adolescents from the first sign of mental disorder and in the course of their illness.

44. Suicide causes the death of about 1,300 people each year. We note that suicide (attempted or succeeded) commonly affects adolescents at an increasingly advanced age (from 13 years in most cases). Boys succeed more often than girls, because they use more radical means, such as fire arms.

45. A major cause of suicide attempts is the loneliness of children and teenagers. Most of them spend a lot of time alone because their parents work all day. We regret that despite the high rate of suicide, there is no national plan for prevention in Switzerland.

46. The Swiss government and in particular the canton of Geneva is urged to:

- a. **Establish a more equal healthcare system based on a contribution proportional to the insured's income.**

- b. Promote awareness campaigns, especially in secondary schools, actively involving teachers and parents in order to enable them to recognize in advance the symptoms of mental disorders and substance abuse in young people.**
- c. Implement a strict collaboration among all the psychiatry units, especially between child and adolescent psychiatry, in order to facilitate the coordination of experts in taking adequate care of children and adolescents from the first sign of mental disorder and in the course of their illness.**
- d. Intensify controls on drug use and dealing in Switzerland at the border areas and make penalties more severe for drug dealers in order to reduce illegal sale of drugs.**
- e. Implement a national suicide prevention strategy and develop structures to support youth at risk of suicide.**