

Independent Children's Rights Institution in Switzerland: the state of play and actions to be taken



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Eidgenössisches Departement des Innern EDI
Département fédéral de l'intérieur DFI
Bundesamt für Sozialversicherungen BSV
Office fédéral des assurances sociales OFAS

As part of its «Social Security» series («Beiträge zur Sozialen Sicherheit»), the Federal Social Insurance Office publishes conceptual papers and research or evaluation reports on current social security issues, in order to make them accessible to a wide readership and to stimulate debate.

The opinions expressed in these contributions are not necessarily those of the Federal Social Insurance Office.

Authors

Roberta Ruggiero (University of Geneva)
roberta.ruggiero@unige.ch | +41 (0)27 205 73 06

David Lätsch (Zurich Universities of Applied Sciences and Arts ZHAW)
david.laetsch@zhaw.ch | +41 (0)58 934 85 21

Paula Krüger (Lucerne University of Applied Sciences and Arts HSLU)
paula.krueger@hslu.ch | +41 (0)41 367 48 92

Further Information

Federal Social Insurance Office
Effingerstrasse 20, CH-3003 Bern

Childhood and Youth Affairs Section
Martina Beeler
+41 (0)58 465 12 21, martinasilmona.beeler@bsv.admin.ch

ISSN

1663-4659 (eReport)

Copyright

Federal Social Insurance Office, CH-3003 Bern
Extracts may be reproduced for non-commercial use with acknowledgement of copyright and delivery of a specimen copy to the Federal Social Insurance Office.

Publication date (online version) and edition

December 2023, 1st edition

Independent Children's Rights Institution in Switzerland: the state of play and actions to be taken

Foreword by the Federal Social Insurance Office

You are holding in your hands a detailed report on children's rights in Switzerland. Its aim was to provide the commissioning authority, the Federal Social Insurance Office (FSIO), with a full picture of the children's rights situation in Switzerland. Subsequently, the report also served as a basis for implementation by the Federal Council of Motion 19.3633 calling for the establishment of a children's rights ombudsman service in Switzerland.

The report unequivocally shows that children in Switzerland are too rarely, if ever, able to exercise their right to participate and be heard in legal proceedings affecting them. Their input is often not sought in decision-making processes and situations that will have a direct impact on their lives, such as parental divorce or their temporary placement with foster parents. Coupled with the lack of a child-centred view of the various attendant issues, this situation makes it difficult to have a full and clear understanding of children's concerns.

Similarly, the accessibility of public and private services for children is also sub-optimal. Counselling services are often not sufficiently low-threshold, and professionals are not adequately familiar with children's rights. In general, knowledge and awareness of children's rights and the Convention on the Rights of the Child remain rudimentary. The motion submitted by former member of the Council of States Ruedi Noser calls for the establishment of a national children's rights ombudsman service which would provide an easily accessible single point of contact for children in Switzerland and could also, in certain instances, act as a mediator.

The way in which responsibilities are allocated in Switzerland means that the delivery of this type of service is primarily a matter for the cantons. However, the federal government may provide support on a subsidiary basis and introduce additional measures. An independent Children's Rights Institution (ICHRI) would help to address existing shortcomings in the children's right space. In Switzerland's federal system, an ICHRI could – in addition to developing knowledge – prepare analyses on the status of implementation of children's rights, provide advice to authorities and promote networking between stakeholders in the field of children's rights.

The creation of a children's rights ombudsman service will not fill all existing gaps. The cantons will continue to play a central role in the delivery of counselling services for children, because this does not fall under the remit of the Confederation as defined in the Federal Constitution. Nonetheless, an ICRI could help stiffen the resolve of all relevant actors and outline possible courses of action that they could take to uphold the participation and consultation rights of children, to ensure that their processes follow a child-based approach, and to learn from one another through ongoing dialogue.

This report also sets out further approaches and concrete proposals on the steps that all levels of Switzerland's political system and all relevant actors can take to improve the children's rights situation across the country. It can also serve as a point of reference for the federal authorities when setting up the ICRI in the future. At the cantonal and communal levels, it can already serve as a source of inspiration for the authorities' current and ongoing efforts to strengthen children's rights so that children and young people can make their voices heard and play their part in shaping the world, both now and in the future.

Astrid Wüthrich

Vice Director FSIO and Head of the Domain Family, Generations and Society

Independent Children's Rights Institution in Switzerland: the state of play and actions to be taken

On behalf of the Federal Social Insurance Office

Submitted on July 22nd, 2022 by:

Dr. Roberta Ruggiero, University of Geneva

Prof. Dr. David Lätsch, Zurich University of Applied Sciences (ZHAW)

Prof. Dr. Paula Krüger, Lucerne University of Applied Sciences and Arts (HSLU)

Mr. Simon Nehme, University of Geneva

Mrs. Tanja Mitrovic, Lucerne University of Applied Sciences and Arts (HSLU)

Mrs. Julia Quehenberger, Zurich University of Applied Sciences

Contents

List of figures and tables	III
List of abbreviations	V
Executive Summary	VII
1. Background	1
2. Research strategy and methods	3
2.1 Analysis grid	3
2.2 Mapping of actors.....	3
2.3 Experts survey.....	5
2.4 Integrative analysis and evaluation methods.....	6
2.5 Summary and limitations	6
3. International normative and theoretical framework	9
3.1 What is an Independent Children's human rights institution (ICHRI).....	9
3.2 The Terms of Reference of an ideal ICHRI	10
3.3 The Analysis Grid	13
3.3.1 Structure	13
3.3.2 Mandate.....	14
3.3.3 ICHRI's accessibility to children.....	16
3.3.4 Independence	16
3.4 International experiences: analysis of a selection of existing international models.....	17
3.4.1 Country: Belgium.....	17
3.4.2 Country: Austria.....	19
3.4.3 Country: United Kingdom	21
3.4.4 Country: France	24
3.4.5 Country: Germany.....	26
3.4.6 Country: Italy	30
3.4.7 Findings from the European experiences.....	32
4. Analysis of the Swiss context.....	35
4.1 Findings of the mapping of actors and their function: structure and accountability	35
4.2 Experts survey.....	41
4.2.1 Structural attributes.....	43
4.2.2 Tasks and activities	50
4.2.3 Quality of cooperation	53
4.2.4 Perceived gaps regarding the promotion and protection of children's rights.....	55

4.2.5 Attitudes towards Motion 19.3633.....	57
4.2.6 Summary and limitations	59
4.3 Preliminary SWOT Matrix of the Swiss system	62
5. The opportunity to create an ICHRI in Switzerland.....	65
5.1 The opportunity to create an ICHRI in Switzerland.....	65
5.2 The prospected mandate for the future ICHRI in Switzerland.....	75
5.3 What organizational model for the future ICHRI?.....	77
5.3.1 Definition of organizational models: the risk analysis methodology.....	77
5.3.2 Potential organizational models	78
6. Conclusion: the future Swiss ICHRI an innovation that makes sense	89
7. References.....	91
8. Annexes.....	95
Annex 1. Analysis grid.....	96
Annex 2. Summary of ICHRIs structures of the analyzed countries	103
Annex 3. SWOT analysis of the Switzerland context per dimension	106
Annex 4. Map of actors composing the sample	111
Annex 5. Survey questionnaire	115
Annex 6. Items from the survey, relating to distinct tasks and activities of organizational actors.....	132
Annex 7. Top 10 percentile of organizations, ranked by number of activities reported	133
Annex 8. Proportion of actors having performed an activity at least once in the past 12 months, at any level of government (N = 124–133).....	134
Annex 9. Percentage of actors performing quasi-judicial activities that address specific children's rights (N = 124–133).....	135
Annex 10. Further analysis of ranged of activities covered.....	136
Annex 11. Quality of cooperation with different types of organizations, as rated by type of actor (N = 130)	138
Annex 12. Perceived gaps regarding children's rights, statements assigned to category 'Structure'	140
Annex 13. Perceived gaps regarding the promotion and protection of children's rights, statements assigned to category 'Activities'	141
Annex 14. Perceived gaps regarding the promotion and protection of children's rights, statements assigned to category 'Specific children's rights'	142

List of figures and tables

Figure 1. Ideal mandate of an independent children's rights institution	12
Figure 2. Map: Independent Children's Human Rights Institutions in Belgium	18
Figure 3. Map: Independent Children's Human Rights Institutions in Austria	20
Figure 4. Map: Independent Children's Human Rights Institutions in United Kingdom	22
Figure 5. Map: Independent Children's Human Rights Institution in France.....	24
Figure 6. Map: Independent Children's Human Rights Institution in Germany.....	28
Figure 7. Map: Independent Children's Human Rights Institutions in Italy.....	30
Figure 8. Repartition of the European Network of Ombudspersons for Children members on the Council of Europe member states (European Network for Ombudsman for Children, 2015).....	34
Figure 9. Geographical scope by legal nature of actors (n = 188)	35
Figure 10. Tasks performed by actors by legal nature of actors	39
Figure 11. Legal nature of organizations represented in the sample (N = 135).....	42
Figure 12. Level of government at which organizations operate (N = 135)	42
Figure 13. Absolute numbers of organizations represented in the sample, by type of organization, ranked by strength of representation (N = 135)	43
Figure 14. Representation of individual professions, by legal category of actors, ranked by strength of representation (N = 130).....	44
Figure 15. Share of organizations that meet the requirement of multi-disciplinarity as defined in the study, by type of organization, ordered by rank (N = 134).....	45
Figure 16. Share of organizations with at least one staff member holding specialization in children's rights, by type of organization, ordered by proportion of "yes" responses (N = 134)	45
Figure 17. Share of organization receiving funds from different sources, by source of funding, ordered by rank (N = 133)	46
Figure 18. Share of organizations reporting adequate vs. non-adequate resources, by type of organization, ranked by share of "not adequate" responses (N = 123)	46
Figure 19. Areas where actions would be expanded or improved, given adequate resources	47
Figure 20. Type of institutional body to which organizations are accountable, ordered by frequency.....	48
Figure 21. Type of institutional body to which organizations are accountable, by legal nature of actors (N = 130).....	48
Figure 22. Frequency of conflicting priorities between organization and its funders, by type of accountability (N = 115).....	49
Figure 23. Proportion of organizations providing child-friendly access facilities, by type of organization	50
Figure 24. Proportion of organizations providing child-friendly access facilities to vulnerable children, by type of organization	50

Figure 25. Proportion of actors having performed an activity at least once in the past 12 months, at any level of government, by legal category of actor (public vs. private or para-public) (N = 124–133) and proportion of actors having performed an activity at least once in the past 12 months, by actor's level of government (N = 124–130).....	52
Figure 26. Absolute numbers of activities performed per organization (N = 133).....	53
Figure 27. Quality of cooperation with different types of organizations, as perceived by the respondents, all ratings combined, ranked by frequency of any cooperation (N = 130).....	54
Figure 28. Attitude towards Motion 19.3633, by legal type of actor (N = 121).....	57
Figure 29. Illustration of SWOT process and method.....	62
Figure 30. Adapted ERRC grid of analysis.....	65
Figure 31: ERRC of the value of the 'Legislation and policy'.....	66
Figure 32. ERRC of the value of the 'Quasi-judicial and mediation' tasks.....	67
Figure 33. ERRC of the value of the 'Monitoring State compliance with children's rights' tasks.....	69
Figure 34. ERRC of the value of the 'Reporting on children's conditions and the implementation of the CRC'.....	70
Figure 35. ERRC of the value of the 'Education, promoting children's rights and raising awareness' tasks... ..	71
Figure 36. ERRC of the value of the 'Child participation' tasks.....	73
Figure 37. ERRC of the value of the 'Networking' tasks.....	74
Figure 38. A potential mandate for the future Swiss ICHRI.....	76
Figure 39. Illustration of private model.....	78
Figure 40. Risks associated with the private model.....	79
Figure 41. Illustration of integrated public model.....	80
Figure 42. Risks associated with the integrated public model.....	82
Figure 43. Illustration of stand-alone public model.....	83
Figure 44. Risks associated with a stand-alone public model.....	85
Figure 45. Illustration of the blended public/private model.....	86
Figure 46. Risks associated with a blended public/private model.....	87
Table 1. Key terms used in the literature search.....	4
Table 2. Organizational level of specialization by legal nature of actors and geographical scope.....	36
Table 3. Accessibility by legal nature of actors and geographical scope.....	40
Table 4. Absolute numbers of organizations represented in the sample (cross-tabulated).....	42
Table 5. SWOT analysis of the Switzerland context per dimension.....	63

List of abbreviations

BINOCC	British and Irish Network of Ombudsmen and Children's Commissioners
CCFW	Children's Commissioner for Wales
CDAS	Conference of Cantonal Directors of Social Affairs
CFEJ	Commission fédérale pour l'enfance et la jeunesse
CIDE	Center for Children's Rights Studies
COBs	Concluding Observations
CRC	United Nations Convention on the Rights of the Child
CYPCS	Children and Young People's Commissioner Scotland
ERRC	Eliminate-Reduce-Raise-Create
FSIO	Federal Social Insurances Office
GC	General Comments of the CRC Committee
GIHR	German Institute for Human Rights
ICHRI	Independent children's human rights institution
NGO	Non-Governmental Organization
NHRI	National Human Rights Institution
NICCY	Northern Ireland Commissioner for Children & Young People
OPIC	Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure
SPCB	Scottish Parliamentary Corporate Body
SWOT	Strength, Weakness, Opportunities and Threats
UN	United Nations

Summary

This study aims to outline the features of the proposed establishment of an Independent Children's Human Rights Institution (ICHRI) in Switzerland. It comes after the National Council passed Motion 19.3633 that looks at addressing the absence of such an institution and takes into account the Children's Rights Convention (CRC) committee's concluding observations to Switzerland on its fifth and sixth periodic reports in 2021 asking Switzerland to comply with the Paris Principles and to fulfil its commitment to the CRC 3rd optional protocol. The study uses a child rights-based approach and a thorough methodology to explore the normative and theoretical framework that governs the establishment of ICHRI while also analyzing models for these institutions in other European countries. Subsequently, it thoroughly maps existing actors working in the child-right related field and conducts an expert survey to lay out the current situation within the Swiss context, which allows the identification of the strengths, weaknesses, opportunities, and threats that the Swiss context offers. Finally, the study outlines different possible models for the ICHRI and the mandate that could potentially best fit the context.

The methodology is multidisciplinary and integrates theories and practices which are key in the field of social policy development. The main methods used involve: (1) the development of an analysis grid that addresses the main features of an ICHRI based on the international legal framework governing the establishment of such institutions and the Motion 19.3633; (2) the mapping of actors that offer services relevant to the ICHRI; (3) an experts survey to further understand the local context, look into existing gaps and the position of the different actors in relation to the Motion; (4) integrative analysis and evaluation methods including, among others, SWOT matrix and ERRC grid, aiming to identify risks and opportunities of the prospect ICHRI and defining potential operational models.

Looking at the international normative framework, we can define an ICHRI as an independent oversight body that is closely linked to the values of democracy and the rule of law, with the essential mandate to oversee the implementation of children's human rights. Therefore, it plays a reactive role in mediating and investigating violations of children's human rights and a proactive role in monitoring the compliance of the state and in educating and raising awareness on children's human rights. More specifically, an ideal mandate for an ICHRI would comprise seven families of tasks: (1) legislation and policy; (2) quasi-judicial and mediation tasks; (3) monitoring state compliance; (4) reporting on the children's conditions and the implementation of the CRC; (5) education, promotion and raising awareness on children's rights; (6) child participation; (7) networking. Moreover, when it comes to analyzing and understanding the functioning of ICHRIs, four dimensions need to be considered: the structure, the mandate, the accessibility of the ICHRI to children and the independence of the institution. Using these four dimensions, the study analyzes a selection of existing ICHRI models in six European countries: Belgium, Austria, United Kingdom, France, Germany, and Italy. The ICHRIs in these countries follow very diverse models from autonomous stand-alone institutions at regional levels to ones integrated into a national human rights institution or a national institution with some activities at the regional level. Not all ICHRIs have a full ideal mandate. Some countries like Belgium and France have ICHRIs that strongly focus on the quasi-judicial mandate, some, like Germany and Austria, have mostly private ICHRIs focusing on mediation, while the one in Italy has no quasi-judicial mandate at all and focuses mainly on monitoring state compliance. Regarding the other family of tasks, all ICHRIs implement to various degrees the mandates related to reporting on the children's conditions and the implementation of the CRC, education, promoting children's rights and raising awareness. Children's participation is considered, but not always explicitly mentioned, in the regulating legislation defining the mandate. When looking at the independency of ICHRIs, the nature of the institutions plays a key role. Public

institutions established through law and reporting to parliamentary bodies are considered more independent than private institutions with no legal basis or public ones established under ministries. This is reflected when looking at ICHRIs in Austria and Germany, which follow these latter models and do not qualify to join the European Network of Ombudsperson for Children due to their lack independence.

Turning to the Swiss context, the result of the mapping of actors and the experts survey highlights major gaps in the current system such as the commonality of conflicts of interests between organizations and their funders, a lack of child-friendly facilities across all types of organizations, limited children's participation, and too little money, time, and qualified staff for organizations to fully exert their role in the promotion and protection of children's rights. When it comes to the activities associated with an ICHRI, the results show that in Switzerland the tasks and activities associated with an ICHRI are simultaneously performed by and distributed across a large number of public, para-public and private actors. For tasks related to legislation and policy, monitoring and reporting, and the promotion of children's participation, activities are performed at all levels of government, from the federal to the cantonal and below. Meanwhile, quasi-judicial tasks are more concentrated at the cantonal and local levels. Quasi-judicial tasks, monitoring of state compliance and reporting on children's conditions are less commonly performed compared with the other families of tasks. In relation to the concerns about children's rights implementation in Switzerland, the surveyed experts pointed out that organizations do not do enough to promote public and professional understanding of children's rights and that there is a lack of evidence-based monitoring due to a lack of data on the situation of children. In addition, respondents often pointed out that activities in Switzerland were too reactive, responding to violations of children's rights that had already happened, while not enough was done in terms of prevention. When it comes to respondents' attitudes toward Motion 19.3633, half of the respondents were in favor of the motion without reservations, one-third were in favor but had reservations and one in twenty were not in favor, while the remaining respondents were unsure. The most frequently mentioned reservations were related to the implementation process at the cantonal level, the accessibility of the ICHRI and the competencies envisioned under the motion, which did not include for instance processing individual complaints or data collection and monitoring the situation of children. We classified these findings along with others from the literature and the CRC committee concluding observations of Switzerland into a SWOT analysis table that helped us identify how these different findings will promote or impede the prospected ICHRI.

Furthermore, we evaluated the gaps each family of tasks will contribute to eliminating (current issues in the system it will raise and reduce) and the novelty it will create. The result shows that the following families of tasks fill a gap and bring novelty to the Swiss context: legislation and policy, quasi-judicial (including mediation and considering individual complaints), monitoring state compliance, reporting on children's conditions and the implementation of the CRC, child participation and networking. To carry out these tasks, the future ICHRI in Switzerland should be able to operate as a catalyzer, in collaboration with the highly fragmented range of interventions by multiple actors in Switzerland. Finally, we elaborated four potential organization models for the prospected ICHRI in Switzerland, focusing on the general structure, legal nature, nature of the funds, coordination system and an elaborated analysis of the risks associated with each model. The four models are (1) a private model consisting of a national network of cantonal ombudspersons with private local associations; (2) an integrated public model consisting of a think-tank on children's rights integrated within the general National Human Rights Institution (NHRI) that is planned to be operational in 2023; (3) a stand-alone public model consisting of a national public ICHRI with local divisions; (4) a blended public and private model where a public national stand-alone ICHRI is supported locally by private associations. Every model has benefits and

drawbacks. Private models, for instance, have a chance to include civil society and guarantee local representation, but concerns about independence would prevent such a model from abiding by the Paris Principles and CRC GC 2. On the other side, a public model might encounter difficulties in effectively involving civil society but would guarantee the necessary independence. By assuring effective cantonal and civil society interaction, a mixed model might alleviate the flaws of the public models; nonetheless, it might make the system even more fragmented.

To conclude, it is worth highlighting the value of the creation of an ICHRI in Switzerland as an entity that proactively anticipates and addresses risk and reactively responds to violations of children's human rights, while giving credibility to Switzerland's commitment to the OPIC. The creation of an ICHRI in Switzerland would not remove the responsibilities of existing actors, but would rather contribute to binding together the system, improve its response and performance and support governance through a child-right and child-focused approach to creating and monitoring the implementation of laws, policies and interventions targeting children. This study offers potential models that could be further elaborated through discussions engaging civil society and children themselves. This would help to ensure that the created ICHRI will contribute to improving children's situation in Switzerland.

1. Background

Independent children's human rights institutions (ICHRI) have developed rapidly worldwide over the last three decades. Their establishment was supported by the adoption of the United Nations Convention on the Rights of the Child (CRC) in 1989, the diffusion of participatory practices, and the growth of children's rights advocacy. In addition, ICHRI are borne by the emergence and subsequent consolidation of children's rights studies as a field within academia, and the increase of political will to further develop evidence-based policies dedicated to children (Ruggiero & Hanson, 2020; Sedletzki, 2012).¹

As a federal state, Switzerland has a division of state power between the Confederation, the cantons, and the municipalities. This division is defined by the Federal Constitution, which delimits the powers of each federated entity. According to the subsidiarity principle, the Confederation regulates those areas that require a uniform strategy, such as foreign policy, federal legislation, or national defense. The cantons, on the other hand, are sovereign in all areas not limited by the federal constitution. Child and youth policy, which is at the center of the current proposal, is one of the tasks falling within the competence of the cantons (Lachat-Cler, 2018).

Federalism can be summarized as allowing for diversity within unity. This makes it possible for the cantons to develop measures that meet local needs. Children thus benefit from a wide range of services providing information, advice, and support in the realization of their rights. However, the existing services in Switzerland do not cover all the areas in which children can assert their rights, and the cantonal diversity within unity results in considerable variation regarding the scope and quality of services between one canton or region and another (Ruggiero & Combremont, 2018). An important example is the lack of truly child-friendly mediation services in civil, criminal, juvenile, family, guardianship, migration procedures, school and health settings, etc. Although mediation services have been set up in ten cantons out of the twenty-six composing the Swiss confederation, they are not very accessible to children and are often not well known by the parties concerned (Commission fédérale pour l'enfance et la jeunesse [CFEJ], 2020). This situation implies, as underlined by the UN Committee on the Rights of the Child in its Concluding Observations on the combined fifth and sixth periodic reports of Switzerland in 2021, that Switzerland does not comply with the Paris Principles (United Nations [UN], 1993) governing national human rights institutions (NHRIs) and it does not fulfill the recommendations that the same UN Committee provided for the implementation of the 3rd Optional Protocol to the CRC, establishing a Communication Procedure for children. Due to the absence of a body to implement it, the Protocol cannot become operational (Committee on the Rights of the Child [CRC Committee], 2021; CFEJ, 2020).

In June 2019, Council of States member Ruedi Noser submitted Motion 19.3633 to address this situation. According to the Motion, an ombudsman's office for children's rights shall be created. This office shall have the necessary competencies regarding the exchange of information with authorities and courts (right to information), be accessible to all children and adolescents up to 18 years of age and to their caregivers, advise those affected, mediate between the child and state authorities, and ensure that children and adolescents have access to justice. On September 24, 2020, the National Council, as the second chamber, passed the Motion. The Federal Social Insurances Office (FSIO) now has the mandate to develop a consultation draft, and it has called for a scientific study to serve as a basis in this

¹ For the value of evidence-based interventions in child welfare more generally, cf. Lätsch & Krüger (2018) and Krüger & Jud (2015).

context. Based on the strengths and shortfalls of the present situation in Switzerland, the final objective is to outline what features the prospected ICHRI will need to have. This must consider not only the intentions inherent in Motion 19.3633, but also the above-mentioned international standards.

Therefore, we are looking through this research to answer the following questions:

1. Given the tasks and competencies of an ICHRI as they are listed in the Motion 19.3633 and in the recommendations of the UN Committee on the Rights of the Child: Which of the corresponding services are already provided in Switzerland and which actors provide them?
2. Among the services that are not currently provided: Which services are planned or in preparation? Who are the designated providers?
3. Do the providers of the services have the necessary competencies, and how accessible are these services to children?
4. When the full list of tasks and competencies for an ICHRI as proposed by international standards is compared to the current and anticipated future reality in Switzerland: Are there gaps in the range or the quality of the services provided? If so, what are these gaps?
5. Which of these gaps may be filled by the prospected ICHRI? What features—e.g., in terms of internal organization, tasks, and staff competencies—does the ICHRI need to have to fill these gaps in an optimal way?

Whereas questions 1 and 2 are descriptive, questions 3 to 5 call for an analytical lens where the examined realities do not only have to be described but assessed and evaluated as well. To provide this analysis and evaluation, the project will take into consideration the current academic discourse regarding ICHRIs and their function for the promotion of children's rights and systematically collect and assess the perspectives of key stakeholders on the national, the inter-cantonal, the cantonal and the municipal level in Switzerland. The systematic use of these sources will then provide the groundwork for our own analysis, where we will define different scenarios/models regarding the features of the prospected ICHRI and consider the strengths and weaknesses that are likely to be associated with these features.

In the present document, we are looking at presenting the result of the research aiming to address these questions. In the first chapter, we will look at the research strategy and methods. We will then explore in the second chapter the normative and theoretical framework, including a comparative analysis of existing ICHRIs models in European countries. In the third chapter we will present the analysis of the Swiss context, based on the findings of the mapping of actors and their function and empirical survey conducted with the concerned actors. We will then lay out a Strength, Weakness, Opportunities and Threats (SWOT) analysis of the Swiss context. The last chapter will highlight the opportunity to create an ICHRI in Switzerland, focusing on the analysis of the tasks, terms of reference and organizational model of the future ICHRI. We will conclude by presenting the reasons why an ICHRI in Switzerland is an innovation that makes sense in the current context.

2. Research strategy and methods

The distinctiveness of this research study is based on the multidisciplinary and intersectoral nature of the research team, the integration of theory and practice, and the use of methods and research instruments from many disciplinary fields. These axes are designed to address the query posed by the FSIO, and as a result, the study makes a unique contribution, through both its analytical approach and its findings, to the development of social policies in favor of children and youth in Switzerland.

To perform this study, we used a variety of methods, which this chapter will briefly detail: the analysis grid, the mapping of actors, the experts survey and the integrative analysis and evaluation methods (examination of the risks and opportunities of the prospected ICHRIs, and definition of potential operational models). These methods will be explained in more details in the corresponding chapters, where we outline the outcomes and findings from each.

2.1. Analysis grid

The analysis grid presented in chapter 3.3 was developed making a distinction between the recommendations and features addressed in the Motion 19.3633 and those listed in international standards. Considered international standards for this study included the CRC, the Paris Principles, the CRC General Comments no. 2 and no. 5, the CRC Committee concluding observations (COBs) to Switzerland, and the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC) implementation related implications. The relevant material was gathered mainly through the Universal Human Rights Index (UHRI) and the database of the United Nations Committee on the Rights of the Child (CRC Committee). The analysis grid was conceptualized following a thorough review of the mentioned sources. If none of these sources provided sufficient guidelines, COBs related to other countries, additional grey literature, and international comparative research, were used to define criteria for specific dimensions. This was followed by an exercise of contextualization of the criteria, to reflect and speak to the Swiss federal structure and realities in the country. This contextualization work made the analysis grid a better fit to the analysis as well as to entities that pertain to the private sector. It is worth noting that the international legal framework emphasizes NHRIs and children's rights institutions that are legislatively mandated and thus fall within the framework of the public sector. Being limited to this framework, specific standalone standards for the private sector were not included.

2.2 Mapping of actors

To provide an initial overview of relevant actors, existing public and private institutions in Switzerland providing services that are relevant to the office of the prospected ICHRI were mapped. The sampling strategy was optimized to fulfill two basic requirements: The sample was meant (a) to represent relevant types of institutional actors operating at different levels of government (ranging from municipal to national) in domains relevant to children's rights and (b) to adequately reflect the federalist structure of Switzerland, including actors from all Swiss cantons. To identify the actors, we assessed relevant sources in German, French and Italian-speaking literature from the last ten years (2012-2022). Included were scientific and grey literature on cantonal and federal public policies related to children's rights and academic studies currently in progress in the field (e.g., Hitz Quenon, 2015; Roelli, 2021). Literature and documents were identified through searches in the scholarly database Swisslex² and

² Searches in other databases available through OVID were not successful.

internet searches (Google, Google Scholar) using suitable key terms (see Tab. 1)³. Further actors were identified by consultation of the online platform www.kinderjugendpolitik.ch. In addition, a list of "child protection actors" identified in the Optimus Study (Cycle 2) was used (Jud et al., 2018).

Table 1. Key terms used in the literature search

<i>Language</i>	<i>Search Terms</i>
German	Kinderrecht* AND Schweiz*
	Kinderrecht* AND Akteur*
	Kinderrecht* AND Ombuds* AND Schweiz*
French	Droit* de l'enfant* AND Suisse
	Droit* de l'enfant* AND Acteur*
	Droit* de l'enfant* AND ombudsman AND Suisse
Italian	(Diritti dei bambini OR diritti dell'infanzia) AND Svizzer*
	(Diritti dei bambini OR diritti dell'infanzia) AND attor*
	(Diritti dei bambini OR diritti dell'infanzia) AND ombudsman AND Svizzer*

We included all actors that fulfilled the following criteria:

- public, para-public, and private organizations, or organizational units operating at the federal, inter-cantonal, or cantonal level
- actors operating at the municipal level, if they operated in one of the following seven large municipalities: Zurich, Geneva, Basel, Lausanne, Berne, Winterthur, or Lugano
- actors explicitly defining activities of an ICHRI as their goal

We excluded actors based on the following criteria:

- actors that were not organizations or organizational units (such as private persons serving as volunteers)
- profit-oriented professionals such as private lawyers
- organizations providing care (rather than counseling) for children, such as hospitals, schools, or day care centers
- professional associations

Actors working at the municipal level were included only in selected municipalities because a more comprehensive review would have required resources far beyond the scope of this project. If actors operated at the national level or in any of the seven municipalities mentioned above and all criteria were met, they were all included. The inclusion of all cantonal actors, however, would have been beyond the scope of this project. Therefore, for all "large actor categories" at the cantonal level (e.g., child protection authorities), a random sample was drawn, stratified by the three major linguistic regions: We included 10 percent of all actors per region and per category.

³ In total, we had approx. 4,000 hits in Swisslex (German, French, Italian-speaking resources).

2.3 Experts survey

The sample utilized for the expert survey is based on the one that was used in the mapping of actors. After consultation with the FSIO, a small number of actors were added to provide an even more comprehensive overview. These were, for the most part, professional associations, cantonal ombudspersons, and a small number of actors working at the federal level. For the expert survey, the objective was to collect data on $N = 100$ organizations, as this was considered an adequate representation of the expected variance in the field while placing reasonable demands on the project's resources and schedule. Based on an estimated response rate of 50% and including a deliberate degree of oversampling, the final target sample (i.e., organizations contacted and invited to participate) consisted of $N = 218$ actors. This target sample represented actors of the following 14 organizational types (in alphabetical order):

- Associations of professionals relevant to the domain of children's rights (e.g., professional guardians, children and youth welfare workers, pediatricians)
- Cantonal offices for children and youth
- Cantonal ombudspersons
- Child and adult protection authorities
- Departments or offices within cantonal administrations concerned with issues of children's rights (e.g., cantonal departments of children, youth, and family)
- Departments or offices within the federal administration concerned with issues of children's rights (e.g., commission on children and youth affairs)
- Inter-cantonal and inter-municipal conferences coordinating between actors relevant to children's rights
- Non-governmental organizations (NGO's) providing services to families, caregivers and/or children
- NGO's focusing on advocacy for children's rights (incl. an existing semi-public ombudsperson's office for children's rights)
- Public social welfare services
- Public children and youth services
- University centers or other research institutes focusing on human rights or children's rights
- Victim aid agencies
- Youth and adult prosecutor's offices
- Youth Parliaments

The survey was presented to participants as an online questionnaire (Annex 5). The original version of this questionnaire was composed in English, followed by translations into German, French and Italian. The questionnaire included closed (single- and multiple-choice) as well as open-format items. Respondents were invited to participate by e-mail. Representatives of each organization were identified in internet searches. If an organization's website did not mention any individual as a person to contact, catch-all addresses were used. Addressees were asked to either participate in the survey themselves or forward the invitation to any suitable person within their organization who might be in the best position to do so. The e-mail containing the initial invitation was sent out by representatives of the Federal Office, and up to two reminders were then sent by the research team, one and two weeks respectively after the initial invitation. Both the questionnaire and the recruitment procedure were piloted with 15% of the sample, and small modifications regarding both (e.g., wording of e-mails) were made subsequently. Data was managed using the software SPSS 28.0 (IBM Corp., 2021), and analyses were run using SPSS 28.0 and R 4.1.0 (R Core Team, 2021).

The response rate observed for the survey was 61.9%, exceeding our expectations. Of the 135 organizations participating, 59 (43.7%) were actors operating primarily or exclusively at the federal, inter-cantonal or inter-municipal level, while the remaining 76 (56.3%) operated at the cantonal level or below. The latter represent all 26 Swiss cantons, although the number of organizations per canton varies ($M = 2.92$, range 1–7). 53 actors (39.3%) working at the cantonal level or below were from the German-speaking part of Switzerland, 17 (12.6%) from the French-speaking part, and 6 (4.4%) from the Ticino.

2.4 Integrative analysis and evaluation methods

Beyond the business sector, the SWOT Matrix (Doshier, Benepe, Humphrey, Stewart, & Lie, 1960) of the analysis has proved to be an effective tool in determining institutional and policy evolutions including in the public sector. We used this technique to further analyze the results of the mapping of actors and experts survey to identify the strengths and weaknesses, risks, and opportunities of the Swiss reality in relation to the establishment of the ICHRI. This analysis serves as a baseline including all the factors involved in making the decision around setting up the ICHRI. We started by completing a SWOT for each of the 4 elements of the ICHRI: The structure and organization, the mandate, the accessibility and, the independency. We then consolidated the significant findings into the final SWOT summary matrix.

Moreover, as part of this research, we conducted an evaluation of the opportunity to set up ICHRI in Switzerland. This assessment focused on the ideal mandate and the scope of the prospected ICHRI along with their added value and risks. To do so, we adapted the Eliminate-Reduce-Raise-Create (ERRC) grid followed by a risk analysis matrix. These two analytical tools borrowed from the business analysis are ideal for exploring new unknown development spaces where the activities or tasks offered is unique with no actual competitors. They have been used extensively to transform the public sector around the world at a local, regional, and national level, for example in France, Spain, China, and Australia (Mauborgne & Chan Kim, 2015). Furthermore, these methods fit well with action research processes (Bargal, 2008; Bradbury Huang, 2010; Bradbury et al., 2019), which refers to a broad range of evaluative, investigative, and analytical research techniques intended to identify organizational or operational shortcomings and assist policy makers in creating workable solutions to solve them effectively. They then fit well when it comes to the creation of an ICHRI, which has no equivalent currently in the Swiss context. These methods help on one hand to understand the related internal and external factors that will affect the ICHRI in carrying its mandate, and to identify organizations' resources and sustainable success measures on the other. Using these methods, we were able to analyze the factors affecting the ICHRI in Switzerland carrying out an ideal mandate and could further analyze the added value of the specified mandate in the Swiss context.

2.5 Summary and limitations

In light of the tasks and competencies outlined for an ICHRI in Motion 19.3633 and of the international standards, the outcomes of this research project were novel and accomplished the following goals:

- Provide a directory of the existing actors in Switzerland who perform functions related to those of an ICHRI
- Deliver a directory of existing models in selected European federalized and regionalized states and identify the features that, adequately adjusted, can be implemented in the Swiss reality
- Identify and analyze the corresponding ICHRI's tasks and competencies already existing in Switzerland and the actors providing them, along with the gaps present in the Swiss reality

- Analyze the expectations and concerns of selected key informants in Switzerland about the setting up of an ICHRI
- Evaluate the strengths, weaknesses, opportunities and threats of the Swiss context and aspects of strategies and practices to be reinforced
- Outline the prospected mandate (terms of reference) of the future ICHRI and four possible organizational models for ICHRI
- Evaluate the added value and risks of implementing an ICHRI in Switzerland

With reference to the services that aren't currently offered and that are planned or in the planning stages, based on the little information available, some attention is dedicated to the setting up of the future Swiss NHRI, which will most probably start its activity in 2023, in the reflection related to the potential operational models (Chapter 5). The mandate and time frame of this research did not allow to further investigate other emerging activities such as services that are planned or in preparation and the designated providers.

Furthermore, the findings of the initial mapping (Chapter 4.1) and the expert survey (Chapter 4.2) are subject to some limitations, namely:

- The mapping of the actors only included those found through databases, internet, and desktop searches. This provided enough information to decide if they performed tasks relevant to the mandate of an ICHRI. However, we did not have all the essential information on every actor, and we had very little information on certain others.
- The experts survey, complementing the insights from the mapping of actors presented (Chapter 4), relies on the organizations' self-reporting alone. Although we took care to phrase the questions in the survey as precisely as possible given the limited space at our disposal, different respondents might have interpreted individual items somewhat differently, making sense of activities regarding children's rights in terms of their organization's mandate and slightly adapting the meaning of questions accordingly. Only lengthy explanations for all items would have precluded this possibility, but such an approach would have placed far too strong a demand on participants' time and attention span, thereby reducing their participation rate.
- With only one representative of each organization participating in the survey, the subjective perspective of that representative will have influenced the responses. Given the limited resources available for the survey, our sampling strategy did not allow us to include all relevant actors at the cantonal level; instead, a random sample stratified by organizational type and canton was drawn.
- Municipal actors more generally were excluded from the survey, except for actors from seven large cities representing three linguistic regions. Institutional activities in relation to children's rights located at the municipal level of government were covered only to a very limited degree in this research.

Furthermore, the analysis of European ICHRI experiences used as comparison for the development of ICHRI in Switzerland (Chapter 3) was based on academic and gray literature as well as data from institutional websites.

These constraints must be taken into account when reading the subsequent findings.

3. International normative and theoretical framework

When a State ratifies the CRC, which was adopted by the UN General Assembly in 1989⁴, it binds itself to carry out its provisions in accordance with international law. Implementation is the process by which States Parties take action to guarantee that everyone under their authority is able to enjoy every right spelled out in a Convention. According to CRC Article 4, States Parties must take “all appropriate legislative, administrative, and other measures” to ensure the rights outlined in the Convention are put into practice.

The Swiss Parliament ratified the CRC on March 26, 1997. In light of this, Switzerland is dedicated to ensuring that domestic law is completely compliant with the Convention and that its tenets and guidelines can be effectively put into practice. The CRC Committee has identified in its General Comment no. 5 a broad range of general measures of implementation required to ensure the effective implementation of the Convention, including the creation of special structures, monitoring institutions, and the implementation of training and other activities at all levels in the executive branch, legislative branch, and judicial branch (CRC Committee, 2003).⁵

This chapter will start by highlighting the definition of an ICHRI and its ideal terms of reference. Finally, it will present the analysis grid that was developed and served as the theoretical basis for this study.

3.1 What is an Independent Children's human rights institution (ICHRI)

The CRC itself makes no explicit mention of the establishment of an ICHRI, but in 2002, the CRC Committee filled this gap by adopting General Comment No. 2 (GC no. 2) on the function of independent NHRIs for the advancement and defense of children's rights. According to GC no. 2, States Parties are required by article 4 of the CRC to adopt all applicable legislative, administrative, and other measures; the setup of an ICHRI is specifically one of these broad measures of implementation. In particular, the CRC Committee states that the establishment of an ICHRI falls “within the commitment made by States parties upon ratification to ensure the implementation of the Convention and advance the universal realization of children's rights”. It clarifies that ICHRIs “are complementary to effective government structures for children; the essential element is Independence” and their role is “to monitor independently the State's compliance and progress towards implementation and to do all it can to ensure full respect for children's rights”. Furthermore, it explains that while performing their mandate, ICHRIs may be required “to develop projects to enhance the promotion and protection of children's rights, it should not lead to the Government delegating its monitoring obligations to the national institution” (CRC Committee, 2003)⁶.

In other words, we can define an ICHRI as an independent oversight body that is closely linked to the values of democracy and the rule of law. The organization is essential to the protection of human rights. ICHRIs are, based on the words of the CRC Committee, legislatively mandated public organizations that act on behalf of and in the best interests of a single child or a group of children, and that serve as a mediator between those individuals and a public or private authority. It might be referred to as a “public watchdog” for children's human rights because it is required to independently monitor how well such

⁴ Original text of the UN Convention on the Rights of the Child: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

⁵ General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)

⁶ General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)

rights are being upheld. It can be established at national or sub-national level (Ruggiero, 2020; United Nations Children's Fund, 2013, p. xi). ICHRIs play both a reactive and a proactive role. The first, reactive, offers remedies for rights infringements and gives children the chance to file complaints and formally assert their rights. The second role, proactive, is made up of all the precautionary measures taken by the ICHRIs in an effort to reduce the likelihood of further violations (Ruggiero, 2020).

During the last 20 years the GC No. 2, which, in 2002, had the merit to adjust the Paris Principles to children's rights, has evolved into "a benchmark for establishing ICHRIs in a successful manner" in the global discussion surrounding these kinds of institutions. Despite this, States Parties have a lot of autonomy in determining the structure and tasks of these institutions, even though they adhere to the principles described in GC No. 2. This is due to the wide range of governmental systems and has led to the emergence of numerous different kinds of children's ICHRIs (Ruggiero, 2013, 2020) as also emerges from the analysis of the European experiences at the end of this chapter.

3.2 The Terms of Reference of an ideal ICHRI

It is clear that many public, semi-public or private bodies, directly and indirectly, influence the lives of children and adolescents and the exercise of their rights. Structured and rigorous monitoring of the implementation of the CRC is needed, both as part of the administration of public affairs at all levels, and independently by ICHRIs.

In particular, the monitoring of the social condition, with a reactive and proactive approach at the national and the local level by independent children's human rights institutions (ICHRIs), becomes a necessity and it contributes to the implementation of the CRC to steer national and local policies. In particular, the precise knowledge of the condition of the underaged populations and the understanding of the social phenomena specific to the area of intervention favors the elaboration of prevention and support policies more adapted to the context of intervention, based on a better understanding of the challenges faced by the target population in a specific territory.

Consequently, the monitoring of the ICHRIs in constant consultation and collaboration with the underaged population constitutes a tool for decision-making, evaluation and shaping of local policies both at the national and local levels. The key role of ICHRIs is to facilitate governance processes involving others, bringing an explicit children's rights focus to traditional adult-oriented systems, filling gaps in checks and balances process as direct accountability mechanisms, and making sure that the impact of policy and practice on children's rights is understood and recognized. They provide cross-cutting knowledge that supports the development of social policies and is part of a policy rationalization process at national and local levels to optimize the cost and benefit trade-off of social policies dedicated to children. Moreover, they bring flexibility to political and institutional systems that can otherwise be rigid and inaccessible to the public, especially to children or those working on issues concerning them (Ruggiero & Hanson, 2020).

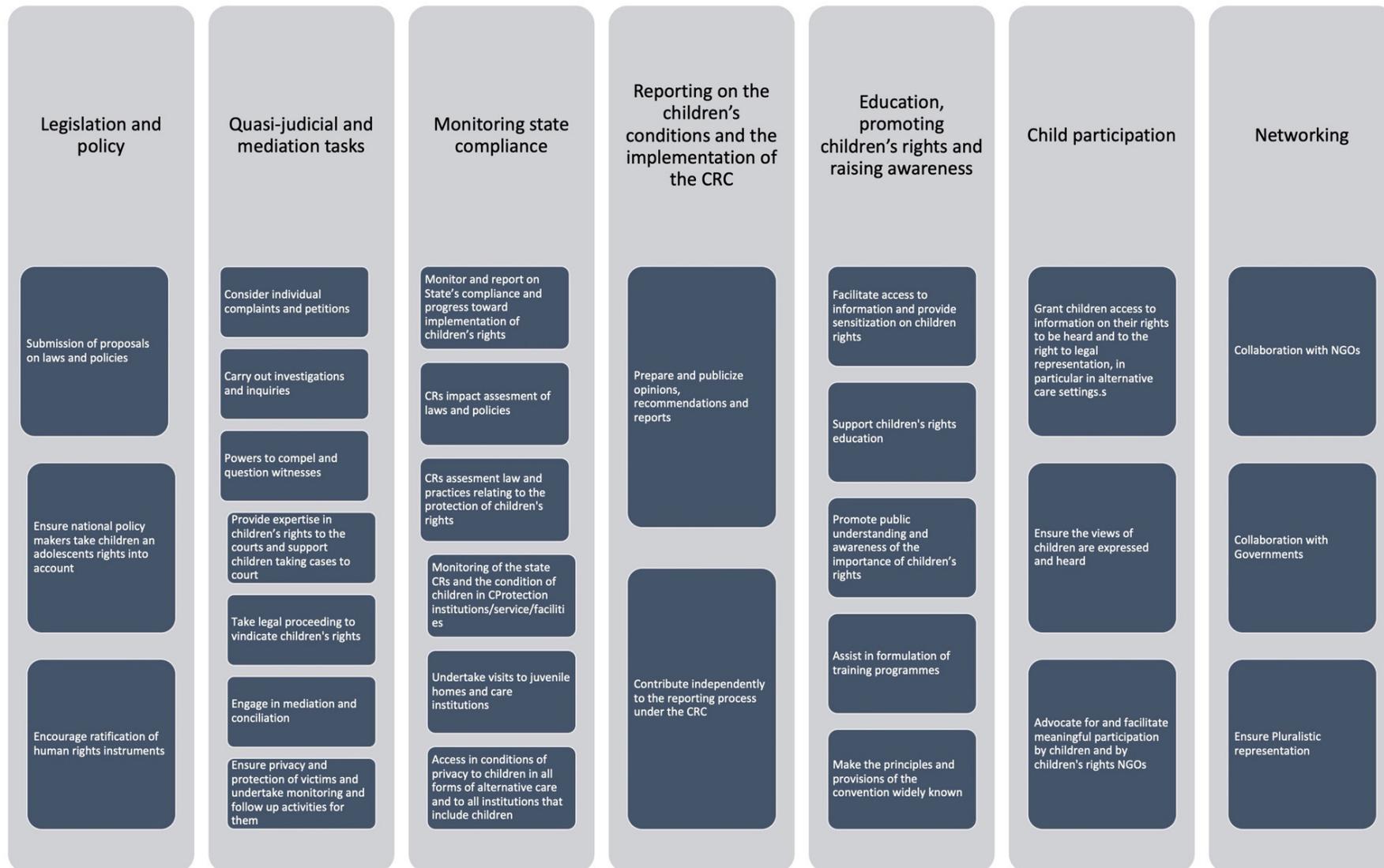
For the recognition and effective implementation of children's rights and the representation of their opinion and needs throughout the state apparatus, between public authorities at all levels, as well as between public authorities and civil society, including children and young people themselves, an ICHRI should have a mandate that covers the following 7 families of tasks: Legislation and policy, Quasi-judicial and mediation tasks, Monitoring state's compliance; Reporting on the children's conditions and the implementation of the CRC, Education, promoting children's rights and raising awareness, Child participation, and Networking (Figure 1). Based on the experiences made so far by the existing ICHRIs

(Chapter 3.4), a common transversal feature of their activity is the hearing and participation of children and adolescents in a systemic manner in the performance of the ICHRI mandate.

Each one of the families is identified based on the Motion 19.3633 requirements and the international standards, namely the CRC, the Committee's General Comments (GC) no. 2 and 5, the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC) and the Concluding Observations (COBs) for Switzerland 2003, 2015 and 2021 (Chapter 3.3).

Using UNICEF words, ICHRI offices do not remove responsibility from (pre-existing) actors but work alongside them to strengthen their performance (UNICEF, 2012, p. 5). In order to fulfil this overarching aim of an ICHRI and outline the prospected Swiss ICHRI for this study, the initial ideal mandate provided in Chapter 3.3 was afterwards revised to fit best the richness of the Swiss reality and provide a more detailed identification of the areas of action already covered and the existing gaps.

Figure 1. Ideal mandate of an independent children’s rights institution



3.3 The Analysis Grid

The legal provisions of the CRC, its Optional protocols, and their interpretation through its General Comments, along with the constructive dialogue between the CRC Committee and States Parties make the CRC a particularly effective policy planning instrument. For this reason, in line with the mandate expectations of this study and its geographical scope, we worked on defining the international standard and set up an Analysis grid composed of four dimensions, namely:

1. Structure
2. Mandate
3. Children's accessibility to the ICHRI
4. Independence

The combination of the four dimensions identified allows to assess the existing Swiss actors based on the structural and organizational features pertaining to the office of independent children's human rights institutions (ICHRI), and the competencies and services already available within the Swiss eco-system, and at the same time, their proximity to children and their independence component.

Each one of the dimensions has its set of criteria identified based on the requirements of Motion 19.3633 and the international standards, the CRC Committee General Comments (GC) no. 2 and 5, The Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC) and the Concluding Observations (COBs) for Switzerland 2003, 2015 and 2021). In case none of these sources provided sufficient guidelines, COBs related to other countries, additional grey literature, and international comparative research, were used to define criteria for specific dimensions.

This was followed by an exercise of contextualization of the criteria, to reflect and speak to the Swiss federal structure and realities in the country. The contextualization work made the Analysis Grid also a better fit for analyzing entities that pertain to the private sector. It is worth noting that the international legal framework emphasizes that NHRIs and ICHRI are legislatively mandated and thus fall within the framework of the public sector. Being limited to this framework, specific standalone standards for the private sector were not included.

3.3.1 Structure

This dimension delimits the: legal nature of the actors identified and their legal basis (public and semi-public bodies emanating from the Confederation and private bodies), the geographical scope of mandate (federal, inter-cantonal within the four linguistic identities, and cantonal), the organizational level of specialization and coordination systems (vertical and horizontal coordination systems between federal and cantonal, and inter-cantonal), the staff specialization and interdisciplinarity and the accountability systems in place.

Criteria to be identified:

1. *Legal nature*: public, para-public, and private bodies
2. *Geographical scope of action*: federal, inter-cantonal, cantonal, municipal
3. *Federal level*: public and semi-public bodies emanating from the Confederation, and private bodies
4. *Inter-cantonal actors*: actors playing a transversal role in several or one of the four linguistic areas (French, German, Italian and Romansh)

5. *Cantonal level*: public and semi-public organizations emanating from the Cantons and private entities
6. *Legal basis*: to be provided only for the public actors identified
7. Organizational level of specialization and coordination systems

The international standards and the Moser Notion do not provide precise guidelines on how to organize the office of Independent Children's Human Rights Institutions (ICHRI). However, in its COBs18F (CRC Committee, 2002, para. 15; CRC Committee, 2004a, paras. 13, 14; CRC Committee, 2004b, para. 13; CRC Committee, 2005a, para. 10, 11, 13; CRC Committee, 2005b, para. 13; CRC Committee, 2006, para. 18, 19; CRC Committee, 2008, paras. 14, 15; CRC Committee, 2011a; Ruggiero, 2008) the CRC Committee reiterates the necessity to set up ICHRI following the States' administrative structure to ensure ICHRI proximity with the children's daily realities (UNICEF, 2012, pp. 101-105). Therefore, based on the COBs and the international comparative studies the analysis criteria related to the organizational dimension are organized based on the following three main structural categories and four main coordination models of ICHRI (UNICEF, 2012, pp. 101-108).

Three main structural categories:

1. *Specialized ICHRI*: a children's human rights institution dedicated exclusively to children. If the actor analyzed is a public entity, it is important to identify if it is entranced in a specific legal provision
2. *Integrated ICHRI*: the ICHRI is integrated into a general human rights institution. If the actor analyzed is a public entity, it is important to identify if it is entranced in a specific legal provision
3. *General Institution*: the ICHRI is integrated into the General Institution, and it is entranced in a specific legal provision

Four main coordination models:

1. National institutions with some activities at the local level
2. National institutions with branch offices at the local level
3. National institutions that coexist with autonomous institutions at the sub-national level
4. Autonomous independent institutions that coexist at the cantonal, regional, or municipal levels

Specialization of the staff, both in terms of training and professional experience

- Specialization in children's and adolescents' rights
- Professional expertise
- Interdisciplinarity

Accountability:

- Legislative: for public and semi-public actors at federal or cantonal level
- Executive: for public and semi-public actors at federal or cantonal level
- Judiciary: for public and semi-public actors at federal or cantonal level
- Donors: mainly for private actors
- General public (transparency)
- Others

3.3.2 Mandate

The criteria listed in this section are those identified by the Motion 19.3633 and the international standards including OPIC. The breakdown of this section in 5 subgroups of activities follows the

competencies of ICHRIs identified in the comparative analysis of the European experience provided by UNICEF 2012 (pp. 240-257).

Criteria to be identified:

1. Legislation and policy
 - Submit proposals on laws and policies: to promote harmonization of national legislation, regulations, policy and practices with the CRC and its optional protocol
 - Ensure national policy makers take children's rights into account
 - Encourage ratification of human rights instruments
2. Monitoring state's compliance
 - Monitor and report on State's compliance and progress towards implementation of children's rights
 - Ensure that the impact of laws and policies on children is carefully considered based on the best interest principle
 - Keep under review the adequacy and effectiveness of law and practice related to the protection of children's and adolescents' rights
 - Monitor the state of children's and adolescents' rights and the related childhood condition
 - Undertake visits to juvenile homes and care institutions to report on the situation and to make recommendations for improvement
 - Access, in conditions of privacy, children in all forms of alternative care and all institutions that include children
3. Quasi-judicial and mediation tasks:
 - Consider individual complaints and petitions, including those submitted on behalf of or directly by children
 - Identify and solicit the intervention of competent actors (catalyzer of intervention)
 - Carry out investigations and inquiries on matters related to children's and adolescents' rights
 - Possess powers to compel and question witnesses
 - Access relevant documentary evidence, places of detention and facilities dedicated to children
 - Provide expertise in children rights to the court and support children taking cases to court
 - Inform and counsel children and adolescents and their caregivers on issues of legal nature (criminal law, juvenile criminal law, child protection law, family law, school law, aliens' law, etc.)
 - Take legal proceeding to vindicate children's and adolescents' rights
 - Engage in mediation and conciliation
 - Ensure privacy and protection of victims of State related interventions and undertake monitoring and follow up activities for them
4. Reporting on the children's conditions and the implementation of the CRC
 - Prepare and publicize opinions, recommendations, and reports
 - Contribute independently to the reporting process under the CRC
5. Education, promoting rights and raising awareness
 - Facilitate access to information and provide sensitization on children rights, including their rights related to quasi-judicial and mediation services
 - Undertake human rights education
 - Promote public understanding and awareness of the importance of children's and adolescents' rights

- Assist in formulation of training programs
 - Make the principles and provisions of the convention widely known
6. Child participation
- Grant children access to information on their rights to be heard and express their opinion individually or in groups (in settings dedicated to children)
 - Ensure the views of children are expressed and heard
 - Advocate for and facilitate meaningful participation by children's and adolescents' rights
7. Networking
- Collaborating with NGOs
 - Collaborating with Governments
 - Pluralistic representation (NGOs, Unions, professional organizations, universities, government department in advisory capacity only)

3.3.3 ICHRI's accessibility to children

The criteria listed in the section are those identified by the Motion 19.3633 and the international standards.

Criteria to be identified:

- Physical and geographical
- Phone (Hotlines)
- Digital access tools (website, social media, apps, etc.)
- Facilities to enable access for vulnerable children (for example, children in care or detention, children in hospital, children belonging to minority groups, children with disabilities, refugees and migrant children, children with specific linguistic needs and so on)

3.3.4 Independence

Background note: the international standards and the Motion 19.3633 both refer to the importance of this component, but they do not provide precise guidelines on how to ensure the 'Independence' of ICHRIs. In particular, the international standards reiterate that: "The role of NHRIs is to monitor independently the State's compliance and progress towards implementation and to do all it can to ensure full respect for children's rights". Therefore, the criteria selected are completed with reference to the COBs (CRC Committee, 2002, para. 15; CRC Committee, 2004a, paras. 13, 14; CRC Committee, 2004b, para. 13; CRC Committee, 2005a, para. 10, 11, 13; CRC Committee, 2005b, para. 13; CRC Committee, 2006, para. 18, 19; CRC Committee, 2008, paras. 14, 15; CRC Committee, 2011a; Ruggiero, 2008) and the international comparative studies (UNICEF, 2012, pp. 235-240).

Criteria to be identified:

- Legal basis
- Free from any possible political biases and/or economic interests
- Funding (public, private, or public and private funds)
- Adequate financial resource, infrastructure, and staffing
- Appointment process is open, transparent, and appropriate (determined by law, statutes, regulation, etc.)
- Precise identification of the mandate (determined by law, statutes, regulation, etc.)
- Immunities of opinion and action (determined by law, statutes, regulation, etc.)

- Freedom to set their agenda and determine their activities (determined by law, statutes, regulation, etc.)
- Presence of accountability mechanisms (for example, annual reporting to the Executive, Legislative or Judiciary, or to donors and/or the general public)
- The use of international and regional standards for and monitoring of independent human rights institutions can also strengthen institutional independence⁷
- Principles related to the Status of National Institutions (The Paris Principles)
- General comment no. 2 (2002), The role of independent NHRIs in the promotion and protection of the rights of the child
- National regulation for quality insurance, professional ethics, and standards

3.4 International experiences: analysis of a selection of existing international models

To corroborate our analysis of the Swiss reality, a study of existing ICHRIs in a total of six (6) European countries was undertaken: Belgium, Austria, United Kingdom, France, Germany, and Italy. We selected these countries for their proximity to Switzerland, the diverse models, structure of ICHRIs they put in place and/or their federalized political structure. This part of the work allows the identification of the features that, once adequately adjusted, can be implemented within the Swiss context. Our methodology consisted of a succinct literature review of key comparative studies, both academic and grey material, meant to outline the existing ICHRIs in the selected countries, along with a review of the material publicly available on the institutional websites describing their organizational structure and mandate. We clustered the collected information per the Analysis grid (see Chapter 3.3) covering the organizational structure of the ICHRIs, their mandate and their independency. We provided the analysis by country forming a directory of existing models in the selected European states and including summary notes on the characteristics for the different dimensions (organizational structure, mandate, independency). Below, each country's section presents: the State administrative structure and the features of the existing ICHRIs. In the latter, an overview of the ICHRIs legal nature, geographical scope of action, legal basis, organization, staff specialization, accountability, and mandate is provided. After the presentation by country, we offer a comparative analysis of the independency of the different models.

3.4.1 Country: Belgium

State administrative structure

Belgium is a federal, representative democratic, constitutional monarchy, composed of communities and regions. The power to make decisions is not exclusively reserved to the federal government and the federal parliament. The leadership of the country is in the hands of various partners, who independently exercise their authority within their domains. The federal state is divided into 3 regions, which are autonomous communities based on the three official languages of the country: the Flemish Region, the Brussels Capital Region, and the Walloon Region⁸. The country is further divided into 10 provinces. The provinces are autonomous institutions and are under the supervision of the Federal State, the Communities, and mainly the Regions (Bursens & Myssart-Piérard, 2009; Deschouwer, 2005).

⁷ For example: Compliance with the principles related to the status of national institutions for the promotion and protection of human rights (the Paris Principles). CRC/C/CHE/CO/5-6, para. 13.c and "The International Coordinating Committee of National Human Rights Institutions (ICC) monitors and accredits those institutions that comply with the Paris Principles but does not assess independent human rights institutions for children that are either stand-alone or established solely at the local level." (UNICEF, 2012, p. 37)

⁸ Up to a certain level, they can be compared with the American states or the German 'Bundesländer'.

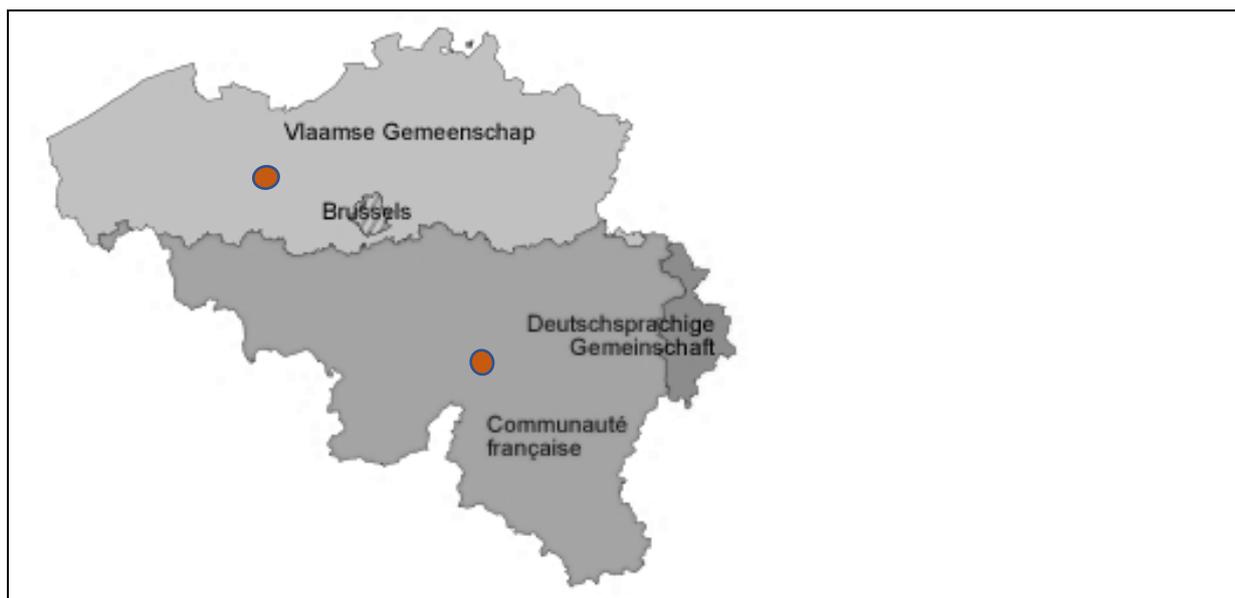
Structure and organization of the Independent Children's Human Rights Institution/s (ICHRI)

Belgium has two main ICHRIs (Chapnik et al., 2021).

- The General delegate for children rights of the French community (General Delegate for Children's Rights)
- the Commissioner for children rights of the Flemish community (Kinderrechtencommissariaat)

Legal nature: The two ICHRIs in Belgium are public, legislatively mandated entities.

Figure 2. Map: Independent Children's Human Rights Institutions in Belgium



Geographical scope of action: Each ICHRI in Belgium covers a community, based on two out of the three official languages: Flemish and French.

Legal basis: All Belgium ICHRIs are legislatively mandated. The General delegate for children rights of the French community is established based on two legal instruments: the Parliamentary decree of the French community and a Governmental order of the French community⁹). The Commissioner for children's rights of the Flemish community is established through a Flemish parliamentary decree¹⁰.

Organization

Specialization: Both ICHRIs are stand-alone dedicated children's rights institutions, that coexist with public sector ombudsperson offices existing both at the federal ($n = 1$) and at the regional levels ($n = 3$).¹¹

Coordination model: The Belgium ICHRIs operate as autonomous independent institutions that coexist at the community levels. There is no model of coordination between the two entities. In practice and on

⁹ Parliamentary decree of the French community and a Governmental order of the French community, retrieved from <http://www.dgde.cfwb.be/index.php?id=2586>

¹⁰ 15th July 1997, Decree creating a Commission for Children's Rights and establishing the post of Commissioner for Children's Rights (including changes since the decrees of January 31, 2003 and July 15, 2005). Retrieved from <https://archive.crin.org/en/library/legal-database/decree-establishing-childrens-commissioner-flemish-community.html>

¹¹ The federal ombudsman and three regional ombudsperson offices, namely: Vlaams ombudsman for Flanders, the Médiateur for the Wallonia and Wallonia-Brussels Federation and the Ombudsfrau for the German-speaking community. For more information see European Network of Ombudsmen: <https://www.ombudsman.europa.eu/en/european-network-of-ombudsmen/members/all-members>

a pure informal base, if the issues under their attention have a national echo, they collaborate and coordinate their activity.

Staff specialization: Both institutions consist of an interdisciplinary team of specialized staff members.

Accountability: The General delegate for children rights of the French community is accountable to both the legislative and executive powers. The delegate is placed under the government and thus is accountable to it and is equally accountable to submit reports to the Parliament of the French community. The Commissioner for children rights of the Flemish community is accountable to the Flemish parliament and subject to internal audits. All two ICHRI are accountable to the public.

Mandate

The two ICHRI in Belgium have a clear mandate in relation to legislation and policies, including proposing policies and ensuring national policy makers take children and adolescents rights into account.

As part of the quasi-judicial and mediation tasks the Belgium ICHRI consider individual complaints and petitions and engage in mediation tasks. Both ICHRI might support children to take cases to court and/or provide legal advice. Their mandate also covers monitoring state compliance, reporting on the children's conditions and the implementation of the CRC, education, promoting children's rights and raising awareness, enhancing child participation, and fostering networking with government and NGOs.

While the General Delegate for Children Rights of the French commune can conduct investigations on the functioning of the administrative services of the French Community relevant to their mission, the Flemish ICHRI has an explicit mandate in monitoring conditions regarding institutions, services, and facilities responsible for the care or protection of children, visiting these institutions and meeting children in privacy.¹²

3.4.2 Country: Austria

State administrative structure

Austria is a democratic republic. The territory of the Federal Republic consists of nine federal states or provinces (Gamper, 2006).¹³ At the federal level, the national council is the legislative body and the federal government the executive body. At regional level provincial parliaments hold the legislative power and provincial governments headed by the provincial governors the executive power.¹⁴

Structure and organization of the Independent Children's Human Rights Institution/s (ICHRI)

Legal nature: Austria has 9 ICHRI referred to as Children's and Youth Ombudsman's Offices in Austria, or Child and Youth Advocates (Kinder- und Jugendanwaltschaften). They are all public entities¹⁵, legislatively mandated, with a strong child protection mandate¹⁶ including representing

¹² <http://www.dgde.cfwb.be/index.php?id=2586> <https://kinderrechten.be/over-ons>

¹³ For more information see also: <https://www.migration.gv.at/en/living-and-working-in-austria/austria-at-a-glance/the-political-administrative-and-legal-systems/>

¹⁴ https://eacea.ec.europa.eu/national-policies/eurydice/content/main-executive-and-legislative-bodies-1_en

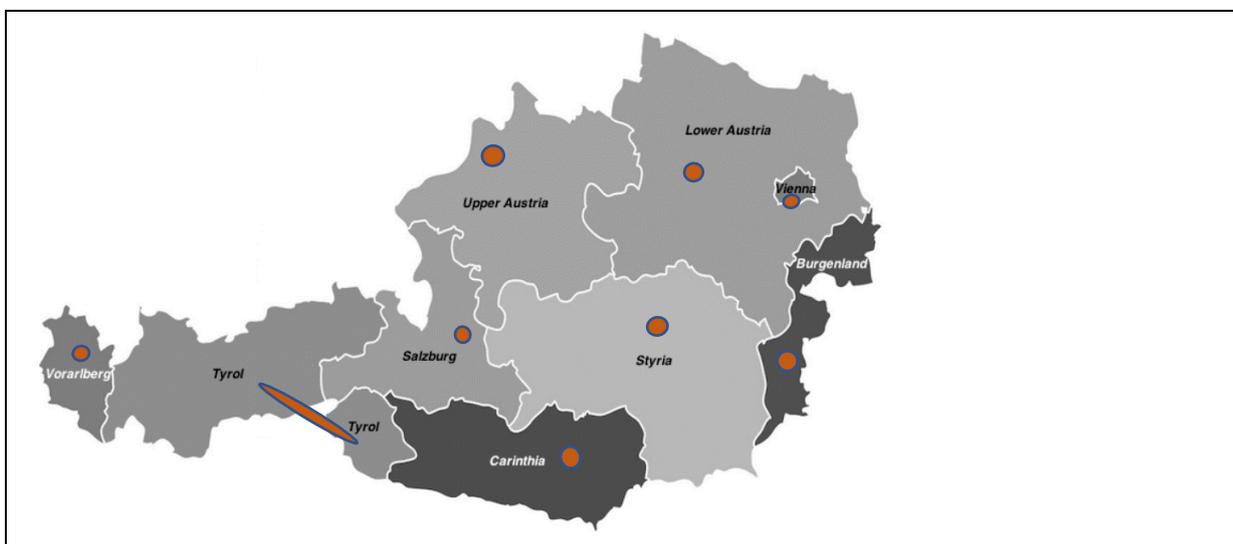
¹⁵ https://www.oesterreich.gv.at/themen/leben_in_oesterreich/ombudsstellen_und_anwaltschaften/Seite.3240006.html

¹⁶ "The work of the children's and young people's ombudsman includes individual case work such as legal advice, psychological counselling, mediation between those affected, mediation projects and referral to specific (for example therapeutic) establishments as well as the general representation of the interests of children's and young people's rights and public

children in the care system. Initially established to monitor children in contact with the welfare system, their role evolved later to include comprehensive monitoring of CRC implementation (UNICEF, 2012, p. 238; CRC Committee, 2011b, para. 286).

Geographical scope of action: Each ICHRI in Austria covers a federal state.

Figure 3. Map: Independent Children's Human Rights Institutions in Austria



Legal basis: The Federal Children's Ombudsman (German: Kinder- und Jugendanwaltschaft des Bundes) was established in Austria by the Federal Youth Welfare Act 1989, since then each of the nine Bundesländer (states) has set up an Ombudsman for Children and Youth. The federal office is funded through the Federal Ministry for Social Security, Generations and Consumer Protection (UNICEF, 2012, p. 236). Based on the Youth Welfare Act 1989 and reinforced by the Child and Youth Services Act 2013, the 9 provinces (Länder) have been obliged to establish children's and young people's ombudsperson's offices, which offer comprehensive counselling and aid services for children and young people as well as their parents or legal guardians, in each one of the 9 provinces (Länder).¹⁷

Organization

Specialization: All 9 ICHRI are stand-alone institutions dedicated children's rights, that coexist with Austrian Ombudsman Board (AOB). The AOB has been monitoring the public administration since 1977, mainly with a re-active role, based on the Federal Constitution. Since 1 July 2012, the AOB has also been responsible, by order of the Federal Constitution, for protecting and promoting compliance with human rights.¹⁸ The AOB does not have a specific mandate related to children's rights. For this reason, the UN Committee on the Rights of the Child underlines, in its last Concluding observations

relations work. The children's and young people's ombudsmen- and women thus play an active role in combating the sexual exploitation of children, support children and young people in the case of their parents' separation/divorce, protect unaccompanied refugees who are still minors, and promote the participation of children in political processes and the implementation of the UN Convention on the Rights of the Child"

(<https://www.bundeskanzleramt.gv.at/en/agenda/family/youth-welfare/ombudsman-for-children-and-young-people.html>).

¹⁷ For more information: (1) <https://www.bundeskanzleramt.gv.at/en/agenda/family/youth-welfare/ombudsman-for-children-and-young-people.html>. (2) html

https://www.oesterreich.gv.at/themen/leben_in_oesterreich/ombudsstellen_und_anwaltschaften/Seite.3240006.html

¹⁸ The AOB consists of three members who work together in a collegial way. They are elected for a term of six years by the Austrian Parliament (National Council) and can be re-elected once. The members of the AOB are independent in the performance of their duties. They cannot be voted out, recalled, or removed from office. The ombudspersons are sworn in by the Federal President. For more information: <https://volksanwaltschaft.gv.at/en/about-us>

(COBs) to Austria, that the AOB does not qualify as ICHRI, and recommends strengthening its full compliance with the Paris Principles (CRC Committee, 2020).

Coordination model: The 9 Austrian ICHRIs operate as autonomous independent institutions that coexist at the regional (Land) levels. They interact regularly through a network called the Permanent Conference of the Children's and Young People's Ombudspersons in Austria (UNICEF, 2012, p. 238).¹⁹ However, the CRC Committee has called on Austria to create a specific body that can coordinate the implementation of the Convention on the Rights of the Child (CRC) at the national level (UNICEF, 2012, p. 106).

Staff specialization: All 9 institutions consist of interdisciplinary teams of specialized staff members²⁰.

Accountability: All the 9 provincial ICHRIs in Austria are placed under the government and thus accountable to it. Furthermore, they are all accountable to the public.

Mandate

The mandate of the 9 Länder ICHRIs in Austria can defer slightly from one another depending on the children's and youth's laws in each Land.

“The work of the children's and young people's ombudsman includes individual case work such as legal advice, psychological counselling, mediation between those affected, mediation projects and referral to specific (for example therapeutic) establishments as well as the general representation of the interests of children's and young people's rights and public relations work.”²¹

Therefore, in Austria, the quasi-judicial mandate of ICHRIs is limited to mediation and providing some form of legal counseling. They do not consider individual complaints and petitions.

Their mandate also covers monitoring state compliance, although it is not clear from the literature whether this includes monitoring and visiting institutions, services, and facilities responsible for the care or protection of children, or detention facilities. They have a full-fledged mandate on reporting on the children's conditions and the implementation of the CRC, education, promoting children's rights and raising awareness, enhancing child participation, and fostering networking with government and NGOs.

3.4.3 Country: United Kingdom

State administrative structure

The United Kingdom ('UK') is a unitary parliamentary democracy and constitutional monarchy, consisting of four constituent countries: England, Wales, Scotland (together constituting Great Britain) and Northern Ireland. It also has three distinct legal jurisdictions: that of England and Wales (where English law applies), Northern Ireland (which applies Northern Irish law) and Scotland (which applies Scots law) (Chapnik et al., 2021). The parliament is the legislature and the supreme legislative authority in the UK. The Cabinet holds the executive power. The UK has also devolved authorities in the four constituent countries. In Scotland, Wales, and Northern Ireland, devolved administrations are responsible for domestic policy issues, and their Parliaments/Assemblies have law-making powers. The United

¹⁹ See also <https://www.bundestkanzleramt.gv.at/en/agenda/family/youth-welfare/ombudsman-for-children-and-young-people.html>

²⁰ <https://www.kija.at/>

²¹ <https://www.bundestkanzleramt.gv.at/en/agenda/family/youth-welfare/ombudsman-for-children-and-young-people.html>

Kingdom is a regionally decentralized unitary state, with some trends toward a more federal structure (Bennett, 2021; Gordon, 2015).

Structure and organization of the Independent Children's Human Rights Institution/s (ICHRI)

In each of the four constituent countries composing the UK, there is an independent children's rights institution, known as a Commissioner (Chapnik et al., 2021). These are:

- the Children's Commissioner for Wales (CCFW)
- the Office of the Children's Commissioner for England (CCE)
- the Northern Ireland Commissioner for Children & Young People (NICCY)
- the Children and Young People's Commissioner Scotland (CYPCS)

Each has a broad remit to promote and protect children's rights and interests in general, as well as powers to examine specific cases.

Legal nature: All 4 ICHRIs in the UK are public entities legislatively mandated.

Geographical scope of action: Each of the 4 ICHRIs in the UK covers one constituent country.

Figure 4. Map: Independent Children's Human Rights Institutions in United Kingdom



Legal basis: All 4 ICHRIs in the UK are legislatively mandated:

- The CCFW was the first children's commissioner in the UK, established by UK legislation, the Care Standards Act 2000 (as amended by the Children's Commissioner for Wales Act 2001) (Chapnik et al., 2021, p. 63). The CCE was established by legislation - under the Children's Act 2004 (Chapnik et al., 2021, p. 64).

- Northern Ireland established the UK's second children's commissioner on 1st October 2003 under the Commissioner for Children and Young People (Northern Ireland) Order 2003 (the "2003 Order") (Chapnik et al., 2021, p. 65).
- The CYPCS or, in this section, "Commissioner" was established by legislation of the Scottish Parliament, the Commissioner for Children and Young People (Scotland) Act 2003 (the CCYPS Act) (Chapnik et al., 2021, p. 67).

Organization

Specialization: All 4 ICHRI are stand-alone dedicated children's rights institutions. They coexist with 4 public sector Ombudsman offices present in each one of the four constituent countries²², namely:

- Local Government Ombudsmen for England
- Scottish Public Services Ombudsman
- Public Services Ombudsman for Wales
- Northern Ireland Ombudsman

Coordination model: The 4 ICHRI in the UK operate as autonomous independent institutions that coexist at the state levels. For issues that reach across the United Kingdom, the law gives formal responsibility (subsidiary power) to the Children's Commissioner for England. There is no legally regulated coordination system. However, the British and Irish Network of Ombudsmen and Children's Commissioners (BINOCC) operates as an informal but important coordinating mechanism (UNICEF, 2012, p. 107).

"Composed of the four UK Commissioners and the Ombudsman for Children from the Republic of Ireland, the BINOCC has the aim of facilitating their overlapping roles and developing a common approach in order to share information and carry out joint activities and interventions, in particular on issues concerning the British Isles as a whole" (Ruggiero, 2013, p. 90).

Staff specialization: All 4 institutions consist of interdisciplinary teams of specialized staff members.

Accountability: The CCFW, CCR and NICCY in the UK are not regarded as servant to the crown and report mainly to the executive power, only the CYPCS in Scotland reports to the parliament:

- The CCFW is accountable to the executive body and is funded by the Welsh government.
- The CCE is also accountable to the executive body. The CCE is classified by the Cabinet Office of the UK Government as an executive Non-Departmental Public Body (a NDPB). The person who holds the role of Children's Commissioner is the Chief Executive of the CCE and holds a fixed-term position of no more than six years.
- The institution or office of the NICCY is constituted as an Executive NDPB and is funded by Northern Ireland's Department for Communities (Ruggiero, 2013, p. 66).
- The Commissioner on the other hand is accountable to the Scottish Parliament through what is known as the Scottish Parliamentary Corporate Body (the SPCB).

Mandate

The mandate of the 4 ICHRI in the United Kingdom differ slightly from one another. While they all have a strong quasi-judicial and mediation task, the Children's Commissioner for England does not consider individual complaints and petitions but investigates grave infractions of children's rights. On

²² European Network of Ombudsmen: <https://www.ombudsman.europa.eu/en/european-network-of-ombudsmen/members/all-members>

the other hand, the other 3 ICHRIs consider individual complaints. The Scottish ICHRI provides expertise to courts and supports children taking cases to court, while the other 3 do not provide such expertise. It is not clear to which extent mediation and conciliation is practiced by ICHRIs in the United Kingdom, as it is not explicitly part of their mandate.

Their mandate also covers monitoring state compliance, although it is not clear from the literature whether this includes monitoring and visiting institutions. They have a full-fledged mandate in all the other areas: legislation and policy, services, and facilities responsible for the care or protection of children or detention facilities, reporting on the children's conditions and the implementation of the CRC, education, promoting children's rights and raising awareness, enhancing child participation, and fostering networking with government and NGOs. They also contribute independently to the reporting process under the CRC.

3.4.4 Country: France

State administrative structure

France is a republican State and a parliamentary democracy, often qualified as semi-presidential. The Parliament is bicameral and is made up of the National Assembly (Assemblée nationale) and the Senate (Sénat). The central government is the executive power supported by regional authorities and departmental authorities that oversee the intermediate level.²³

Structure and organization of the Independent Children's Human Rights Institution/s (ICHRI)

The ICHRI in France consists of the Deputy Defender of Children (Défenseur des enfants) who is the Deputy of the Defender of Rights (Défenseur des droits). In France, the Defender of Children was an independent administrative authority established by Law 2000-196 of 6 March 2000. The Defender of Children was responsible for defending and promoting the rights of the child. In particular, it guarantees the application of the Convention on the Rights of the Child. A bill presented by the government on 9 September 2009 abolished this institution, triggering the anger of UNICEF in France, the Ligue des Droits de l'Homme (LDH), as well as various political parties and trade unions. With a law adopted by the Parliament and promulgated on 29 March 2011, competence over children's rights was attributed to the Defender of Rights.

Legal nature: The ICHRI in France is a public entity.

Geographical scope of action: The ICHRI in France operates on all the French territory.

Legal basis: The ICHRI in France has a legal base:

- Commission Nationale Consultative des Droits de l'Homme (2010). 'Avis sur le Défenseur des droits' [Opinion on the Human Rights Defender], 4 February 2010²⁴
- Loi organique No. 2011-333 du 29 mars 2011 relative au Défenseur des droits

In France, a law was adopted in 2011 leading to the merger of some independent institutions into a single Defender of Rights (Défenseur des droits). The institutions merged included the general ombudsman, the Defender of Children, the High Authority Against Discrimination and the National Commission on Ethics and Security. While a combination of budgetary, rationalization and political factors

²³ [https://portal.cor.europa.eu/divisionpowers/Pages/France-Introduction.aspx#:~:text=France%20is%20a%20republican%20Stateand%20the%20Senate%20\(S%C3%A9nat](https://portal.cor.europa.eu/divisionpowers/Pages/France-Introduction.aspx#:~:text=France%20is%20a%20republican%20Stateand%20the%20Senate%20(S%C3%A9nat)

²⁴ Available at: <http://www.cncdh.fr/fr/publications/avis-sur-le-defenseur-des-droits>

Mandate

The mandate of the Deputy Defender of Children and the volunteer delegates in France cover mainly individual complaints and petitions as well as conduct mediation. The mandate also covers all the other aspects of legislation, policy submissions, alignment with children's rights, monitoring state compliance, although not in relation to monitoring institutions, services and facilities responsible for the care or protection of children or detention facilities, reporting on the children's conditions and the implementation of the CRC, education, promoting children's rights and raising awareness, enhancing child participation, and fostering networking with government and NGO's.²⁶

3.4.5 Country: Germany

State administrative structure

The Federal Republic of Germany is structured as a federal state and parliamentary democracy divided into 16 states or 'Bundesländer'. The executive power consists of the cabinet that is headed by the chancellor. The Bundestag and Bundesrat constitute the legislative power. The Bundestag is a legislative body that represents the sixteen Länder (federated states) of Germany at the federal level. The states are further divided into counties and Gemeinden or communities. The latter have considerable autonomy and responsibility (Burgi, 2009).

Structure and organization of the Independent Children's Human Rights Institution/s (ICHRI)

Germany has a central Human Rights institution established on a legal base, the German Institute for Human Rights (GIHR). The CRC Committee recommended to Germany in 2014 to provide

“the German Institute for Human Rights with a mandate to monitor the implementation of the Convention at the federal, Länder and local levels. The Committee further recommends that the Institute be allocated adequate human, technical and financial resources and that its mandate include the possibility of receiving, investigating and effectively addressing complaints of violations of children's rights in a child-sensitive manner.” (CRC Committee, 2014, para. 18)

In 2015, the GIHR was mandated with the task to monitor the implementation in Germany of the CRC. However, at the regional level, in Germany, ICHRIs emerged as a mix of public, para-public and private entities in the 16 regional states. Public sector ombudsmen in Germany exist in four of the sixteen regions. There is a Committee on Petitions at the federal level, as well as Committees on Petitions in each of the sixteen regional states.

Legal nature: The ICHRIs in Germany are a mix of public, para-public and private entities. Public sector ombudspersons in Germany exist in four of the sixteen regional states.

Geographical scope of action: The GIHR operates at national level, whereas the ICHRIs in Germany operate in the federal regional states. Some states still have no ICHRI.

Legal basis: The GIHR has a legal base. It was established in 2001 as an association and since 2015, the “Act on the Legal Status and Tasks of the German Institute for Human Rights” (DIMRG) has regulated the legal status, tasks, and funding of the institute. Most ICHRIs in Germany have no legal basis and the few that do are founded by the regional state where they are located. The 16 ICHRIs are coordinated by Federal Ombudsman Network for Child and Youth Welfare, and are namely as follows:

²⁶ (1) <https://www.service-public.fr/particuliers/vosdroits/F1628>;
(2) <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000023781167/>

- Baden-Württemberg (private) – ‘Children have rights’ Reutlingen/Tübingen e.V.²⁷
- Baden-Württemberg (public, under the responsibility of the Baden-Württemberg Ministry for Social Affairs) – Ombudschaft in der Jugendhilfe Baden-Württemberg²⁸
- Bavaria (private) – Independent Ombudsman's Office for Child and Youth Welfare in Bavaria e.V.²⁹
- Berlin (private) – Berliner Rechtshilfefonds Jugendhilfe e.V.³⁰ and Berliner Beratungs- und Ombudsstelle Jugendhilfe³¹
- Brandenburg (private) – BOJE e.V.³²
- Bremen (private) – Bremer Beratungsbüro für Erziehungshilfen (BeBeE)³³
- Hamburg (private, strengthened by law in March 2017 through article §27a of the Hamburg Implementation Act for SGB VIII.) – OHA! Amplifier for children's and youth rights³⁴
- Hessen (private) – Ombudsstelle für Kinder- und Jugendrechte in Hessen e. V.³⁵
- Lower Saxony (private) – BerNi e.V.³⁶
- North Rhine-Westphalia (private, operating with public funds)– Ombudschaft Jugendhilfe NRW e.V.³⁷
- Rhineland-Palatinate (private, independent from any public funding) – Ombuds Office for Child and Youth Welfare RLP e. V.³⁸
- Saxony (private, operating partially with public funds) – Kinder- und Jugendhilferechtsverein e.V. Dresden³⁹
- Schleswig-Holstein (public) – Complaints Office for Children and Young People to the Ombudsman⁴⁰
- Schleswig-Holstein (private, operating with public funds) – ‘Trust Support’ – Regional Offices Ombudsman (DKSB LV SH)⁴¹
- Thuringia (private, operating with public funds) – ‘Your Megafon’ – Independent Advice and Ombudsman Office of Youth Welfare in Thuringia⁴²
- Upper-Saxony-Anhalt (private operating with public and private funds) – OMBUD LSA Ombudschaftliche Beratung in der Kinder- und Jugendhilfe in Sachsen-Anhalt⁴³

²⁷ <https://www.kihare.de/>

²⁸ <https://www.ombudschaft-jugendhilfe-bw.de/>

²⁹ <https://ombudsstelle-bayern.de/defaultsite>

³⁰ <https://www.brj-berlin.de/>

³¹ <https://www.bbo-jugendhilfe.de/>

³² <https://www.boje-brandenburg.de/>

³³ <https://bebee-bremen.de/ueber-uns/>

³⁴ https://www.kinder-undjugendarbeit.de/fileadmin/user_upload/Konzept_zum_Einstellen_AKTUELL.pdf

³⁵ <https://www.ombudsstelle-kinderrechte-hessen.de/>

³⁶ <https://www.berni-ev.de/index.php?page=%C3%BCber-uns>

³⁷ <https://ombudschaft-nrw.de/ueber-uns-beratung/>

³⁸ <http://www.ombudsstelle-rlp.de/>

³⁹ <https://www.jugendhilferechtsverein.de/>

⁴⁰ <https://www.beschwerdich.sh/>

⁴¹ <https://vertrauenshilfe.de/fachkraefte/>

⁴² <https://www.dein-megafon.de/>

⁴³ <https://ombud-lsa.de/ombudschaft/>

Figure 6. Map: Independent Children's Human Rights Institution in Germany



Organization

Specialization: The federal GIHR is not a specialized entity and has no linkages with the ICHRIs. The regional states ICHRIs are specialized for children.

Coordination model: The GIHR is a national institution and does not have any form of coordination with The Federal Network Ombudsmanship on Child and Youth Welfare nor with the proclaimed ICHRIs. The ICHRIs in Germany follow a model of a national network that coordinates the work and ensures quality criteria of autonomous institutions at the sub national level. The Federal Network Ombudsmanship in Child and Youth Welfare (Bundesnetzwerk Ombudschaft in der Jugendhilfe e.V.) is an association of public, para-public and private independent ombudsman offices in Germany. The Federal Network, which has been in existence since 2008, coordinates the professional exchange of the ombudsman offices in the Federal Network, bundles experiences and findings from theory and practice on the subject of ombudsmanship in child and youth welfare, and makes them available to the interested professional public as well as addressees of child and youth welfare. The ombudsman offices and initiatives belonging to the federal network adopt joint positions in the area of educational assistance. These are intended to provide orientation both internally and externally and to clarify the central content-related quality criteria of independent ombudsmanship in child and youth welfare. Since June 10, 2021,

ombudsman offices have been anchored in the Child and Youth Welfare Act by the new §9a SGB VIII.⁴⁴

Since July 2019, the Federal Coordination Office of the Federal Network, funded by the BMFSFJ, has acted as a nationwide contact entity and specialized representation of interests for ombudsperson's offices for children and youth welfare, which consist of the independent children's human rights institutions in Germany.

Staff specialization: The GHRI and the private and public ICHRI in Germany have interdisciplinary teams.

Accountability: The GHRI in Germany is accountable to its members, which consist of representatives of universities and NGOs.⁴⁵ There is no clear line of accountability to the ICHRI in Germany. They are all accountable to the public. The private entities are often established as associations and accountable to their board or membership. The public entities are mainly accountable to the regional executive body. The Federal Network has agreed on central quality criteria of the Ombudsman in Child and Youth Welfare and is committed to the interests and rights of young people and their families in the context of child and youth welfare.⁴⁶

Mandate

The GIHR mandate is broader than children's rights and aims to inform about human rights issues in Germany and in other countries.

“The various functions of the institute include information and documentation, research, policy advice and human rights education within Germany. The Institute co-operates with international and national partners. It is concerned with the promotion of human rights treaties, with issues in the framework of security policy, peace policy and human rights, and with strategic issues about human rights policy. The Institute offers seminars, lectures, and services in the field of human rights education.”⁴⁷

Thus, the GIHR does not cover any legislation and policy submission, alignment, or quasi-judicial mandate. It monitors general state compliance with the different treaties. It also reports on the children's conditions and the implementation of the CRC, provides education, promotes children's rights, and fosters networking with government and NGOs. Its role in relation to child participation is limited to the promotion of the right as part of the other rights in the CRC.⁴⁸

On the other hand, ICHRI in Germany have a limited quasi-judicial mandate by which they could support children taking cases to court, take legal proceeding to vindicate children and adolescents' rights and engage in mediation and conciliation. They report on the children's conditions and the implementation of the CRC and provide education, promotion and awareness raising on children's rights. They foster children participation and support networking with government and NGO's. They do not have any role in relation to submitting proposals on laws and policies and ensuring national policy

⁴⁴ 10.06.2021 neuen § 9a SGB VIII im Kinder- und Jugendhilfegesetz. For a comparison between the old version with the new version of all standards amended can be found here: https://www-buzer-de.translate.goog/gesetz/7514/v272295-2021-06-10.htm?_x_tr_sl=de&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc#t1

⁴⁵ <https://www.institut-fuer-menschenrechte.de/das-institut/gremien/mitglieder-des-vereins>

⁴⁶ <https://bebec-bremen.de/ombudschaft/>

⁴⁷ <https://www.wusgermany.de/en/global-education/european-global-learning-database-englob/german-institute-human-rights>

⁴⁸ <https://www.institut-fuer-menschenrechte.de/20-jahre>

makers take children and adolescents rights into account, nor in relation to monitoring state compliance.⁴⁹

3.4.6 Country: Italy

State administrative structure

Italy is a parliamentary republic with a head of government – the prime minister – appointed by the president and a head of state – the president. The Parliament holds the legislative power and is composed of 2 houses: the Chamber of Deputies and the Senate of the Republic. The government is headed by the president and holds the executive power. The republic is further divided into regions (Regioni). There are 15 ordinary regions and an additional 5 to which special autonomy has been granted.⁵⁰

Structure and organization of the Independent Children's Human Rights Institution/s (ICHRI)

In Italy, children's rights institutions were established initially at the regional level (since 1989 in the Veneto region), and a national institution was only established in 2011. Today, there is a national Authority that coexists with 21 local ICHRI established at the regional or provincial levels.

Legal nature: The ICHRI in Italy is a public entity.

Geographical scope of action: The ICHRI in Italy operates at national level, while local ICHRI with the same independence, autonomy, and exclusive competence operate within their respective geographic area of competence.

Legal basis: The Italian ICHRI is called Autorità Garante per l'infanzia e l'adolescenza (AGIA) and is established by Law No. 112 of 12 July 2011.⁵¹ The 20 local ICHRI are also legislatively mandated as follows:

- Veneto, Regional human rights ombudsperson (Garante regionale dei Diritti della Persona) (R. 9 August 1988 n. 42 amended by R. n. 37 24 December 2013)⁵²
- Friuli Venezia Giulia (R. 49/1993)
- Marche (R. 15 Ottobre 2002 n.18)
- Lazio (R. 28 Ottobre 2002, n. 38)
- Calabria (R. 12 Novembre 2004 n.28)
- Emilia-Romagna (R. 17 Febbraio 2005 n.9)
- Campania (R. 24 Luglio 2006 n. 17)
- Puglia (R. 30 L.R. 19/2006)
- Molise (R. 2 Ottobre 2006 n. 32)
- Liguria (R. 16 Marzo 2007 n. 9)
- Lombardia (R. 30 Marzo 2009 n. 6)
- Provincia Autonoma di Bolzano (Legge Provinciale 26 Giugno 2009 n. 3)
- Umbria (R. 29 Luglio 2009 n. 18)
- Provincia Autonoma di Trento (P. 11 Febbraio 2009, n. 1)
- Basilicata (R. 29 Giugno 2009 n. 18)

⁴⁹ <https://ombudschaft-jugendhilfe.de/ombudsstellen/>

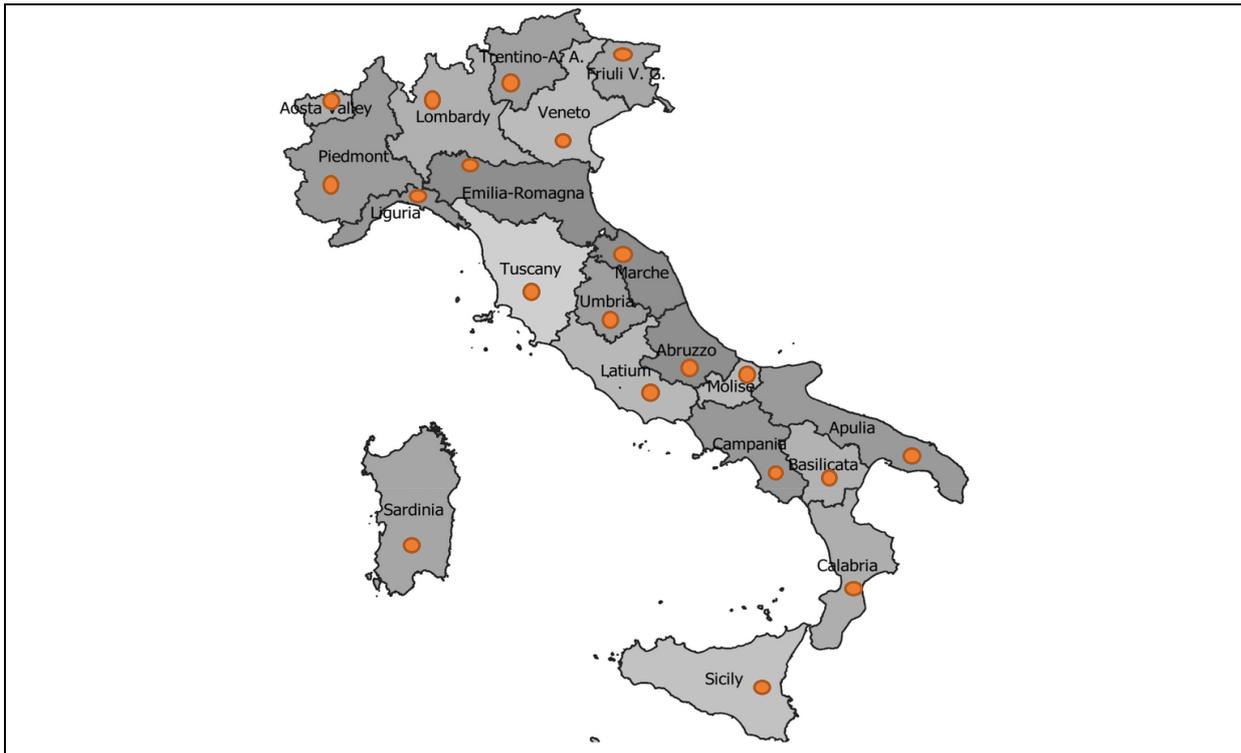
⁵⁰ https://european-union.europa.eu/principles-countries-history/country-profiles/italy_en;
<https://www.britannica.com/place/Italy/Regional-and-local-government>

⁵¹ <https://www.garanteinfanzia.org/legge-istitutiva>

⁵² R. L. n. 37 24 December 2013: <http://bur.regione.veneto.it/BurVServices/Pubblica/DettaglioLegge.aspx?id=264791>

- Piemonte (R. 9 Dicembre 2009 n. 31)
- Toscana (R. 01 Marzo 2010 n. 26)
- Sardegna (R. 7 Febbraio 2011, n. 8)
- Sicilia (R. n. 47 del 10 Agosto 2012)
- Abruzzo, (Garante dell'infanzia e dell'Adolescenza della Regione Abruzzo) (R.L. 02/08/2018, n.2469F)⁵³
- Aosta Valley^{70F}⁵⁴ Ombudsperson for Children and Adolescents (Garante dei minori), R.L. 27 March 2019, n.371F)

Figure 7. Map: Independent Children's Human Rights Institutions in Italy



Organization

Specialization: Both national and local ICHRI in Italy are specialized children's rights institutions. Most of them are stand-alone institutions such as the Garante dell'infanzia e dell'Adolescenza of Abruzzi Region, whereas in other cases the regional public sector ombudsperson offices (Difensore Civico) also act as ombudsperson for children and adolescents. This is the case, for example, of the Aosta Valley Ombudsperson for Children and Adolescents and of the Veneto Regional human rights ombudsperson.

⁵³ R.L. 02/08/2018, n.24: http://www2.consiglio.regione.abruzzo.it/leggi_tv/abruzzo_lr/2018/lr18024/Intero.asp

⁵⁴ The regional Civic Ombudsperson also acts as Ombudsperson for Children and Adolescents. Pursuant to Article 2 quater of Regional Law No. 17 of August 28, 2001, as amended by Regional Law No. 3 of March 27, 2019, the Regional Ombudsman also performs the functions of the Ombudsman for Children and Adolescents, promoting and guaranteeing the rights and interests of minors, including those who are not Italian citizens, in accordance with the provisions of international conventions and state and regional provisions in force on the matter, with particular reference to Laws No. 176 (Ratification and implementation of the Convention on the Rights of the Child, done at New York on November 20, 1989), and March 20, 2003, No. 77 (Ratification and implementation of the European Convention on the Exercise of Children's Rights, done at Strasbourg on January 25, 1996).

*Coordination model*⁵⁵: The ICHRI in Italy follow the model of a national institution that coexists with autonomous institutions at the sub-national level. The National Conference on the Protection of the Rights of Children and Adolescents is overseen by the Authority and comprises regional ombudspersons for children and adolescents, where they have been established. The Conference is convened on the initiative of the Authority or at the request of the majority of regional ombudspersons for children and adolescents, or similar figures. The Director of the Authority presides over the Conference.

Staff specialization: ICHRI in Italy consists of an interdisciplinary specialized team.

Accountability: The director of the Authority is appointed with a determination adopted by the Speakers of the Chamber of Deputies and the Senate of the Republic. Thus, the ICHRI in Italy reports to the parliamentary body.

Mandate

The mandate of ICHRI in Italy focuses, in relation to legislation and policy, on the submission of proposals on laws and policies and on ensuring national policy makers take children and adolescents rights into account. The mandate also covers monitoring state compliance, although not in relation to monitoring institutions, services and facilities responsible for the care or protection of children or detention facilities, reporting on the children's conditions and the implementation of the CRC, education, promoting children's rights and raising awareness, enhancing child participation, and fostering networking with government and NGOs. However, the monitoring of state compliance mandate does not cover monitoring of the state of children and adolescents' rights and the related childhood condition regarding institutions, services, and facilities responsible for the care or protection of children or visits to children in these facilities. The national ICHRI in Italy has no quasi-judicial mandate and thus does not provide mediation, investigate individual complaints or support in taking cases to court. Some local ICHRI might do very limited quasi-judicial tasks in relation to mediation or legal counseling.⁵⁶

3.4.7 Findings from the European experiences

Organizational structure

With reference to the organizational structure and coordination models, the analyzed ICHRI follow diverse models. While Belgium's, Austria's, and the UK's ICHRI are autonomous stand-alone institutions that coexist at the cantonal, regional, or municipal levels, France's ICHRI is an integrated national institution with voluntary branch offices at the local level and Italy's ICHRI is a stand-alone national institution that coexists with autonomous institutions at the sub-national level, whereas the GHRI in Germany is a national institution with some activities at the local level. When it comes to the legal nature of these European ICHRI, in almost all the analyzed countries, they are public bodies legislatively mandated, except for Germany where there is a mix of public, private and para-public bodies. In term of geographical scope, in France and Italy, following the State administrative structure, the existing ICHRI operate at the national and federal level and are supported by entities at regional/cantonal level, whereas, in the United Kingdom, always following the state administrative structure, the regional ICHRI operate at regional levels and informally coordinate their interventions through the British and

⁵⁵ https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ITA/INT_CRC_NGO_ITA_31109_E.pdf, p. 30

⁵⁶ (1) <https://www.garanteinfanzia.org/funzioni>;

(2) <https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2011-07-19&atto.codiceRedazionale=011G0154&tipoDettaglio=originario&qId=&tabID=0.9479493447669793&title=Atto%20originario&bloccoAggiornamentoBreadCrumb=true>

Irish Network of Ombudsmen and Children's Commissioners (BINOCC). For issues that reach across the United Kingdom, the law gives formal responsibility (subsidiary power) to the Children's Commissioner for England. In Belgium, Austria, and Germany the ICHRIs operate at regional level.

In terms of thematic specialization, the analyzed ICHRIs are almost all specialized in children's rights except the GHRI in Germany that is a general public sector ombudsperson office. All have interdisciplinary teams with professional expertise. Finally, in term of accountability, the public ICHRIs are accountable to the legislative and/or executive power while the private and para-public ICHRIs in Germany are not. They all are accountable to the general public.

Mandate

When analyzing the 'Quasi-judicial and mediation' tasks of the mandate of these ICHRIs, we can conclude that Belgium and France have a full quasi-judicial mandate including mediation, following up on individual complaints and taking judicial proceedings. While it is not clear if the United Kingdom's ICHRIs carry a mediation mandate, they do carry all other quasi-judicial tasks. In Germany and Austria, the ICHRIs carry only the mediation mandate. This is mainly due to the predominating private nature of the German ICHRIs and the fact that the Austrian ICHRIs hold a rather child protection focused mandate and they are usually subdivisions within the public sector regional departments. Italy's national ICHRI and the German GHRI do not carry a quasi-judicial mandate. When it comes to 'Monitoring State compliance with children's rights' all institutions carry this mandate except the one in Germany. Only in Belgium and the United Kingdom ICHRIs monitor institutions and facilities responsible for the care and protection of children. All ICHRIs to various degrees implement the mandates related to reporting on the children's conditions and the implementation of the CRC, education, promoting children's rights and raising awareness in collaboration with the other actors operating in their geographic area of competence and with European and international entities. With reference to child participation, it is not always mentioned in their setting up legislation if they all perform their activities in collaboration with and for children, regarding the experience in the United Kingdom, Belgium and France (Lansdown, 2018).

Independency

ICHRIs in Belgium, Austria, United Kingdom, France, and Italy and GHRI in Germany can be considered fully independent according to the set of independency criteria:

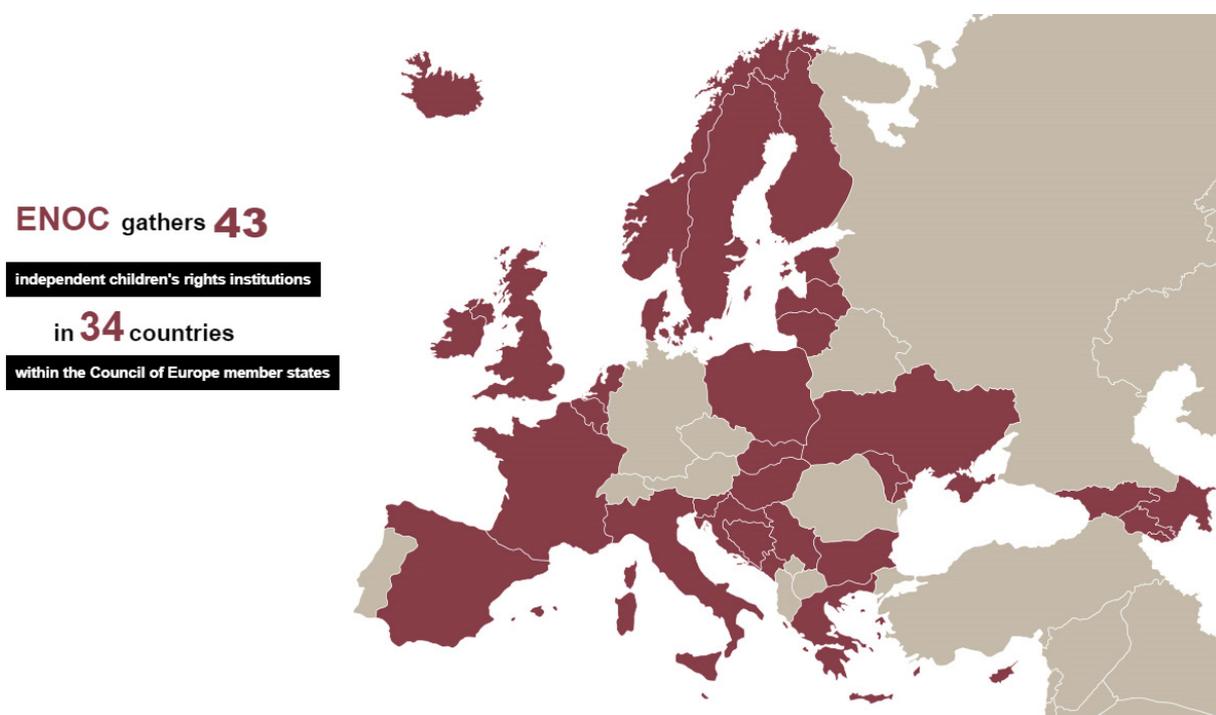
- Free from any possible political biases and/or economic interests
- Adequate financial resource, infrastructure, and staffing
- Appointment process is described in the setting up regulation (determined by law, statutes, regulation, etc.)
- Identification of the mandate (determined by law, statute, regulations, etc.)
- Presence of accountability mechanisms

However, when looking at some of these aspects in more details, independency can be jeopardized by how the process is set. Taking the example of the appointment process in the UK, the CCFW may be appointed and dismissed by the First of Wales (the leader of the Welsh government), which causes some concerns related to his/her independency. In comparison with the CYPSC, the Commissioner cannot be removed from post without a two-thirds majority vote in the Scottish Parliament which gives him/her more independence.

Moreover, when looking at immunities of opinion and action and the freedom to set their agenda and determine their activities, the laws establishing the ombudsperson for children in these countries often disregard this aspect or mention it shallowly.

On the other hand, the ICHRIs in Austria and Germany are not considered independent institutions, as many independency criteria are missing, particularly in the German context where most ICHRIs are private or para-public institutions. These findings correspond with the European Network of Ombudspersons for Children provided map of its member ICHRIs (Fig. 8). Germany and Austria, as shown on this map, do not have member ICHRIs in the network. The ICHRIs in these countries do not meet the independency criteria and thus are not in line with CRC General Comment no. 2 and the Paris Principles and cannot join the network.

Figure 8. Repartition of the European Network of Ombudspersons for Children members on the Council of Europe member states (European Network for Ombudsman for Children, 2015)



4. Analysis of the Swiss context

In this chapter we will present the results of Module 2, first providing an initial mapping of institutional actors in Switzerland who already perform tasks and activities relevant to the mandate of an ICHRI on a national, inter-cantonal, cantonal, or municipal level (Chapter 4.1). Second, this initial mapping, which is based on literature and other relevant documents, is complemented by a comprehensive online survey of relevant actors (Chapter 4.2). Based on these two steps, this Module will result in a SWOT analysis, identifying strengths, weaknesses, opportunities, and threats regarding the potential creation of a Swiss ICHRI (Chapter 4.3).

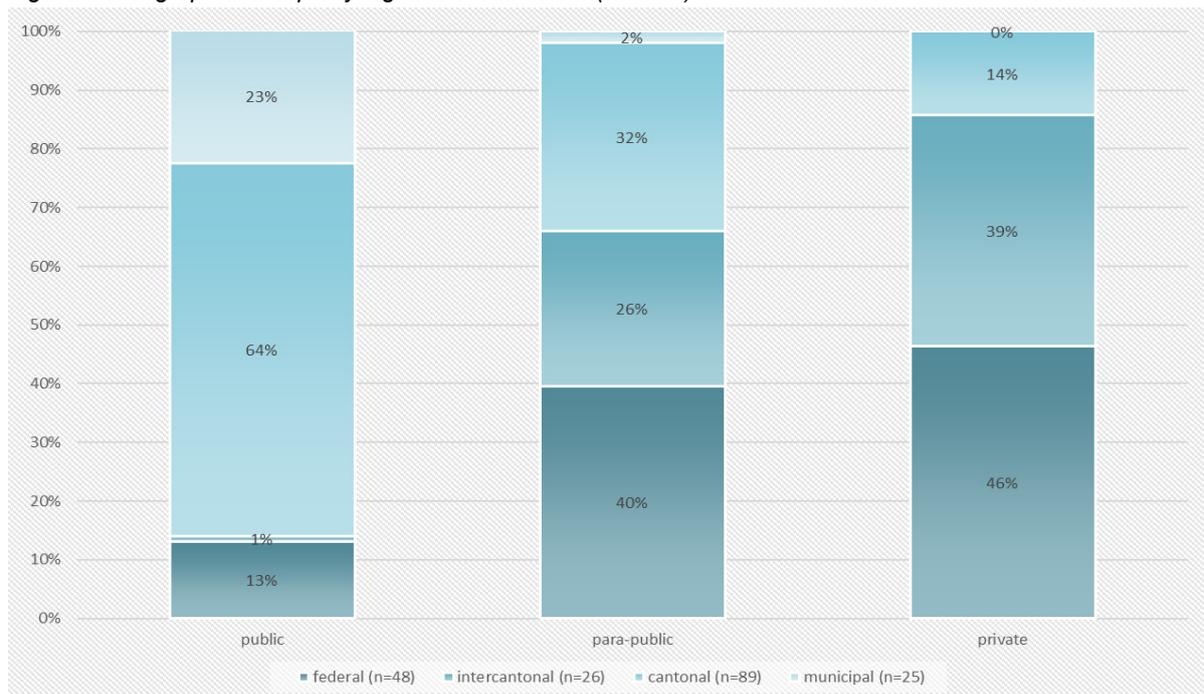
4.1 Findings of the mapping of actors and their function: structure and accountability

Existing public and private entities in Switzerland that offer services relevant to the office of the prospected ICHRI were mapped in order to provide a preliminary assessment of relevant actors. For this purpose, academic research in the area that are currently being conducted as well as scientific and grey literature on cantonal and federal public policies related to children's rights were used. Further actors were identified by consultation of the online platform www.kinderjugendpolitik.ch. Moreover, a list of 'child protection actors' identified in the Optimus Study (Cycle 2) was used. In our initial analysis, 203 actors were included (see Chapter 2.2). Additional actors were included in the experts survey (see Chapter 4.2). The early findings regarding the structural and accountability dimensions are reported in the present paragraph.

Structure

51 out of 203 of these actors (25.1%) operated on a national level as required by the Motion 19.3633 and the General Comment 2 (2002), providing their services in German, French, and Italian. Two actors provided their services at least in two national languages (1.0%), and the remaining 150 in only one language: 90 in German (44.3%), 46 in French (22.7%), and 14 in Italian (6.9%).

Figure 9. Geographical scope by legal nature of actors (n = 188)



The analysis shows that in Switzerland today, most of the analyzed 107 public actors performing tasks of an ombudsperson's office for children's rights operated on a cantonal level ($n = 68$), whereas most of the 29 analyzed private actors operated on a federal ($n = 13$) or inter-cantonal level ($n = 11$) (see Fig. 9). 40% of the 53 analyzed para-public actors, that is actors subsidized at least to some extent by public funds⁵⁷, operated on a federal ($n = 21$), inter-cantonal ($n = 14$), or cantonal level ($n=17$). All but one municipal actors ('Offene Jugendarbeit Kreuzlingen') were public institutions (see Fig. 9).

For 83 public actors (78.3%), a legal basis could be identified, while 3 had no legal basis (2.8%). For the remaining 21 public actors, no information regarding their legal basis was available.

The **organizational level of specialization** of 132 actors (65.0%) was analyzed. About half of these actors were entities dedicated exclusively to children ($n = 68$; 51.5%), the remaining 64 were entities integrated into an institution with a larger mandate not exclusively dedicated to children. According to the General Comment no. 2 (2002), an ICHRI should consist of public actors organized as a specialized or integrated institution. This applied to 65 of the analyzed actors according to the information accessible to us (see Tab. 2).

About half of the analyzed actors were autonomous institutions that coexist at the cantonal, regional, or municipal levels ($n = 101$). 34 actors, operating at a federal level, were national institutions with some activities at the local level, with branch offices at the local level, or they were national institutions coexisting with autonomous institutions at the subnational level (e.g., 'Ombudsstelle Kinderrechte Schweiz'). The remaining 68 actors could not be assigned definitively to one of the coordination models. Not all national institutions were public bodies. Therefore, only 15 actors met these two requirements derived from the Concluding Observations (e.g., 'Commission fédérale pour l'enfance et la jeunesse' [CFEJ], 'Centre suisse de compétence pour les droits humains' [CSDH]).

Table 2. Organizational level of specialization by legal nature of actors and geographical scope

Geographical scope	Legal nature	Specialized entity	Integrated entity
federal	public	2 (3%)	11 (18%)
	para-public	13 (21%)	5 (8%)
	private	5 (8%)	6 (10%)
inter-cantonal	public	1 (2%)	0 (0%)
	para-public	8 (13%)	4 (6%)
	private	7 (11%)	3 (5%)
cantonal	public	19 (30%)	29 (47%)
	para-public	4 (6%)	1 (2%)
	private	2 (3%)	1 (2%)
municipal	public	1 (2%)	2 (3%)
	para-public	1 (2%)	0 (0%)
	private	0 (0%)	0 (0%)
Total		63 (100%)	62 (100%)

⁵⁷ These were actors like 'Kinderanwaltschaft Schweiz' or the 'Interessengemeinschaft für Qualität im Kinderschutz' (IGQK).

Information on the **specialization of staff** was missing for most actors ($n = 105-165$). Therefore, more data on the staff's specialization was gathered in the survey (see Chapter 4.2). However, accessible information showed that the staff of 16 actors was explicitly specialized in children's rights (e.g., 'Bureau des droits de l'enfant – Genève', 'Ombudsstelle Kinderrechte Ostschweiz'), the staff of 96 actors had professional expertise in the field, and the staff of 69 actors represented different disciplines (for example, law, social work). Interestingly, whereas most actors whose staff was specialized in children's rights were private or para-public bodies, most actors whose staff had professional expertise and whose teams were interdisciplinary were public actors.

Accountability

According to the United Nations Children's Fund,

"Clear accountability mechanisms can build public trust and reinforce legitimacy in the eyes of the public by helping to make action transparent. They are also a means to officially inform state bodies of the institution's recommendations – and reinforce the responsibility of state bodies to implement them. Accountability mechanisms include:

- Written reports of activities to parliament, government, or the public on an annual or regular basis. [...]
- Informing the general public. [...]
- Monitoring [of the NHRI, PK] by civil society. [...]
- Monitoring as part of network membership [for example, through the International Coordinating Committee of NHRIs, PK]
- Assessment by international monitoring bodies (e.g., the Committee on the Rights of the Child and other treaty bodies, the Human Rights Council Universal Periodic Review, special procedures)." (Sedletzki, 2013, pp. 35-38)

According to the General comment no. 2 (2002), an ICHRI should have the right to report directly, independently, and separately to the public and to parliamentary bodies. According to the information publicly available, this applied to 53 actors (26.1%), most of which were public actors ($n = 35$) (e.g., 'Chambre consultative de la jeunesse', 'Center for Children's Rights Studies' [CIDE]).

Mandate

In the grid, we identified 31 different tasks an ICHRI should perform (see Chapter 3). These tasks are:

- legislation and policy
- quasi-judicial and mediation tasks
- monitoring state compliance
- reporting on the children's conditions and the implementation of the CRC
- education, promotion of children's rights, and raising awareness
- child participation
- networking

Legislation and policy: According to the information publicly accessible, about one quarter of actors performed at least one task regarding legislation and policy, such as submitting proposals on law and policies (see Fig. 10). Interestingly, most actors submitting proposals on law and policies were public actors (e.g., 'Observatoire cantonal de la jeunesse VS'), whereas more private than public or para-public actors encouraged the ratification of human rights instruments (e.g., 'Kinderschutz Schweiz').

Quasi-judicial and mediation tasks: According to the publicly accessible information, about 30% of the analyzed actors performed at least one quasi-judicial or mediation task such as ensuring privacy and protection of victims and undertaking monitoring and follow up activities for them, or considering individual complaints and petitions, including those submitted on behalf of or directly by children (see Fig. 10). Only one tenth of actors carried out investigations and inquiries on matters related to children's rights, had the powers to compel and question witnesses, and or had access to relevant documentary evidence and were accessing places of detention and facilities dedicated to children. Interestingly, most of the quasi-judicial and mediation tasks were performed by public actors (see Fig. 10). However, this might be because we included actors from the criminal justice system (e.g., police, prosecutors' offices, etc.) as well as Child Protection Authorities. However, there are some para-public and private actors who provide the court with expertise on children rights, support children taking cases to court and/or engage in mediation and conciliation (e.g., Kindes- und Erwachsenenschutz).

Monitoring state compliance: Few actors performed at least one task regarding the monitoring of the State's compliance to the CRC (24.6%; see Fig. 10). Most of the actors that did, were keeping under review the adequacy and effectiveness of law and practice relating to the protection of children's rights (e.g., 'Chambre consultative de la jeunesse', CIDE) ($n = 26$). 17 actors were monitoring and reporting on State's compliance and progress toward implementation of children's rights and 19 were ensuring that the impact of laws and policies on children is carefully considered based on the best interest principle. Again, most of the actors performing these tasks were public actors (see Fig. 10). That is, it is mostly public actors monitoring the State's compliance. However, there are some para-public and private actors fulfilling the following tasks:

- Monitor and report on State's compliance and progress toward implementation of children's rights (e.g., 'Amnesty Schweiz')
- Ensure that the impact of laws and policies on children is carefully considered based on the best interest principle (e.g., 'Kinderschutz Schweiz')
- Keep under review the adequacy and effectiveness of law and practice related to the protection of children's rights (e.g., 'UNICEF Schweiz')

However, para-public and private actors performing these tasks might be overrepresented due to our search strategy – we included almost all members of the 'Netzwerk Kinderrechte', which wrote the last 'shadow report' on the Rights of the Child to the UN Committee, as additional source of information to Switzerland national periodic report. However, these are representatives of the civil societies and actors to which, based on the international legal standards, state parties cannot delegate the work of an Independent Children's Human Rights Institutions (ICHRI).

Reporting on the children's conditions and the implementation of the CRC: The inclusion of most members of the 'Netzwerk Kinderrechte' might also explain why we could identify 39 actors contributing independently to the reporting process under the CRC (19.2%). As expected, these were all para-public and private actors. However, almost half of the actors who prepared and publicized opinions, recommendations, and reports ($n = 61$) were public institutions (e.g., 'Anlauf- und Koordinationsstelle für Kinder- und Jugendfragen SO'). In total, about 40% of actors performed at least one of the tasks regarding reporting on the children's conditions and the implementation of the CRC (see Fig. 10).

Education, promotion of children's rights and raising awareness: At least according to publicly accessible information, about 40% of actors facilitated access to information and provided sensitization on children rights ($n = 87$). However, relatively few actors

- ...undertook human rights education ($n = 25$; 12.3%)

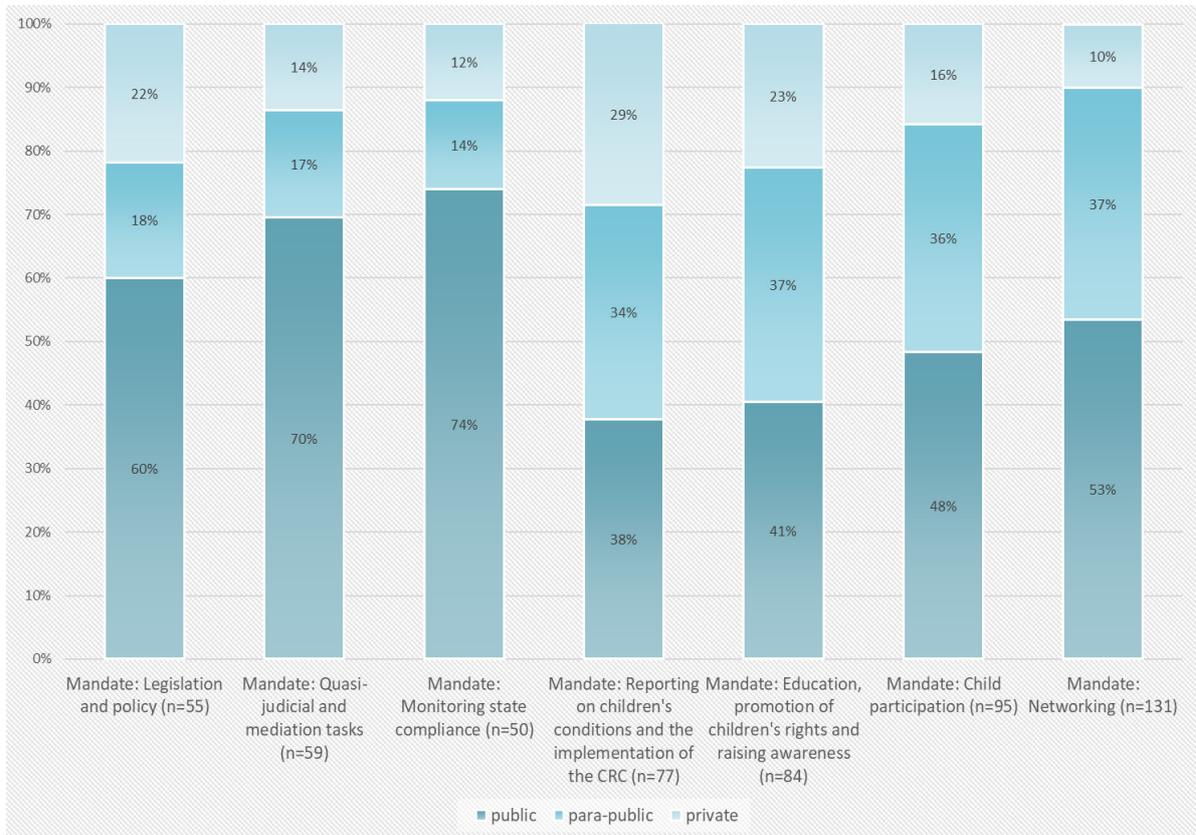
- ...promoted public understanding and awareness of the importance of children’s rights ($n = 43$; 21.2%)
- ...assisted in formulation of training programs ($n = 16$; 7.9%), or
- made the principles and provisions of the convention widely known ($n = 35$; 17.2%).

Interestingly, from the 84 actors (41.4%) who performed tasks regarding children’s rights education and promotion, the majority were para-public and private actors (e.g., ‘Verein Kinderrechte Ostschweiz’, ‘Kinderlobby Schweiz’) (see Fig. 10).

Child participation: About half of the actors performed at least one task related to child participation, such as advocating for and facilitating meaningful participation by children or granting children access to information on their rights to be heard and the right to legal representation (in particular, but not exclusively, for children in alternative care settings) (see Fig. 10). Interestingly, most of these actors were public institutions (e.g., ‘Fachstelle für Kinder-, Jugend- und Familienfragen Thurgau’). However, about half of the actors advocating directly for, supporting, and facilitating meaningful participation by children were para-public or private actors (e.g., ‘humanrights.ch’) (see Fig. 10).

Networking: According to the information available to us, many actors were collaborating with NGOs ($n = 89$; 43.8%) and or with the government ($n = 105$; 51.7%). However, information regarding the actors’ composition was missing for 63 actors. The composition of 20 of the remaining 140 actors (14.3%) included a pluralistic representation (NGOs, Unions, professional organizations, etc.). These were mostly para-public actors such as the ‘Interessengemeinschaft für Qualität im Kinderschutz’ or the ‘Fondazione della Svizzera italiana per la Protezione dell’Infanzia’.

Figure 10. Tasks performed by actors by legal nature of actors



Accessibility

Most actors were accessible by phone ($n = 77$; 37.9%) and/or digital tools (for example, website addressing children, messenger services, etc.; $n = 115$; 56.7%). 47 actors (23.2%) were physically and geographically accessible for all children in their catchment area (city, canton/s, nationwide). That is, they had an office at a location connected to public transportation and reachable within a reasonable amount of time. If, for example, an actor operating at the federal level had only one office in Switzerland, this criterion would have not been met. 87% of the actors that were physically and geographically accessible were public institutions. However, facilities of only 12 actors (5.9%) were explicitly accessible for vulnerable children (e.g., children with disabilities), at least according to the information publicly accessible. Interestingly, all but one of these actors were public actors (see Tab. 3). This exception is the newly founded 'Schweizer Kinderombudsstelle'.

Table 3. Accessibility by legal nature of actors and geographical scope

Geographical scope	Legal nature	Accessibility: Physical and geographical (n=47)	Accessibility: Digital access tools (n=109)
federal	public	2 (4%)	9 (8%)
	para-public	0 (0%)	19 (17%)
	private	0 (0%)	8 (7%)
inter-cantonal	public	0 (0%)	0 (0%)
	para-public	1 (2%)	12 (11%)
	private	1 (2%)	9 (8%)
cantonal	public	34 (72%)	33 (30%)
	para-public	3 (6%)	10 (9%)
	private	0 (0%)	1 (1%)
municipal	public	5 (11%)	7 (6%)
	para-public	1 (2%)	1 (1%)
	private	0 (0%)	0 (0%)
Total		47 (100%)	109 (100%)

Most actors operating at a national or inter-cantonal level were only accessible by phone and/or digital tools; actors operating at a cantonal or municipal level, however, were also physically and geographically accessible and some of them were also accessible for vulnerable children (see Tab. 3). These are mostly (social) services providing support to children and families such as the 'Soziale Dienste der Stadt Zürich' or the 'Direction générale de l'enfance et de la jeunesse'.

Independence

A **legal basis** could be identified for 85 actors (41.9%) (e.g., Federal Constitution [art. 11, 41, 67], Loi sur l'encouragement de l'enfance et de la jeunesse [LEEJ, 2013]); 83 of these actors were public and 2 were para-public. Regarding 34 actors, we did not have enough information to decide if this criterion is met.

Since most actors included in the analysis were public institutions, it is not surprising that most actors received **public funds** exclusively ($n = 101$; 49.8%). However, there was one para-public actor – the 'International Institute for the Rights of the Child' – also receiving only public funds.

In addition, most actors had **accountability mechanisms in place** (see above) ($n = 122$; 60.1%), and the mandate of 83% of the actors was determined by law, statutes, etc. ($n = 165$). The appointment process of 65% of the actors was described in the setting up regulation ($n = 132$). Interestingly, these were mostly public actors. However, actors who were free to set their agenda and determine their activities were mostly para-public and private.

We had no information on the **adequacy of the financial resource, infrastructure and staffing** of most actors ($n = 140$) as well as on their **immunity of opinion and action** ($n = 90$). This information was gathered in the survey (see Chapter 4.2).

Only very few of the analyzed actors explicitly used international or regional standards for monitoring the CRC. 30 actors (14.8%) explicitly used national regulations for quality insurance, professional ethics, or standards (for example, 'Bureau de promotion des enfants et des jeunes'). Most of these actors, however, were law enforcement agencies. Only two para-public actors referred to the Paris Principles: the 'Schweizer Kinderombudsstelle' and the 'Kinderombudsstelle Ostschweiz'. And only the 'Schweizer Kinderombudsstelle' explicitly referred to the General comment no. 2. Most of the actors using national regulation or professional standards were public institutions ($n = 19$; 61.3%), 8 were para-public, and 3 were private.

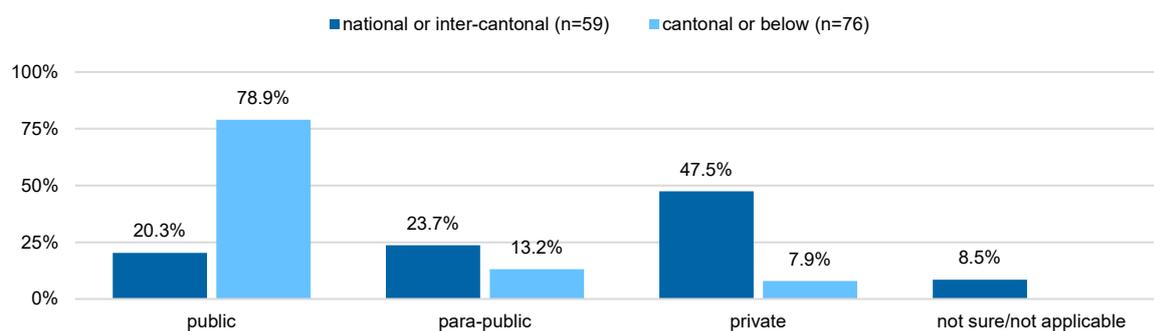
Summary

In sum, according to publicly accessible information, no actor met all or at least half the criteria derived from the General Comment no. 2 or no. 5, or the Noser Motion 19.3633. Only one actor, the Police of Lucerne, met 8 of the 15 criteria derived from the Concluding Observations. However, 35 actors met the one criterion derived from the Optional Protocol on Communication: "Consider individual complaints and petitions, including those submitted on behalf of or directly by children". These were mostly public actors (68%). However, one third of these actors were para-public or private institutions/organizations.

4.2 Experts survey

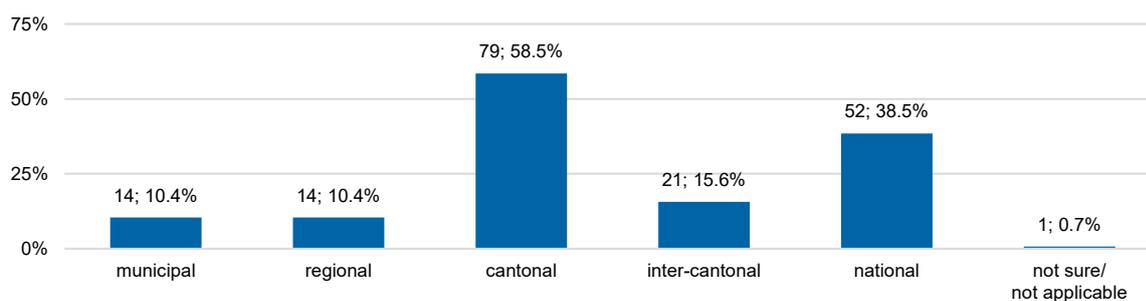
Concerning the legal nature of organizations represented in the sample, approximately half of them (53.3%) were public. 25.2% self-identified as private, and 17.8% reported belonging to the para-public category. Five respondents were not sure how to legally classify their organization. The share of private organizations was significantly larger in organizations operating at the national or inter-cantonal level, where they made up 47.5% of the sample, as compared to only 7.9% in those organizations operating at the cantonal, regional, or municipal level ($X^2(3, N = 135) = 50.563, p < .001$). Conversely, public organizations made up a larger share of the sample in organizations working at the cantonal level or below (78.9% vs. 20.3%) (Fig. 11).

Figure 11. Legal nature of organizations represented in the sample (N = 135)



The majority of organizations (58.5%) represented in the sample operate at the cantonal level, whereas almost two out of five (38.5%) operate nation-wide (Fig. 12). Those working at the regional or municipal level are less numerous, each making up 10.4% of the sample, which reflects the focus on higher-level actors in the sampling strategy. One in six (16.9%) organizations operate at more than one level.

Figure 12. Level of government at which organizations operate (N = 135)



Note. Percentages add up to more than 100% because organizations may operate at more than one level of government.

The composition of the sample regarding the legal nature of organizations and the level of government at which they operate becomes more transparent when information on both variables is combined (Tab. 4). Two types of actors take up a particularly large proportion of the sample: public actors working at the cantonal level ($n = 55$) and private actors working at the national level ($n = 28$). The former typically consist of a cantonal office mandated with tasks in child and youth welfare and/or child protection (such as cantonal office of children and youth, or a section within the cantonal administration that coordinates the canton's family, children and youth policies), and the latter are mostly NGOs focusing on advocacy and/or services with regard to children's rights or associations representing members from a particular profession (such as school social workers or pediatricians).

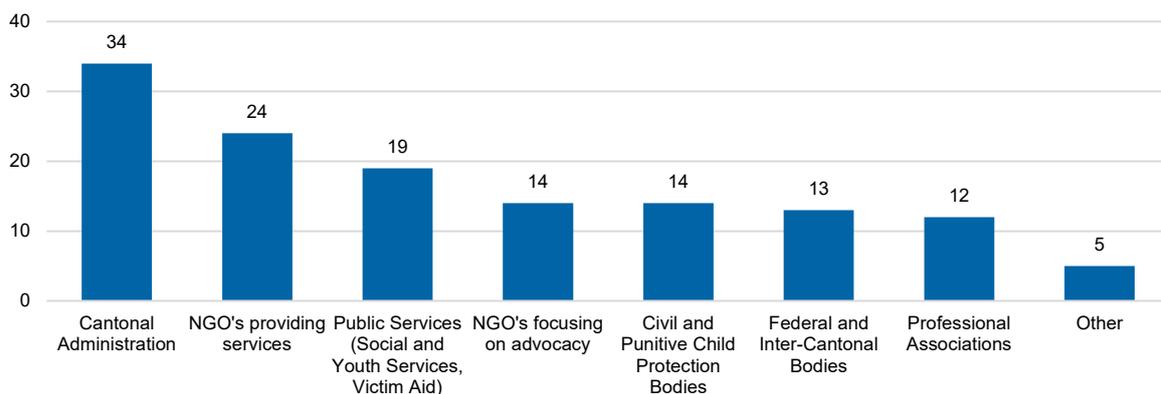
Table 4. Absolute numbers of organizations represented in the sample (cross-tabulated)

Legal category	municipal	regional	cantonal	inter-cantonal	national	total per row
public	7	6	55	5	9	82
para-public	3	3	12	5	11	34
private	4	5	12	9	28	58
not sure/not applicable	0	0	0	2	4	6
total per column	14	14	79	21	52	180

Note. The total number exceeds the sample size ($N = 135$) because respondents could report multiple levels of government for their organization. However, they had to assign their organization to only one legal category.

The composition of the sample can be broken down further (Fig. 13). Apart from offices within the cantonal administration such as youth offices or departments of family affairs, another important type of public actors frequently represented in the sample ($n = 19$) are public organizations that perform services for individual clients, i.e., for children and/or their caregivers. Among such public services, three are particularly relevant: services within or outside of the formal system of child protection that address parents and aim to advise and support them in their parenting; services in social welfare that aim to support the parents financially and by providing counsel; and victim aid agencies that provide counsel to adult and underage victims of violence. These public services are complemented by the work of private NGOs offering services to families, caregivers, and children ($n = 24$), usually in the context of specific topics such as family health, parenting, migration, or asylum rights, to name a few. Such NGOs offering services may be distinguished from those focusing on advocacy on children's rights ($n = 14$), either for the full catalogue of rights according to the CRC or with a focus on specific domains. Often, such NGOs take the form of an association that represents individual professionals or smaller institutional actors. As part of the formal system of civil child protection, child protection authorities are concerned with the protection of the rights of individual children, most particularly the right to adequate parental guidance and care and to the protection from intrafamilial violence. In the criminal justice sector of the child protection system, public youth prosecution offices seek to protect, educate, and re-socialize adolescents in conflict with the law. Adult prosecution offices, on the other hand, protect children and young people by prosecuting adult perpetrators of crimes against children. Together, these key institutions in the civil and criminal justice sectors of child protection make up 10.4% ($n = 14$) of the sample. In addition, the sample includes several public inter-cantonal or inter-municipal bodies that coordinate the work of cantonal (or municipal) offices ($n = 13$), and professional associations representing the members of professions that are important to the provision of services for children, such as teachers, school social workers, child and youth welfare workers, legal guardians, or pediatricians ($n = 12$). The category "others" ($n = 5$) comprises actors that are highly relevant but do not fall within any of the more numerous represented categories: youth parliaments, cantonal ombudspersons or university centers specializing in human rights or children's rights.

Figure 13. Absolute numbers of organizations represented in the sample, by type of organization, ranked by strength of representation ($N = 135$)



4.2.1 Structural attributes

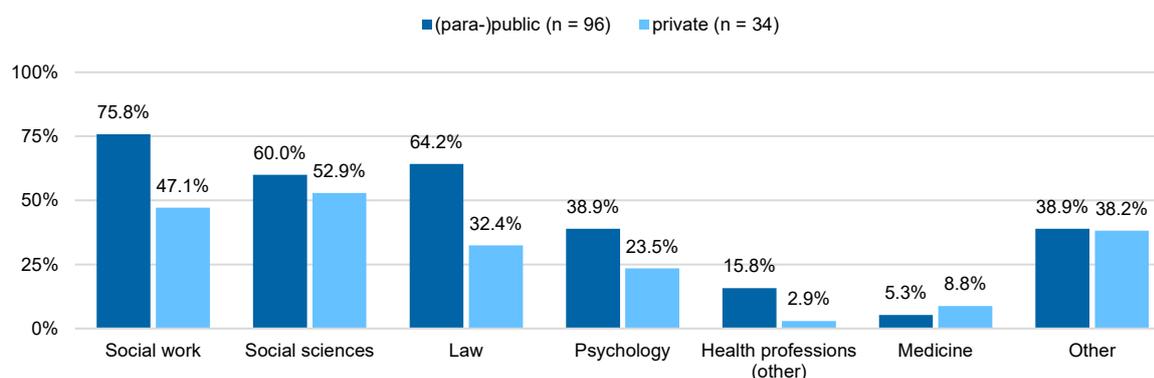
In the next section, we are going to present results on a series of structural attributes that characterize the organizations in the sample. All findings are based on self-reports. The attributes are related to the analysis grid that was elaborated in Module 1. The degree to which organizations may or may not

exhibit the structural attributes considered in this chapter is relevant to their aptitude to perform their roles with regard to the protection and promotion of children's rights. First, we will focus on the qualifications of staff.

Professional expertise, multi-disciplinarity, and specialization in children's rights

Respondents were asked to indicate which professions were represented by at least one employee of their organization. They were given a list of professions and could mention any additional profession in an open-format item. The profession with the strongest representation across all actors was social work (66.7% of organizations), followed by the social sciences (57.0%) and law (54.1%) (Fig. 14). Public and para-public actors were significantly more likely than private actors to employ professionals with a degree in social work ($X^2(1, N = 129) = 9.533, p = .002$) and in law ($X^2(1, N = 129) = 10.304, p = .001$), while no significant differences were detected for the other professions. Many respondents (38.8%) chose to nominate additional professions outside of the predefined list. The most frequently mentioned categories were diplomas in business administration and degrees in education or economics.

Figure 14. Representation of individual professions, by legal category of actors, ranked by strength of representation ($N = 130$)

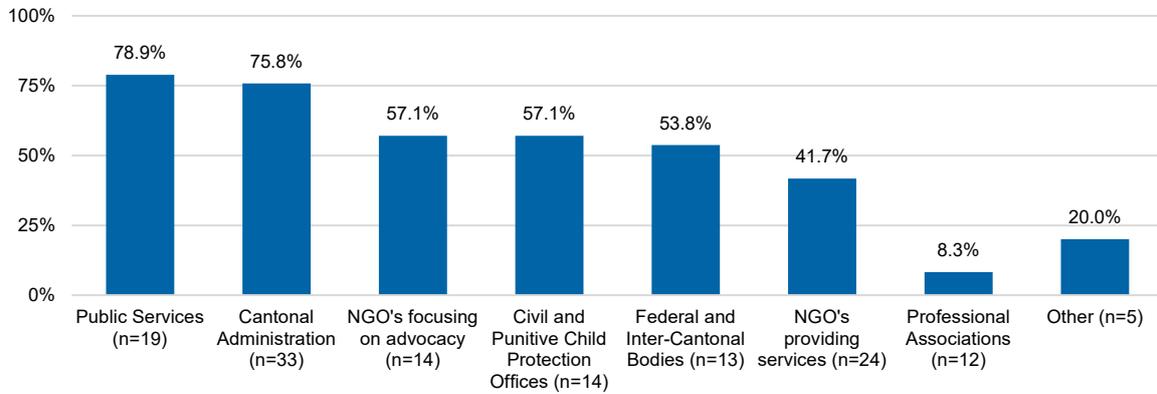


One element relevant to institutions performing a function in children's rights is the multi-disciplinary composition of their staff. For the purpose of this analysis, we defined multi-disciplinarity as requiring at least three different professions to be simultaneously represented in the organization. More specifically, the organization had to have at least three employees holding diplomas or degrees in different professions relevant to the execution of the organization's tasks in relation to children's rights.⁵⁸ Across the full sample, this requirement was met in slightly more than half of all organizations (56.0%). However, this includes professional associations, where interdisciplinarity was plausibly very low (8.3%). Without professional associations, the average rate of multi-disciplinarity was slightly higher, at 60.7%. With professional associations excluded from the analysis, the extent of interdisciplinarity was still significantly associated with the type of organization ($X^2(6, N = 122) = 13.304, p = .038$). Public

⁵⁸ This differs from the definition of "interdisciplinarity" in the mapping of actors. There, we considered an organization interdisciplinary (in a minimal sense) if it represented professionals from at least *two* distinct professions. The reason for this difference is that in WP2, it was usually not possible to identify the exact number of professionals an organization employed with certainty: The distinction "one vs. more than one" therefore was considered more reliable than "one or two vs. three or more", as the latter would have required a finer distinction. The higher threshold of our definition for multi-disciplinarity is in line with the semantics of "multi", which according to the Merriam Webster Dictionary (2020) signifies "many", "multiple", "much", or "more than two." The threshold of "more than two" also reflects the criterion of multi-disciplinarity applied to the composition of child and adult protection authorities in the revised child protection law of Switzerland, introduced in 2013.

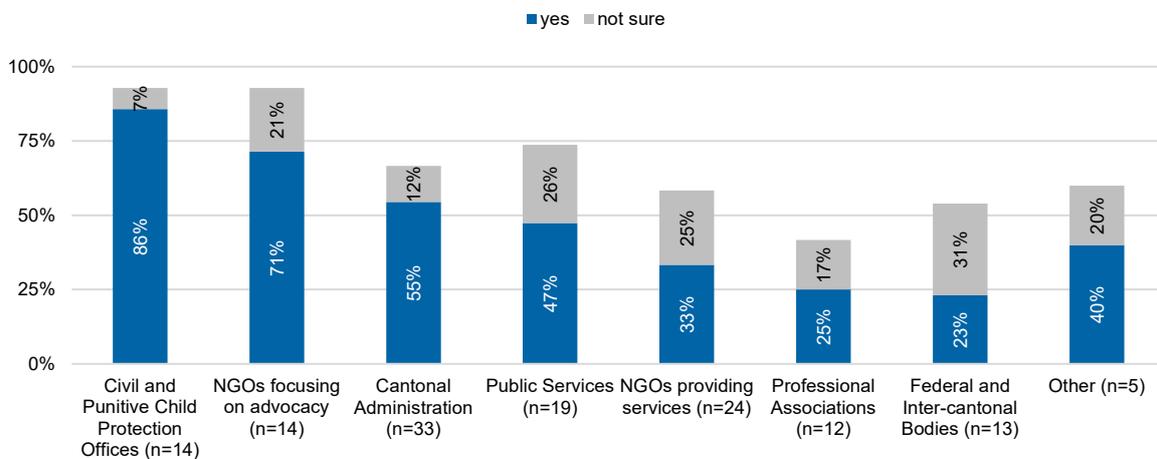
services and actors within the cantonal administration were most likely to have at least three different relevant professions represented by their staff (Fig. 15).

Figure 15. Share of organizations that meet the requirement of multi-disciplinarity as defined in the study, by type of organization, ordered by rank (N = 134)



A third staff-related structural element that is of importance in this context concerns the staff’s specialization in children’s rights. In the survey, respondents were asked to indicate whether at least one of their employees had received certified training or education in children’s rights or in issues closely related to children’s rights; examples for such related issues were given. One in five subjects (19.4%) indicated they were not sufficiently familiar with the training of their staff to answer this question. Almost half of the respondents (48.5%) said that at least one member of their staff had received specialized training in children’s rights, and the remaining third (32.1%) were positive that none of their employees had done so. Responses were significantly associated with type of organization ($X^2(14, N = 134) = 23.667, p = .050$). Having a children’s rights specialist as a member of the staff was most likely in public offices and authorities operating in the civil or criminal justice sector of the child protection system (85.7%) and in NGOs focusing on children’s rights advocacy (71.4%). Conversely, it was least likely in professional associations (25.0%) and in federal and inter-cantonal bodies (23.1%) (Fig. 16).

Figure 16. Share of organizations with at least one staff member holding specialization in children’s rights, by type of organization, ordered by proportion of “yes” responses (N = 134)

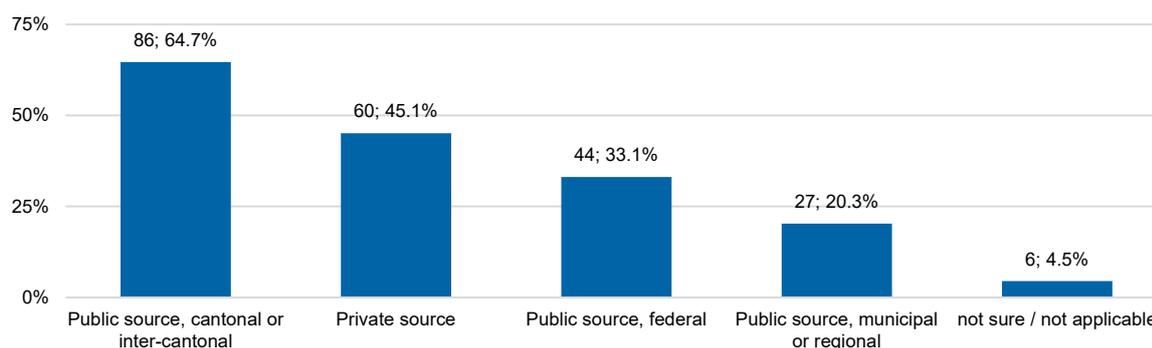


Funding

Respondents were asked to indicate from which sources they received their funding. The pre-defined options were funding from public sources, which could be at 1. the federal level, 2. the inter-cantonal or cantonal level, or 3. the municipal or regional level, and 4. funding from private sources (e.g., foundations, donations, revenues from activities). Checking multiple options was possible.

Receiving funds from public cantonal or inter-cantonal sources was most common, with almost two-thirds of organizations (64.7%) declaring they relied on such sources, while almost half of the organizations received private funds (45.1%) (Fig. 17). 50.4% of the organizations received *only* public funds. The opposite was less common: Only one in ten organizations (11.1%) relied exclusively on private funds. The remaining third (33.3%) reported receiving both public and private funds. The source of funding was strongly associated with the legal type of the organization ($X^2(6, N = 128) = 123.659, p < .001$). 92.8% of public organizations received only public funds, whereas 87.0% of para-public organizations received both public and private funds. Among private actors, slightly more than half received both private and public funds (51.5%), and slightly less than half (45.5%) relied on private funds only. There was one private actor in the sample who reported depending on public funds exclusively.

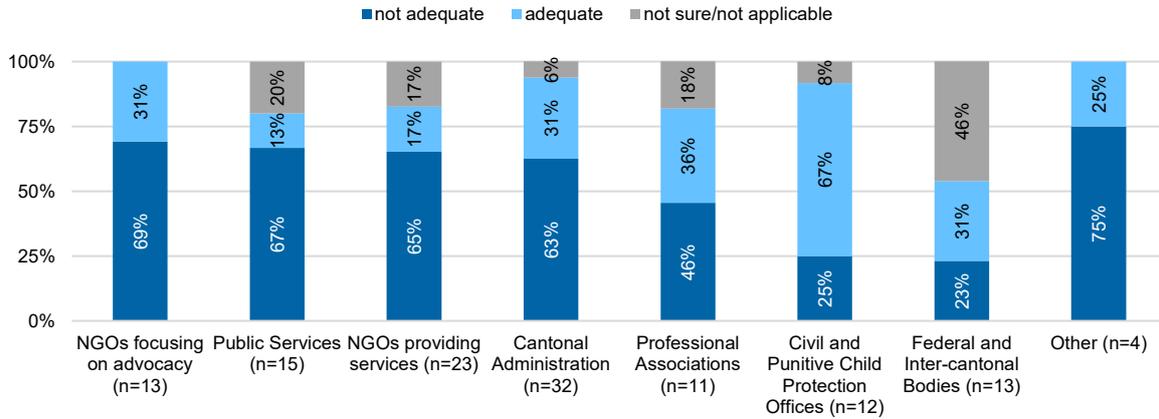
Figure 17. Share of organization receiving funds from different sources, by source of funding, ordered by rank (N = 133)



Respondents were further asked whether they thought their organization was adequately funded to make an appropriate contribution to the fulfillment of children's rights. The exact wording of the question was: "In your opinion, is your organization adequately funded to fulfill its tasks in the protection and promotion of children's rights to the degree you consider appropriate?" Of the 123 subjects who responded to this item, 18 (14.3%) indicated they were not sure. More than half of respondents (55.3%) reported their organization was not adequately funded, whereas one third (30.1%) reported that they thought it was.

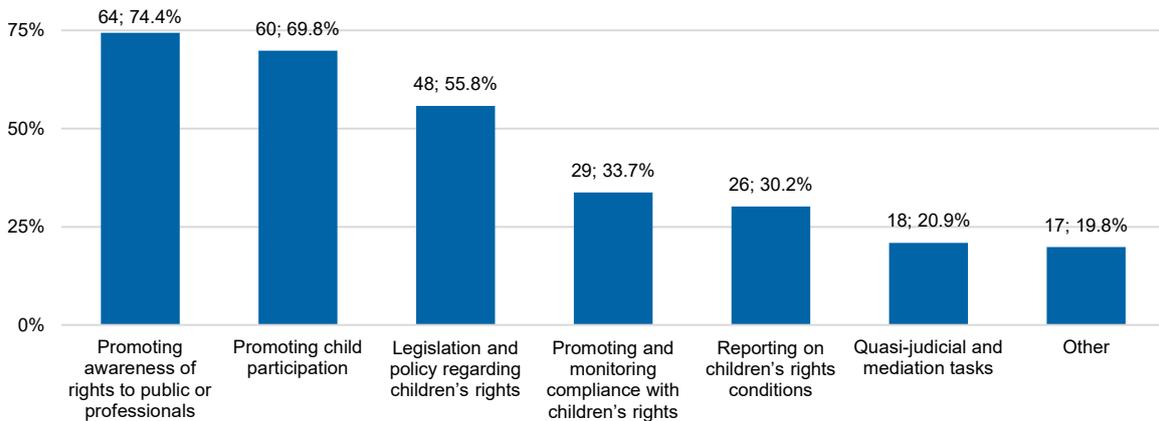
The evaluations differ by type of organization (Fig. 18). Federal and inter-cantonal bodies, as well as civil and punitive child protection authorities, were significantly more likely to report that they received adequate funds ($X^2(14, N = 123) = 28.276, p = .013$). In four types of organizations, a majority of respondents (63 to 69%) indicated that their organization did not receive adequate funds to perform its role with regard to children's rights: These were public and private actors providing services to clients, NGOs focusing on children's rights advocacy and cantonal administration offices (such as children and youth welfare offices or departments within cantonal administrations).

Figure 18. Share of organizations reporting adequate vs. non-adequate resources, by type of organization, ranked by share of “not adequate” responses (N = 123)



When subjects responded that their organization was not adequately funded, they were asked to indicate what they would use additional resources for. If they had more resources, in which domains of children’s rights would their organizations likely extend or improve their services or actions? In response to this question, subjects could choose one or several options from a pre-defined list of children’s rights. They could also mention additional domains.

Figure 19. Areas where actions would be expanded or improved, given adequate resources

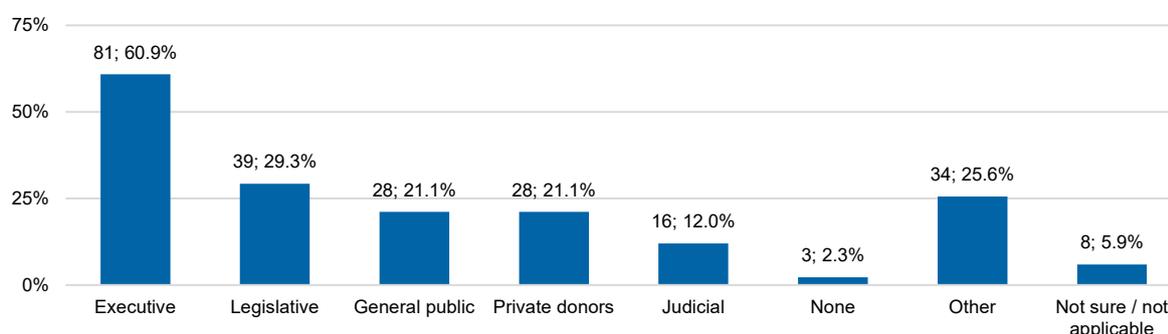


86 respondents had indicated that their organization was not adequately funded regarding children’s rights. Among these, three-fourths (74.4%) said that their organization, provided adequate funding, would do more to promote awareness of children’s rights in the general public or among professionals (Fig. 19). A similar proportion (69.8%) said that they would do more to promote child participation. At the other end of the ranking, a fifth of respondents (20.1%) reported that more financial resources would enable their organization to extend or improve their actions regarding quasi-judicial or mediation tasks. 17 respondents mentioned additional domains. Some of these concerned increased attempts to explore the views of children by conducting surveys or performing secondary analyses on existing data. Others mentioned that they would launch specific projects to foster children’s rights, would produce more age-adequate materials for children, or would invest more in the quantity and quality of their counselling regarding specific children’s rights issues.

Accountability and independence

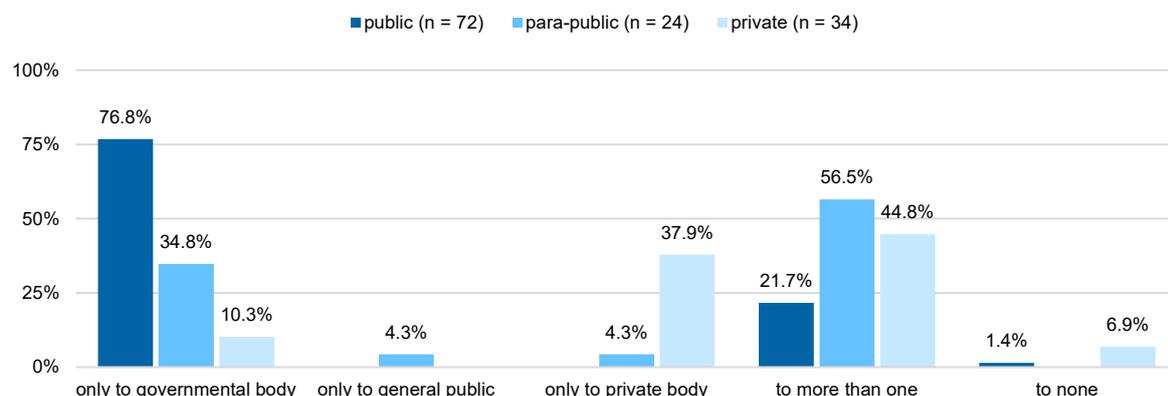
The legal nature and source of funding are related to a third topic of relevance for any actor contributing to children’s rights: accountability. In the survey, respondents had to indicate what type of third party their organization was accountable to. Accountability is an ambiguous term. In the survey, the relevant item was phrased as follows: “Organizations often are held accountable in their actions by a superordinate body or authority. This may mean that the organization regularly reports its actions to the superordinate body and/or that the superordinate body has the power to review and regulate the organization’s work. Is your organization accountable to any body of the following type?” Respondents could then choose between the following bodies: 1. legislative, 2. executive, 3. judiciary, 4. general public, 5. donors or 6. others. Multiple responses were possible. When respondents checked “other,” they were asked to indicate what other source that was.

Figure 20. Type of institutional body to which organizations are accountable, ordered by frequency



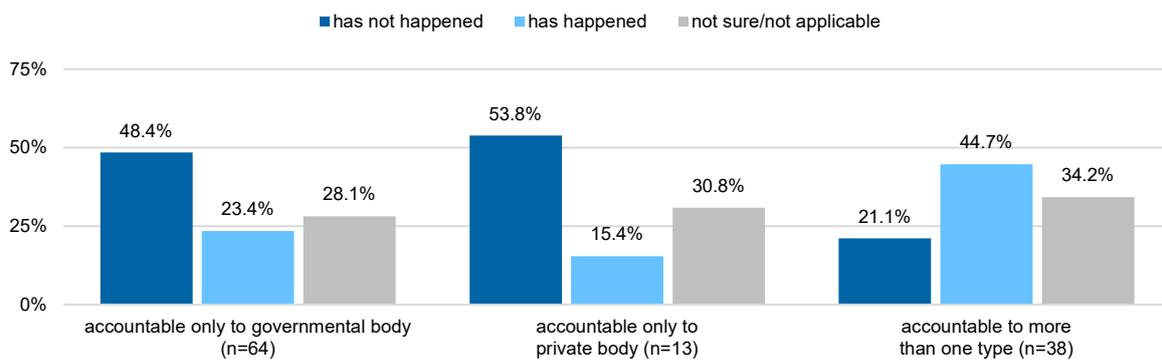
Three out of five organizations (60.9%) indicated that they were accountable to some executive body, which was the most frequent response by a wide margin (Fig. 20). At the other end of the ranking, only one in eight organizations (12.0%) indicated that they were accountable to a judicial body, i.e., a court or a court-like authority. One fourth of respondents (25.6%) checked “other”. In most cases, this option was chosen merely to indicate what specific type of executive, legislative etc. body the organization was accountable to, so the responses did not introduce an additional type. In other cases, responses in the “other” category indicated that the organization was in fact accountable to one of the pre-defined bodies, but the respondent had been unsure about the appropriate category; in these cases, we re-categorized the responses for a subsequent analysis (Fig. 21). Three out of the 133 respondents (2.3%) reported that their organization was not accountable to any external body at all.

Figure 21. Type of institutional body to which organizations are accountable, by legal nature of actors (N = 130)



A further analysis shows that the legal category of the organization strongly correlates with the type of accountability it reports ($\chi^2(12, N = 125) = 68.321, p < .001$). For example, more than three fourths of public organizations (76.8%) self-identified as accountable only to a governmental body, whereas private organizations typically reported being accountable to private bodies only (37.9%) or both private *and* governmental bodies (44.8%) (Fig. 21).

Figure 22. Frequency of conflicting priorities between organization and its funders, by type of accountability (N = 115)



In relation to an organization's level of independence, it is not only the mere presence of a supervising body that matters, but also the degree to which this body interferes with the organization's objectives and agenda-setting. To explore this topic, respondents were asked whether it had ever happened in the past that their organization could not fully perform its mandate regarding children's rights because their funders had conflicting priorities. If this had indeed occurred, subjects could indicate whether it had happened rarely or frequently. Among the 123 respondents who provided answers to this question, about one in four (28.4%) reported that such a conflict had happened, and one in six (15.4%) indicated this had frequently been the case. Almost a third (31.7%) were not sure, and two out of five (39.8%) reported that they did not have knowledge of any such incidence. The probability of a conflict of priorities may depend on the type of body the organization is accountable to. Organizations reporting to both governmental and private bodies were more likely to have experienced issues of conflict than those reporting to either governmental or private bodies alone (Fig. 22) ($\chi^2(4, N = 115) = 10.119, p < .038$).

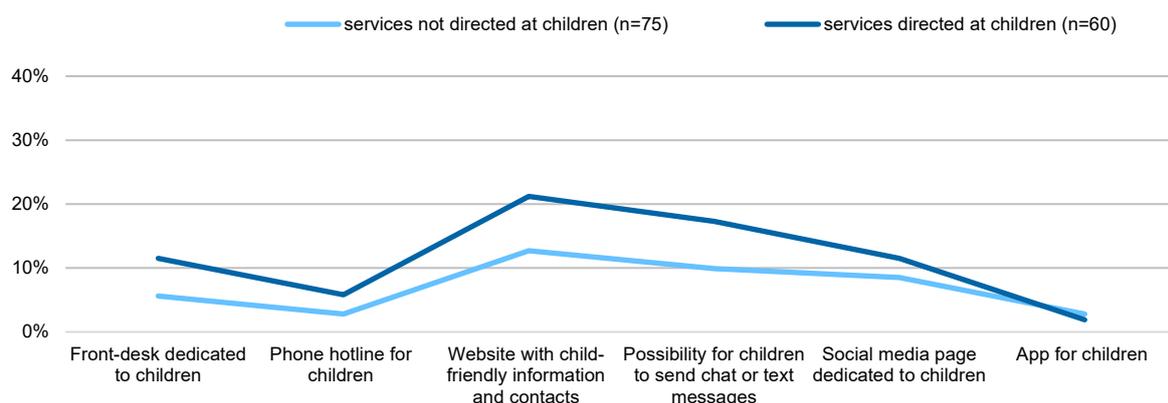
Accessibility

Another structural element that is important to organizations working in the domain of children's rights is the degree to which the organization's work is accessible to the children and adolescents themselves. In the survey, this topic was explored in two items. The first concerned the physical and digital accessibility to all children and young people, the second in relation to particularly vulnerable children and young people, such as refugee children or young people with physical or learning disabilities. With respect to both domains, respondents were asked to indicate which facilities their organization provided to make it easy for children to get in contact with the organization. They could choose facilities from a pre-defined list and add additional ones if they needed to.

The demands that can be placed on an organization in terms of its physical and digital accessibility to children reasonably depends on whether the organization provides services directly to children. Our analysis takes this into account by examining the responses separately for those organizations that do versus those that do not address children and young people in their services. In either of these groups, facilities that make it easy for young people in general to get in contact with the organization are the exception, not the norm (Fig. 23). For example, one in five respondents representing an organization

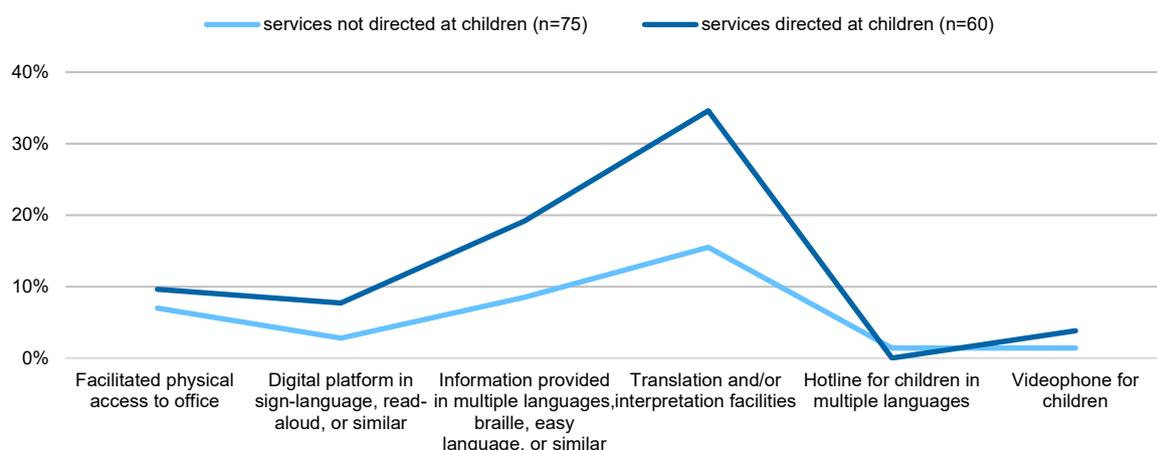
that directs its services at children and young people reports that the organization maintains a website with child-friendly information and contact (21.2%), and the number is lower for organizations without services directed at children and young people (12.7%). About one-fourth of respondents (24.4%) checked the “other” option; however, in almost all these cases, this was done to explain why the organization did not provide more facilities specifically for children, indicating for example that parents were the primary target group of the services. One respondent mentioned that the organization provided child-friendly materials in another form (brochure, leaflet), and another person indicated that the organization’s management board was led by an adolescent.

Figure 23. Proportion of organizations providing child-friendly access facilities, by type of organization



The numbers are similar for facilities directed at particularly vulnerable children (Fig. 24). By comparison, providing translation and/or interpretation services for young people was fairly common in organizations directing services at children: One third of respondents in this group (34.6%) reported that their organization had this facility in place, and one fifth (19.2%) indicated that the organization provided information in multiple languages and/or in easy language.

Figure 24. Proportion of organizations providing child-friendly access facilities to vulnerable children, by type of organization



4.2.2 Tasks and activities

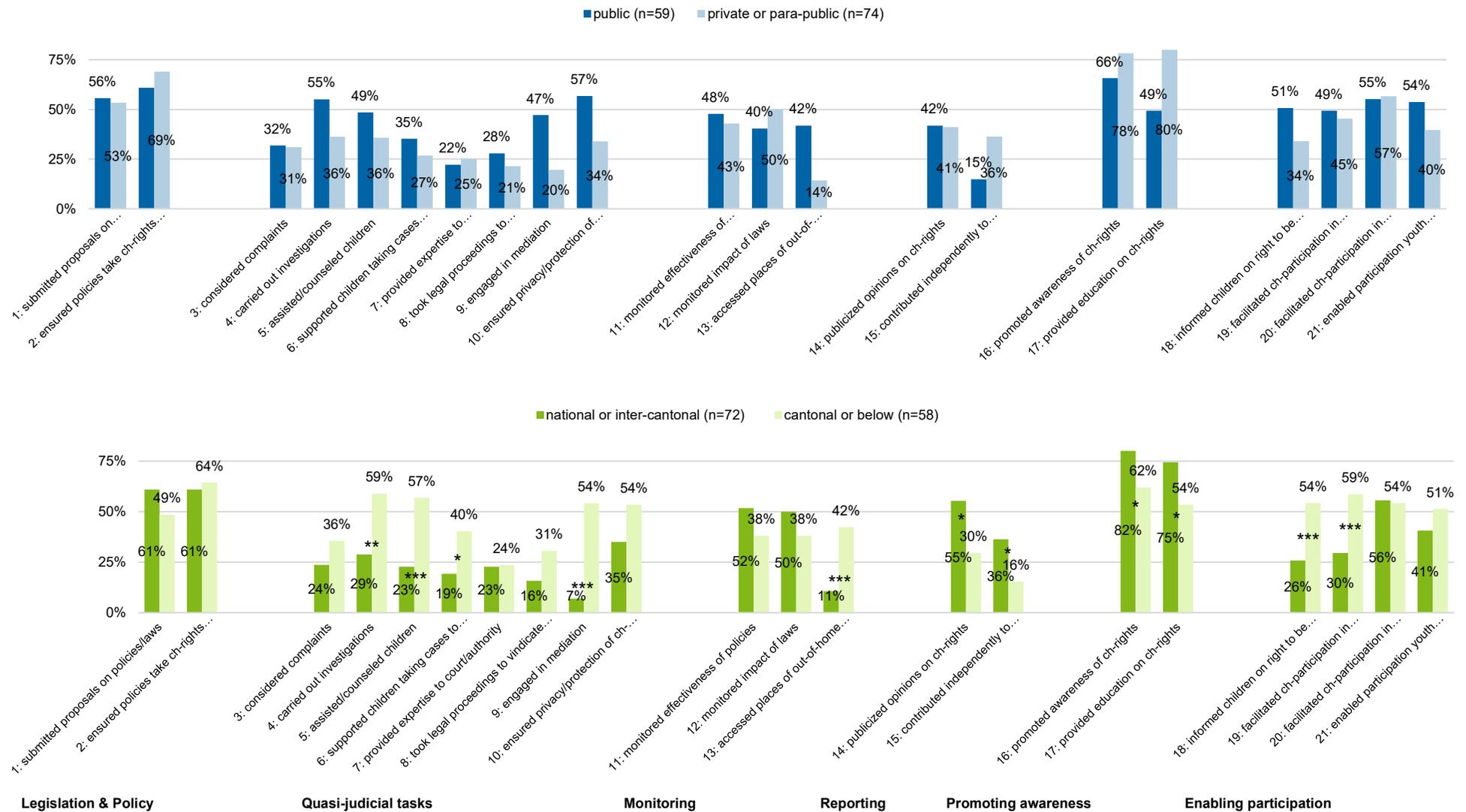
In the following chapter, we will present findings on concrete activities that organizational actors in Switzerland perform regarding children’s rights. Unlike in the mapping of actors (Chapter 4.1), the

findings are based on respondents' self-reports. In the survey, respondents were given a list of activities presented as individual items (Annex 6). For each activity, they were asked to indicate whether their organization had performed it at least once in the past twelve months. In some cases, when respondents responded positively to this screener item, they were asked additional questions on the activity in question, for example, at which level of government the activity had been performed or which rights of children it had specifically addressed. The range of activities presented in the survey was derived from the analysis grid that was created in Module 1 and utilized in the mapping of actors. Primary sources for the list of activities were the text of Motion 19.3633, CRC General Comments 2 and 5, the concluding observations of the UN Committee on the Rights of the Child (reports on Switzerland, 2 to 6), and the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure. The 21 activities included in the questionnaire cover six out of the 7 broad families of tasks and activities germane to the protection and promotion of children's rights: 1. Legislation and policy, 2. Quasi-judicial and mediation tasks, 3. Monitoring state compliance, 4. Reporting on children's conditions, 5. Education, promoting rights and raising awareness, and 6. Promoting child participation.

The proportion of actors reporting to have performed an activity at least once in the past twelve months at any level of government varies from a minimum of 23.3% (providing expertise on children's right to a court or authority) to a maximum of 70.6% (promoting public understanding and awareness of children's rights) (Annex 8). The percentages are generally higher for activities related to the domains of *policy and legislation* and *education and promoting awareness* when compared to *quasi-judicial tasks*, *monitoring of state compliance* and *reporting on children's conditions*, while tasks and activities referring to the *promotion of child participation* are located somewhere in the middle. Across activities, the observed proportions are often similar in public vs. private/para-public actors (Fig. 25). On average, according to their self-report, public actors performed 9.2 out of the 21 activities in the past year ($SD = 4.6$), whereas private or para-public actors averaged 8.3 activities ($SD = 4.5$). The difference is not statistically significant ($t(126) = 1.059$, p two-sided = .291). Public actors were more likely than private and para-public actors to perform selected quasi-judicial tasks, specifically engaging in mediation ($X^2(2, N = 124) = 10.366$, $p = .006$) and ensuring the privacy or protection of child victims ($X^2(2, N = 123) = 11.785$, $p = .003$), and they were also more likely to monitor and report on conditions of children in out-of-home institutions ($X^2(2, N = 123) = 13.078$, $p = .001$). Private or para-public actors, on the other hand, more often performed activities to promote public understanding and awareness of children's rights ($X^2(2, N = 122) = 13.325$, $p = .001$).

These findings tell us little about the level of government at which the activities were performed. For reasons of brevity, the survey included only a limited number of questions where respondents were asked to indicate specifically at which level of government they had performed a given activity. However, the level of government may be inferred from the type of actor: It is plausible to assume that in most cases, actors *generally* operating at the national (or cantonal etc.) level will also have performed *individual* activities at this level. Based on this assumption, the share of actors performing activities at the national or inter-cantonal level appears to be significantly lower, on average, than that of actors at the cantonal level or below (Fig. 25). Actors operating at the cantonal level or below were more likely to have performed a series of quasi-judicial tasks, and they also had a higher likelihood of having informed children about their right to be heard and to have encouraged children's participation in their own organization. Actors operating at the inter-cantonal or national level, on the other hand, were more likely to have reported on the conditions of children's rights and to have taken actions to promote understanding and awareness of children's rights in the public.

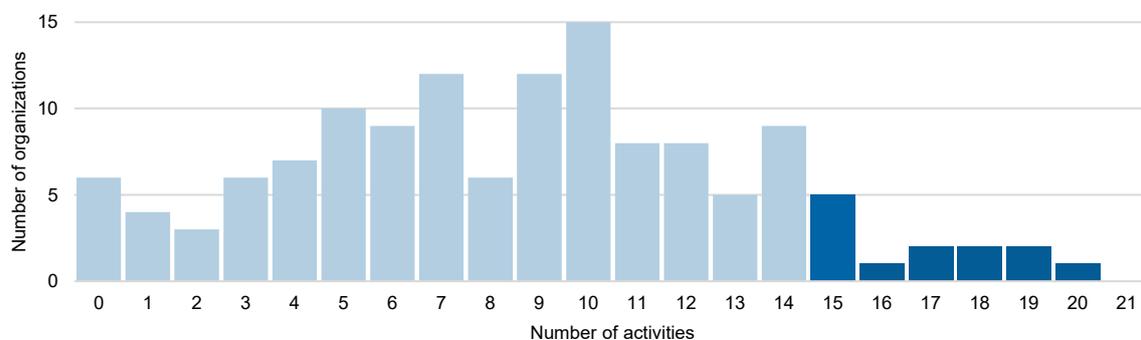
Figure 25. Proportion of actors having performed an activity at least once in the past 12 months, at any level of government, by legal category of actor (public vs. private or para-public) (N = 124–133) and proportion of actors having performed an activity at least once in the past 12 months, by actor’s level of government (N = 124–130)



Note. Asterisks indicate that the two groups significantly differ from each other. * $p < .05$, ** $p < .01$, *** $p < .001$. Significance tests are from Chi-squares.

Within the domain of quasi-judicial tasks, for a selected group of activities, respondents were also asked to indicate which specific rights of children their activities in the past twelve months had covered. The protection and/or promotion of such specific rights can be considerably less common than the aggregate responses presented above might suggest. To give one example from Annexes 8 and 9, while 24% of actors indicated that they had taken legal proceedings to vindicate *some* violation of children's rights in the past year, only 3.9% actors report that they took action to vindicate the right of exploited children. The findings up to this point have been concerned with different *types* of actors, which may be defined by their legal category, the level of government at which they generally operate, or the field of action they specialize in. Looking at individual actors (i.e., individual organizations participating in the survey), the absolute number of activities an organization reports for the past year varies considerably, from a minimum of 0 to a maximum of 20 (out of 21). On average, actors report 8.6 activities ($SD = 4.6$, $Median = 9$) (Fig. 26).

Figure 26. Absolute numbers of activities performed per organization (N = 133)



In the top 10%, twelve actors performed 15 activities or more (Annex 7). Of these, three are actors that generally operate at the national level, eight at the cantonal level, and one (a municipal organization from a large city) at the regional level, covering multiple municipalities. No organization at any level performed all activities required of an independent human rights institution for children's rights as defined by international standards. If the analysis is limited to the tasks and activities that are explicitly mentioned or can be reasonably inferred from the text of Motion 19.3633, the set is reduced from 21 to 14 activities.⁵⁹ There is one organization, the current semi-public ombudsperson's office for children's rights in Switzerland, that reports performing all these activities. However, it is important to keep in mind that this is based on organizations' self-reports, and the list of activities does not consider structural attributes (such as the degree of independence) or legal competencies (such as the right to information vis-à-vis public authorities and courts).

4.2.3 Quality of cooperation

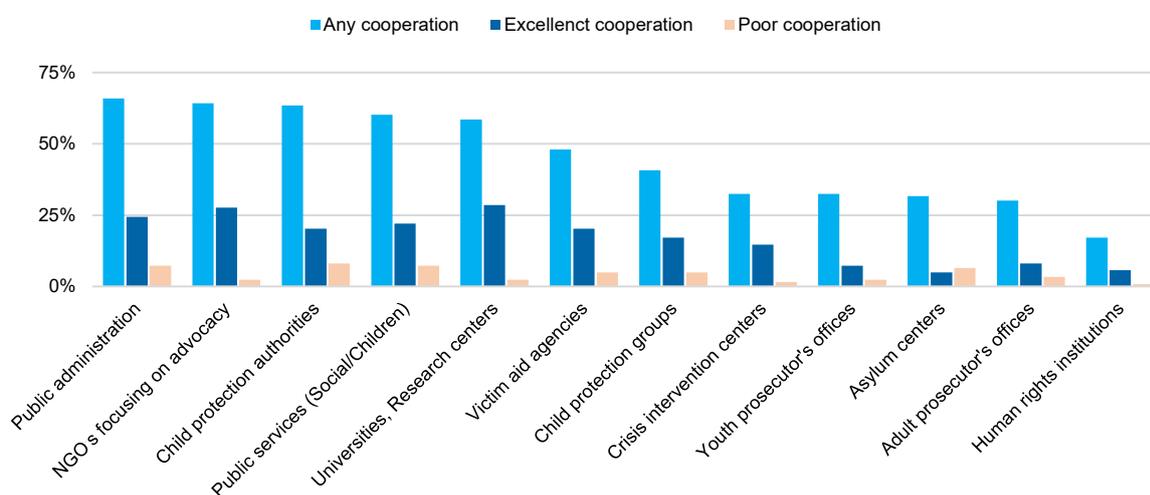
Respondents were asked to rate the quality of the cooperation between their own organization and several other types of organizations, which were presented on a pre-defined list. For each type of organization, respondents indicated whether their organization had at all cooperated with this type in

⁵⁹ These are the following: 1: submitted proposals on policies/laws; 2: ensured that policies take children's rights into account; 5: assisted/ counseled children; 6: supported children in taking cases to court; 9: engaged in mediation; 11: monitored effectiveness of policies; 12: monitored impact of laws; 14: publicized opinions on children's rights; 15: contributed independently to reporting; 16: promoted awareness of children's rights; 17: provided education on children's rights; 18: informed children on their right to be heard; 19: facilitated children's participation in organization; 20: facilitated children's participation in general.

the past year. If it had, the participants were asked to rate the quality of the cooperation as either poor, satisfactory, or excellent. The list contained the following types of organizations: Public administration offices concerned with children's rights issues, NGOs focusing on advocacy, child protection authorities and child protection groups (e.g., at hospitals), public social services and public services for children and youth, victim aid agencies, crisis intervention centers (such as shelter homes for boys and girls), asylum centers, youth and adult prosecutor's offices, independent human rights institutions, and research centers (e.g., at a university). The main objective of our analysis was, first, to get a rough estimate of the extent of cooperation between different types of institutional actors in the field and, second, to examine whether there were any problems in the cooperation between particular actors which might require further attention.

A detailed descriptive presentation of the results is given in annex 11. Regarding the extent of cooperation between actors, for each type of organization presented, on average 45.4% of respondents indicated that their own organization had cooperated with this type of organization in the past year. The cooperation was rated as poor in 9.5% of cases, and as excellent in 35.4%. Both the extent and the quality perceived varied substantially between organizational types. The largest percentages of cooperative connections were observed (in descending order) for offices within the public administration concerned with children's rights (65.9% of respondents indicated that their organization had cooperated with such an office in the past year), NGOs focusing on advocacy for children's rights (64.2%), public social services or public services for children, youth and families (63.4%), child protection authorities (60.2%), and research centers (58.5%) (see Fig. 27). For all organizational types, satisfactory or excellent cooperation, as perceived by the respondents, appears to be substantially more common than poor cooperation. However, for some types, poor cooperation becomes more likely, particularly asylum centers (rate of poor cooperation in all cooperative relationships: 20.5%), child protection authorities (12.8%), public social services (12.1%), and child protection groups (12.0%). Cooperation perceived as poor was least likely, at the other end of the spectrum, for NGOs focusing on advocacy for children's rights (3.7% of all cooperative relationships with such an actor were rated as poor). Finally, as is visually apparent in Annex 11, private and para-public actors were more likely to perceive the cooperation between other actors and their own organization as poor than public actors: Representatives of private organizations rated 15.2% of their cooperative relationships as poor, while only 5.4% of representatives from public actors did ($\chi^2(4, N = 119) = 26.318, p < .001$).

Figure 27. Quality of cooperation with different types of organizations, as perceived by the respondents, all ratings combined, ranked by frequency of any cooperation (N = 130)



4.2.4 Perceived gaps regarding the promotion and protection of children's rights

After responding to the questions about their organization's activities, participants were invited to share their considerations on the following question: "In your opinion, what are the most pressing concerns regarding the implementation of children's rights in Switzerland today?" Of the 135 participants, 74.8% ($n = 101$) provided answers.

To analyze this data, we first isolated the responses as individual units that carried a semantically identifiable statement ($N = 308$) and then categorized these. The taxonomy for the categorization was based on the analysis grid (Annex 1): Responses were subsumed to the main categories "gaps related to structure", "gaps related to activities" and "gaps related to concrete children's rights." Within these categories, additional subcategories were created when this seemed to be conceptually relevant. Out of 308 identified statements, 93% could be assigned to one of the pre-defined categories: gaps related to structures (40%), gaps related to activities (18%) and gaps related to the promotion of concrete children's rights (35%). 7% of the statements could not be assigned to any of these categories.

Gaps related to structure

Comprising 26 statements, the subcategory *lack of time, money and staff* represents the one most often mentioned (Annex 12). Other structural gaps identified are *lack of awareness* (16 statements), *lack of coordination/cooperation* (14 statements), *lack of monitoring on compliance with children's rights* (14 statements), *low accessibility of services* (13 statements), *lack of knowledge in professionals* (11 statements), *need of legislation* (8 statements), *lack of prevention* (6 statements) and *need for implementation* (5 statements). Concerning the lack of time, money and staff, respondents mention that although children's rights are now widely known, few resources are available to implement them, which is seen as apparent for example in how little time professionals still invest in talking to children. Further gaps are described regarding the establishment of a comprehensive culture of children's rights, where a lack of recognition of children's rights by society and public authorities is noted. Statements point out that children's rights "must be lived and demanded" and that courts are "still too strongly focused on the interests and rights of parents." The federal structure of Switzerland and the resulting lack of "coordination of efforts at the various levels (federal government, cantons, municipalities) and in the various disciplines" is seen as a weakness. Others perceive a deficit in "comprehensive services," from which a "lack of equal opportunities" supposedly follows. According to some responses, there is substantial inequality: "depending on the canton of residence, a child is better or worse protected—yet all children have the same rights!" Other gaps cited include a "deficit of political will," the absence of "overarching national guidelines," or the absence of a "legal basis at the federal level, the cantonal or the municipal level." Children's rights, one respondent points out, are "not thought of in legislative processes." Responses also indicate that access to services (such as counseling, mediation, or the processing of complaints) and child-friendly information about children's rights remains limited, especially for vulnerable groups. Specifically, children from "educationally disadvantaged families" or families affected by poverty are mentioned, as well as children with mental or physical disabilities. In a similar vein, responses suggest a lack of expertise on children's rights among professionals within public law bodies (courts, administration, child protection authorities). These statements refer to the need not only of theoretical but also of practical knowledge. Some point out that the infrequent use of child advocates is a problem. Others mention that there are not enough specialized institutions ("too few specialized juvenile penal and detention institutions").

Gaps related to activities

Concerning gaps in activities related to children's rights, the category that is most often mentioned concerns a *lack of awareness-raising* (30 statements) (Annex 13). This includes responses with little semantic differentiation (e.g., "raising awareness," "greater awareness of children's rights in Switzerland"), but also references to specific groups who are seen as suitable recipients of awareness-raising activities: children and adolescents themselves, but also parents, professionals working with children, authorities, administration and courts, or politicians (e.g. "far too little is said in schools about what children's rights are, which specialized agencies there are, where children can get help"). 14 statements were assigned to the category *training of professionals*. These responses specifically mention different groups of specialists and institutions: Child protection authorities, courts, daycare centers, playgroups, family centers, or just generally "professionals working with children and adolescents." The "inclusion of children's rights in the training of professionals" is perceived as a need both in graduate and postgraduate training. Finally, 9 statements were assigned to the category *reporting on the situation of children's rights*. These include statements on the lack of reliable data on the prevalence of child maltreatment and violence against children, the well-being of children, or the incidence rates of child protection measures (including out-of-home placements). For example, one respondent points out that there are "no national statistics that allow to compare the situation between cantons and to bring about rapid changes."

Gaps related to specific children's rights

101 statements that referred to the promotion of specific children's rights were identified (Annex 14). The most frequent reference was made to children's *right to participation and the respect for their opinions* (34 statements). Some of these statements were quite general ("little participation", "promotion of participation"), whereas others specified areas or groups in which more participation of children and adolescents is desired, such as the right to be heard in divorce proceedings, the "participation of children when one parent is facing an unconditional prison sentence", or in cases of child migrants. In addition to the "systematic inclusion of children," an orientation towards a "child-centered perspective" is called for, as is the increased use of child advocates, all serving to "avoid sham participation," as one respondent puts it. With 20 statements assigned to it, the subcategory *right to health and well-being* was the second most frequently coded. Here, the inclusion of children with physical and mental disabilities plays a role, but also the provision of "missing therapy places (overloading of children and youth clinics and services)." A further demand is the securing of "access to sufficient social security benefits." 13 statements relate to the *right to protection from all forms of violence*. Frequently identified in this subcategory is the demand for a law against corporal punishment ("Prohibition of violence against children (including slapping)"), along with the enforcement of the ban on female circumcision. Another 12 statements refer to the *right of non-discrimination*. Either the right is called for as such, or in relation to origin, poverty, gender, impairment, or residence status (e.g., "respect for the rights of children without Swiss nationality, migrant and refugee children"). The implementation of the *right to education, leisure and cultural activities* was coded in 9 statements. Here, among other things, reference was made to "equal opportunities in education", "environmental protection, preservation of natural play space for children, noise protection", or also to the "right to leisure time." Statements were further assigned to the subcategories of *special protection of children in emergency situations* (8 statements) and of *children belonging to a minority* (5 statements), although distinguishing between these two categories was not always straightforward. Regarding children in emergency situations, frequent reference was made to the "asylum and refugee sector", where large gaps are seen regarding the implementation of children's rights (e.g., "In the asylum/refugee sector, there are unfortunately many

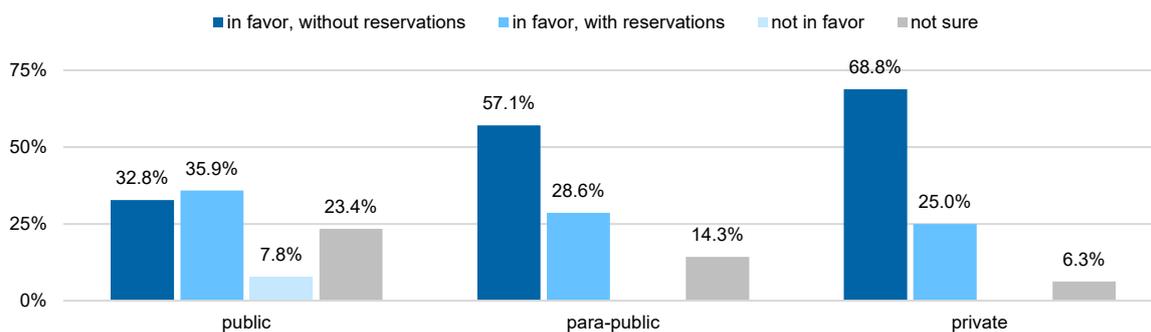
deficiencies with regard to accommodations”). Concerning the protection of children belonging to a minority group, specific references were made to foster children and, in particular, care leavers (“The concerns of care leavers must be taken seriously by the authorities and politicians”).

4.2.5 Attitudes towards Motion 19.3633

Respondents were asked if they were in favor of Motion 19.3633 without reservations, in favor, but with reservations, or not in favor at all. 45.5% ($n = 55$) responded that they were in favor without reservations, 32.2% ($n = 39$) said they were in favor but had reservations, and 5.0% ($n = 6$) declared they were not in favor. The remaining 17.4% ($n = 21$) were not sure.

The legal nature of the organization that respondents represented was statistically associated with their approval or disapproval of the Motion ($\chi^2(9, N = 151) = 20.597, p = .021$) (Fig. 28). 68.8% of respondents working for a private organization favored the motion without reservation, and no representative of a private actor opposed it. Responses were similar, albeit slightly less favorable, for respondents representing para-public actors. By contrast, only 32.8% of respondents representing a public organization declared themselves in favor of the motion without reservation, and 7.8% declared themselves not in favor.

Figure 28. Attitude towards Motion 19.3633, by legal type of actor ($N = 121$)



When subjects indicated that they had reservations about the Motion or that they were opposed to it, they were invited to briefly describe these reservations. To examine these data, thematic content analysis was applied. A total of 65 responses could be assigned to three categories. The largest category, with 36 individual statements, referred to *structural concerns*. The second largest category, with 23 statements, concerned a *need for comprehensive competencies*. Four statements were assigned to the category *alternative models*. Two statements could not be assigned to any category.

Structural Concerns

The concerns regarding structural conditions were assigned to the following subcategories: *Concerns about the implementation process* (17 statements), *Consideration of existing federal structures* (11 statements) and *limited access to services* (8 statements). Regarding concerns about the implementation process, respondents expressed that the creation of an additional office could make the coordination of existing structures more difficult. One challenge that is perceived here is not to create a duplication of responsibilities (“do not create parallel responsibilities”). Moreover, a concern was raised that “complex inter-institutional cooperation processes could significantly limit the effectiveness” of a national children’s rights institution. There were also reservations regarding the implementation of data protection or the preservation of the independence of the new institution. According to some, there are currently legal requirements that could impede the scope of action of an ombudsman’s office, as illustrated

by this statement: "In juvenile criminal proceedings, the exclusion of the public applies, and thus there are limits to the disclosure of information". "Funding" and "not enough resources" were also mentioned as reservations. There were additional concerns that an ombudsperson's office may "only serve as a clean slate for politics" and that "the concern of strengthening children's rights might be satisfied on the surface, but the overall situation would remain unsatisfactory." Responses in the subcategory "Consideration of existing federal structures" stated that the new office would have to be carefully tailored to the individual cultures of cantons and language regions ("possibly regional branches should be considered"). Others pointed out that a national ombudsperson's office "cannot replace regional services." In some cases, this amounts to the expectation that "in federalist Switzerland, an office at national level is of very little use" or that "national does not mean that the situation can be improved." Concerns were also expressed regarding the accessibility of services. Some considered it problematic that a national ombudsperson's office could be too high-threshold for at least some children and adolescents: "It seems to me to be difficult for a large part of the children to feel encouraged to contact an office based in Bern (or another city) where one does not know whether the staff will speak their mother tongue, whether they will be taken seriously etc."

Need for more comprehensive competencies

23 statements were assigned to the category *need for comprehensive competencies*. Here, a central issue is that the competencies of the new office as proposed by the Motion may not be far-reaching enough, especially regarding the authority to investigate complaints of children and to use legal remedies ("Receiving and investigating complaints is missing", "an ombudsperson's office for children's rights should be given the authority to investigate and deal with complaints of children"). Furthermore, monitoring and reporting were demanded as additional competencies the new office should have ("Monitoring/evaluation regarding implementation of the CRC as well as qualitative and quantitative data collection is not provided for in the motion", "The ombudsperson's office should also be given the task of reviewing the adequacy and effectiveness of laws and practices"). In some responses, this was extended to the demand for "national and international exchange" as part of the office's responsibilities. Another topic is that the ombudsperson's office should undertake comprehensive awareness-raising work ("I would like to see the office cover other activities, such as conducting campaigns to promote and raise awareness of children's rights"). One respondent asked for "an office that is proactive, not just reactive." The request for *more* competencies than the Motion projects is not without opposition, however. As one respondent argued, the new office's competencies should be prescribed "as narrowly as possible, covering only the gaps to existing services."

Alternative models

Four responses explicitly suggested alternative models to a national ombudsperson's office. One of these participants argued that the office's projected role should be assigned to an established institutional body rather than creating a new one: "It should be examined whether NGO's such as Pro Juventute would not be better suited to take on this task in addition, instead of founding an additional body, which would make coordination more difficult." Others argued for the expansion and strengthening of existing (cantonal, local) structures: "If additional resources are put in place to strengthen children's rights, the primary aim is to strengthen existing organizations, especially those that are already close to children." A similar point was made by another respondent: "A lot is already being done for children, and some things could be accomplished in the institutions that already exist (e.g., establish specialized courts for juvenile criminal cases or provide appropriate training for the court personnel who work there)." Expressing a similar idea, one respondent suggested that the concrete tasks that are associated with the

idea of a national institution for children's rights should rather be delegated to the cantons: "It should be considered whether, after developing the legal basis at the national level, these additional elements could be taken up through a mandate to the cantons."

4.2.6 Summary and limitations

In the preceding section, results from our expert survey based on organizations' self-reports have been presented, which complement those from the mapping of actors (Chapter 4.1). The findings confirm those from the literature and document review in broad strokes, providing estimates of the same phenomena from a different perspective and adding more detailed information.

Related to structure

The survey addressed several structural attributes that are relevant to the organizations' ability to perform their tasks in the protection and promotion of children's rights. Concerning the qualifications of staff, more than half of all surveyed organizations employ professionals from at least three relevant professions, thereby meeting the minimal requirement of multi-disciplinarity. The share is significantly higher with public actors, where three out of four organizations are multi-disciplinary at least in a minimal sense; in private and para-public organizations, approximately one out of two are. Specialization in children's rights among staff is particularly common in offices working in the child protection system and in NGOs focusing on children's rights advocacy, where approximately four out of five organizations report a relevant qualification. In public organizations offering services to children and offices of the cantonal administration, about half of the organizations do. By contrast, according to the self-reports collected, only one in three private organizations offering services to children and only one in four public federal or inter-cantonal bodies have a children's rights specialist in their ranks.

The survey confirmed the notion that both public and private funders contribute substantially to organizational work supporting the protection and promotion of the rights of children. While public organizations rely almost exclusively on public sources, private organizations depend on them alongside private funds: Almost half of private organizations receive *both* private and public financial support. Meanwhile, many organizations report that their funding is not adequate to their potential mandate regarding children's rights. This applies most strongly to public and private actors providing services to clients, NGOs focusing on children's rights advocacy and cantonal administration offices concerned with children, youth and family issues: In all of these organizational types, a majority of representatives report inadequate funding. Additional resources, should they become available, would be used primarily for the promotion of public and professional awareness around children's rights, the strengthening of children's participation, and in the advocacy for more child-friendly legislation and policy. The quasi-judicial tasks, on the other hand, seem to be less critically related to inadequate funding.

In general, conflicts of interests between organizations and their funders are quite common: More than one in four organizations report that they have experienced instances where they could not perform an activity considered necessary for the protection or promotion of children's rights because their funders had conflicting priorities. This was more likely to occur if the organization was accountable to both private and public funders, which is characteristic of private and para-public actors. Self-reported conflicts of interest, therefore, are considerably more common in private and para-public actors than in public actors.

Moreover, results show that child-friendly facilities are a rare exception across *all* types of organizations surveyed. For example, according to the organizations' self-reports, only one in five that direct their services at children maintain a child-friendly website with child-friendly information. Facilities

that facilitate access for vulnerable or disadvantaged children—such as use of easy language or provision of translation services—are even less common.

Asked about their most urgent concerns about the implementation of children's rights in Switzerland, many respondents mentioned concerns about structure. The most frequent concern was that the relevant actors in Switzerland had too little money, time, and qualified staff to do as much as they could do for promoting and/or protecting the rights of children. Also common were statements that many actors, including professionals in the field, had too little awareness and knowledge of children's rights, that organizations and services were not coordinated well enough, that many services were not easy enough to access for children, or that there was a lack of national and local legislation regarding both the framework of children's rights in general and specific rights, such as the right to protection from corporal punishment.

Findings related to activities

The survey shows that in the current Swiss reality, the tasks and activities associated with an ICHRI are simultaneously performed by—and distributed across—a large number of public, para-public and private actors. For tasks related to legislation and policy, monitoring and reporting, and the promotion of children's participation, activities are performed at all levels of government, from the federal to the cantonal and below. Meanwhile, quasi-judicial tasks are more concentrated at the cantonal and local level.

The percentages of actors who report having performed a certain activity are the highest for activities related to policy, legislation, education and promoting awareness of children's rights, followed by activities that aim at promoting children's participation in individual cases and/or in the realm of political participation. Quasi-judicial tasks, monitoring of state compliance and reporting on children's conditions are slightly less common. Observed proportions are often similar in public vs. private/para-public actors. On average, according to their self-report, public actors performed 9.2 out of the 21 activities that were surveyed, whereas private or para-public actors averaged 8.3. Public actors were more likely than private and para-public actors to perform selected quasi-judicial tasks, specifically engaging in mediation and ensuring the privacy or protection of child victims in the child protection system. They were also more likely to monitor and report on conditions of children in out-of-home institutions. Private or para-public actors, on the other hand, were more active in the promotion of public understanding and awareness of children's rights.

Importantly, however, the protection and promotion of *specific children's rights* is considerably less common than the aggregate proportions in the previous paragraph might suggest. To give just one example, while one in three actors indicated that they had engaged in some form of mediation regarding children's rights in the past year, only 3.9% had played such a role with regard to adolescents being involved in juvenile justice cases, and only 2.3% had performed mediation in a case that involved a child's right to non-discrimination. At the level of aggregate activities, i.e., without reference to specific children's rights, organizations report 8.6 activities on average, ranging from 0 to 20 out of 21. There is no single actor, neither at the national nor at the cantonal level, that covers all activities surveyed.

In their concerns about the current state of children's rights in Switzerland, respondents do refer to specific activities. The one that is most often pointed out, mirroring one of the structural concerns mentioned above, is that organizations do not do enough to promote public and professional understanding of children's rights. This is followed by concerns about the lack of monitoring in Switzerland, particularly monitoring activities that are based on data. A lack of data collection efforts is mentioned both regarding the monitoring of services, such as how many children and adolescents are in out-of-

home care or receive other protective services such as family support, and in relation to children's life situations and well-being, such as the prevalence of intra- and extra-familial violence that children suffer. In addition, respondents often pointed out that activities in Switzerland were too reactive, responding to violations of children's rights that had already happened, and not enough was done in terms of prevention.

Attitudes towards Motion 19.3633

Almost half of the respondents who participated in the survey (45.5%) reported that they were in favor of Motion 19.3633 without reservations, while one third (32.2%) is in favor but had reservations. One in twenty (5.0%) declared they were not in favor, and almost one in five (17.4%) responded they were not sure. Attitudes towards the notion are significantly associated with the legal type of organization respondents represent: While two out of three (68.8%) respondents working for a private organization support the Motion without any reservations, only one in three (32.8%) professionals representing a public actor reported to do so. Reservations mentioned refer to the concern that the new institution must be carefully matched to and embedded in the existing federalist landscape of responsibilities and services in Switzerland, and that this implementation process needs to make sure the interests of actors at all levels, including the cantonal one, are considered. Other respondents worried whether a national institution would really be able to offer services that are accessible enough to individual children and adolescents from all parts of the country. A third group expressed the concern that the competencies of the new institution as envisioned in the Motion were not comprehensive enough, for example, regarding the processing of individual complaints or the collection of relevant data for monitoring.

Limitations

The findings in the preceding sections are subject to several limitations. Regarding the initial mapping of actors (Chapter 4.1) one must consider that we only included actors found through our database, internet, and desktop searches, and on whom we had enough information to decide if they provide services relevant to the office of an ICHRI. Moreover, we did not have all necessary information on all actors, and on some actors we had very little information. This was the case, amongst others, for the newly founded National Children's Ombudsman's Office. Therefore, the expert survey was needed to get a more detailed and reliable understanding of the current Swiss context (Chapter 4.2). However, even when interpreting the survey's results some limitations must be considered. Most importantly, the survey relies on the organizations' self-reports alone. Although we took care to phrase the questions in the survey as precisely as possible given the limited space at our disposal, respondents might have interpreted individual items somewhat differently, making sense of activities regarding children's rights in terms of their organization's mandate and slightly adapting the meaning of questions accordingly. For example, when respondents were asked whether their organization had "engaged in mediation and/or in conciliation services in cases involving children's rights" in the past year, not all of them might have interpreted the terms "mediation and/or conciliation services" in precisely the same way. Only lengthy explanations for all items would have precluded this possibility, but such an approach would have placed far too strong a demand on participants' time and attention span, thereby reducing their participation rate. In addition, because we asked only one representative of each organization to participate in the survey, the subjective perspective of that representative might have influenced the responses; ideally, several independent responses for each organization would have been collected. Moreover, given the limited resources available for the survey, our sampling strategy did not allow us to include all relevant actors at the cantonal level; instead, a random sample stratified by organizational type and canton was drawn. This approach could have resulted in the exclusion of a relatively large number of actors who would have been relevant to the topic of the research. This also applies to the level of

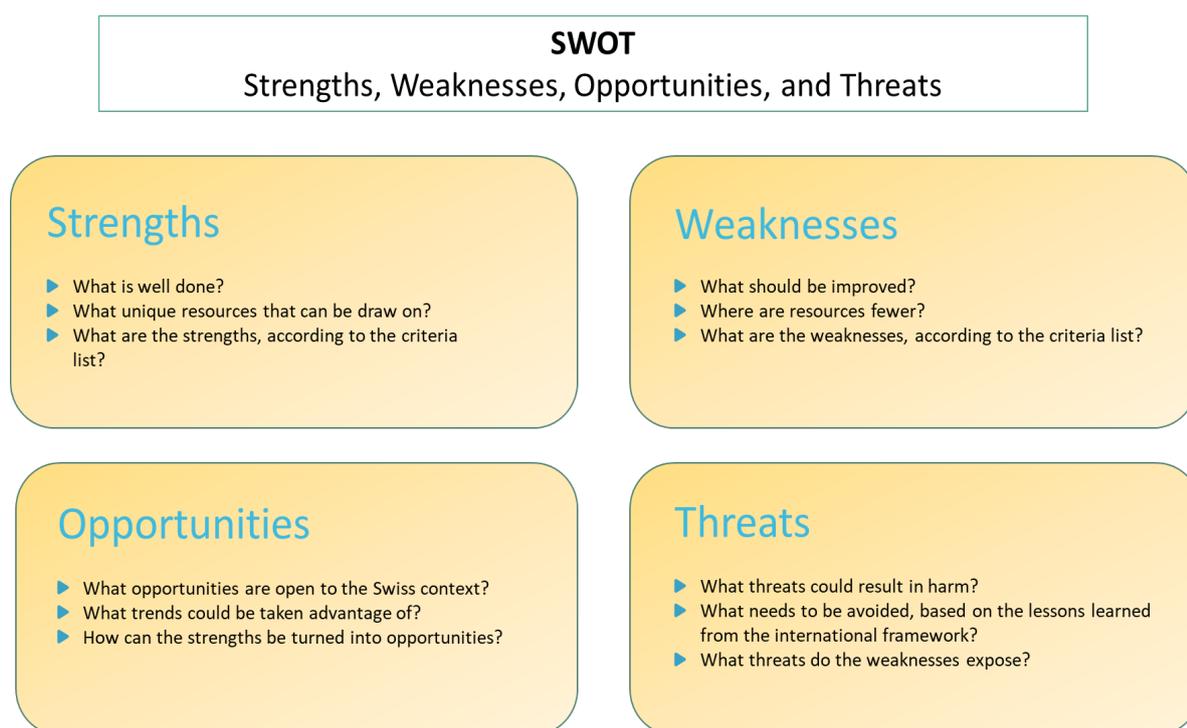
municipal actors more generally, which were excluded from the survey with the exception of actors from seven large cities representing three linguistic regions. Institutional activities in relation to children's rights located at the municipal level of government were covered only to a very limited degree in this research.

4.3 Preliminary SWOT Matrix of the Swiss system

To further corroborate the findings from the actors mapping and the expert survey, we undertook an analysis of literature on cantonal and federal public policies related to children's rights. This allowed us to develop an analysis of the Swiss context in its complexity, taking into consideration recent evolution.

Based on all these elements, we extracted the main findings and elaborated a Strengths, Weaknesses, Opportunities and Threats analysis for each of the four pillars. Beyond the business sector, the SWOT Matrix of the analysis has proved to be an effective tool in determining and establishing institutional and policy evolutions also in the public sector. Therefore, we followed three guiding questions for each of the SWOT components. The process is described in Figure 29 below. Finally, we worked on an elaborate summary SWOT grid highlighting the main findings from the Swiss realities as well as the main gaps regarding the tasks and mandates relevant to an ICHRI that may exist.

Figure 29. Illustration of SWOT process and method



The result of the SWOT analysis is resumed in the table below.

Table 5. SWOT analysis of the Switzerland context per dimension

<p>Strengths</p> <ul style="list-style-type: none"> • Each canton applies its own child and youth policy (CRC Committee, 2021, para. 8) • There is a wide variety of actors who perform tasks complementary to the mandates of a potential ICHRI • Overall good collaboration between the various actors working with children and adolescents: <ul style="list-style-type: none"> - The heads of cantonal services strive to collaborate and are united within the Conference of Cantonal Directors of Social Affairs (CDAS) - Many actors effectively coordinate with civil society • Active collaboration between public and private actors and research centers; cooperation is often perceived as excellent 	<p>Weaknesses</p> <ul style="list-style-type: none"> • Significant fragmentation in terms of structures and scope of action • Lack of overall vertical and horizontal coordination • Absence of actors responsible for ensuring full monitoring of the implementation and evaluation of policies and their impact on children • No reliable longitudinal data concerning the situation of children (CRC Committee, 2021, para. 11) • Little or no involvement of the target group (children) in the development and implementation of child policy • The system is rather reactive and not proactive • The NHRI structure does not offer a mediation service for children's rights and does not receive individual complaints • Poor experience of cooperation between actors working with children and adolescents and asylum centers, child protection authorities, and public social services. • Private and para-public actors experience poor cooperation with other actors compared with public actors
<p>Opportunities</p> <ul style="list-style-type: none"> • Principle of subsidiarity allowing the cantons to organize themselves and take initiatives freely • Academic excellence (research and training) in the field of children's rights • Existence of private and public funds to develop initiatives • Cross-sectoral interest in child and youth issues and policy • Creation of the Swiss NHRI • Adoption of the Motion 19.3633 and the reflection it implies: <ul style="list-style-type: none"> - Establishing a catalyst actor also playing a reactive and proactive role with quasi-judicial tasks - A catalyst able to operate in a collaborative way with the fragmented range of existing actors for the following purposes: <ol style="list-style-type: none"> a) Ensure children's views are heard and incorporated into the development of laws and policies b) Contribute to shaping legislation and policies based on the views and needs of children c) Monitor the compliance of public action d) Support training and promotion on children's rights 	<p>Threats</p> <ul style="list-style-type: none"> • Possible widening of the gap between the quality of life and the chances of development of children from one canton to another (CRC Committee, 2021, para. 11, 17, 39) • Risk of political pressure at international level due to: <ul style="list-style-type: none"> - Lack of policy impact assessment for children and adolescents - Lack of consolidated child consultation processes - Limited access to judicial or quasi-judicial remedies • The absence of a proactive approach in the political debate at national and cantonal level to prevent violations of the law and to optimize expenditure • Understanding of children's needs and opinions is and would remain limited • The actors operate by relying on indirect interlocutors (parents, teachers) and not engaging directly with children to hear their opinion on matters affecting them. • Fragile cooperation with asylum centers, child protection authorities and public social services might result in further children's rights violations

5. The opportunity to create an ICHRI in Switzerland

The present chapter is divided into three parts. The first presents the opportunity to create an ICHRI in Switzerland, the second highlight the prospected terms of reference for the future ICHRI in Switzerland. The third one provides the outline of four potential organizational models for ICHRIs including their structure and governance.

5.1 The opportunity to create an ICHRI in Switzerland

As the findings provided in the previous chapter show, the creation of an ICHRI in Switzerland can only make sense insofar as its activities compensate for the limitation and gaps of the current system.

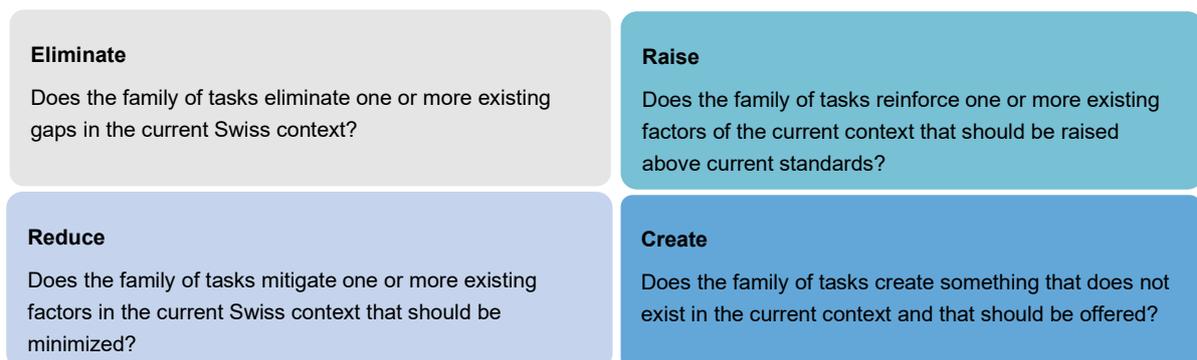
However, to know whether it is appropriate to establish such a structure and, consequently, to determine its scope of activities, it is necessary to verify whether the future ICHRI will create novelty. In other words, the question is to what extent the future ICHRI can distinguish itself from existing actors and services, and whether it brings value to the present reality and/or whether it ultimately improves the quality of life of children and young people in Switzerland.

To measure the added value of the future ICHRI, we used the notion of 'value innovation' derived from the Blue Ocean Strategy approach⁶⁰. This strategic development approach, widely used in the field of business creation, is pertinent because it focuses on the creation of novelty, which is relevant to the setting up of an ICHRI that has no equivalent in Switzerland at present (Chapter 4). In this case, to be a 'value innovation' means that the innovation the future ICHRI will create must imperatively bring value to children's well-being.

The future ICHRI, as an innovative actor with innovative tasks, must therefore be valuable by reducing or eliminating defects in the current situation and by offering useful services to children and to all those actors and entities that work or take care of them by making available services and performing tasks that do not yet exist or by reinforcing the potential of the current Swiss context.

We have therefore examined each family of tasks that the ICHRI could offer (Chapter 3) through the following questions:

Figure 30. Adapted ERRC grid of analysis



Source: adapted from ERRC Grid: [Blue Ocean Strategy](http://www.blueoceanstrategy.com/concepts/bos-tools/errc-grid/)

⁶⁰ <http://www.blueoceanstrategy.com/concepts/bos-tools/errc-grid/>

By measuring the difference between each service of the future ICHRI and similar existing activities in this field, this sieve, also known as the ERRC matrix, makes it possible to verify whether it is worthwhile for the future ICHRI to perform the said task or whether it is preferable to give it up because it is not sufficiently different from what is already offered in the Swiss present context.

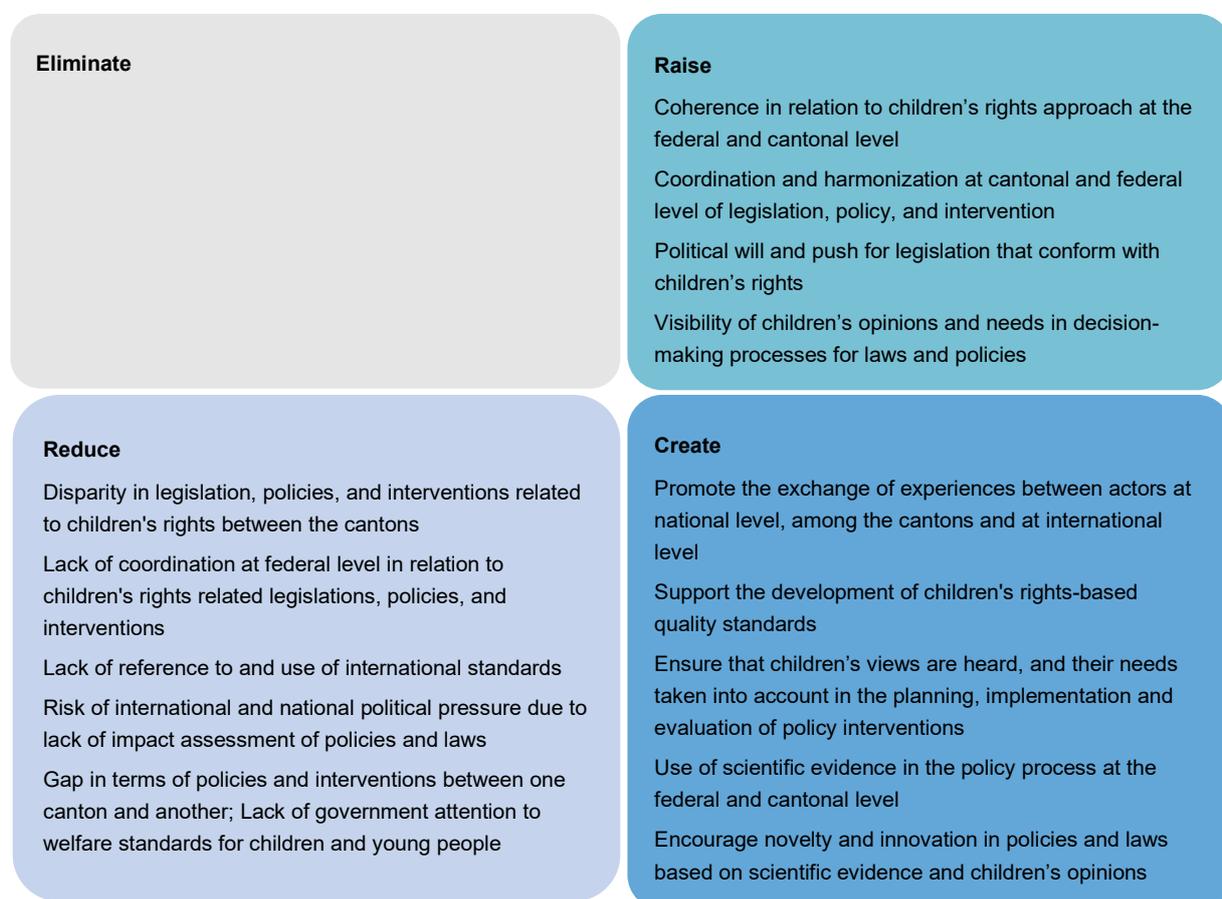
The following sections present the results for each family of tasks and the application of the ERRC matrix together with our analysis.

Analysis of the value of the 'Legislation and policy' tasks

The legislation and policy-related mandate consists of:

- Submission of proposals on laws and policies
- Ensure national policy makers take children's rights into account
- Encourage ratification of human rights instruments

Figure 31: ERRC of the value of the 'Legislation and policy'



Result of the analysis

The deployment of this service is relevant because it fills gaps in the Swiss context on one hand and creates novelty on the other, as the ERRC matrix shows. In this respect, the service is very innovative. Today, this service is very limited, with no actors offering assistance in the drafting and renewal of laws and policies with a comprehensive approach to the entire spectrum of children's rights. Therefore, it would have a high value if implemented. The risk of another actor imitating this service is very low, as it requires considerable effort to reproduce. However, given its highly innovative nature, this service

could challenge the current balance of the system and could therefore be rejected by political actors. Moreover, the question arises as to whether the future ICHRI can have the necessary resources to undertake these tasks. Clearly, in the event that the new ICHRI should have no legislative mandate and be private in nature, the efficacy and reach of this family of tasks would be limited in its impact and innovation. Indeed, it is legitimate to ask whether federal and cantonal or communal parliaments and governments will accept being accompanied by an independent but private entity in the highly democratic process of designing or reforming a law or program.

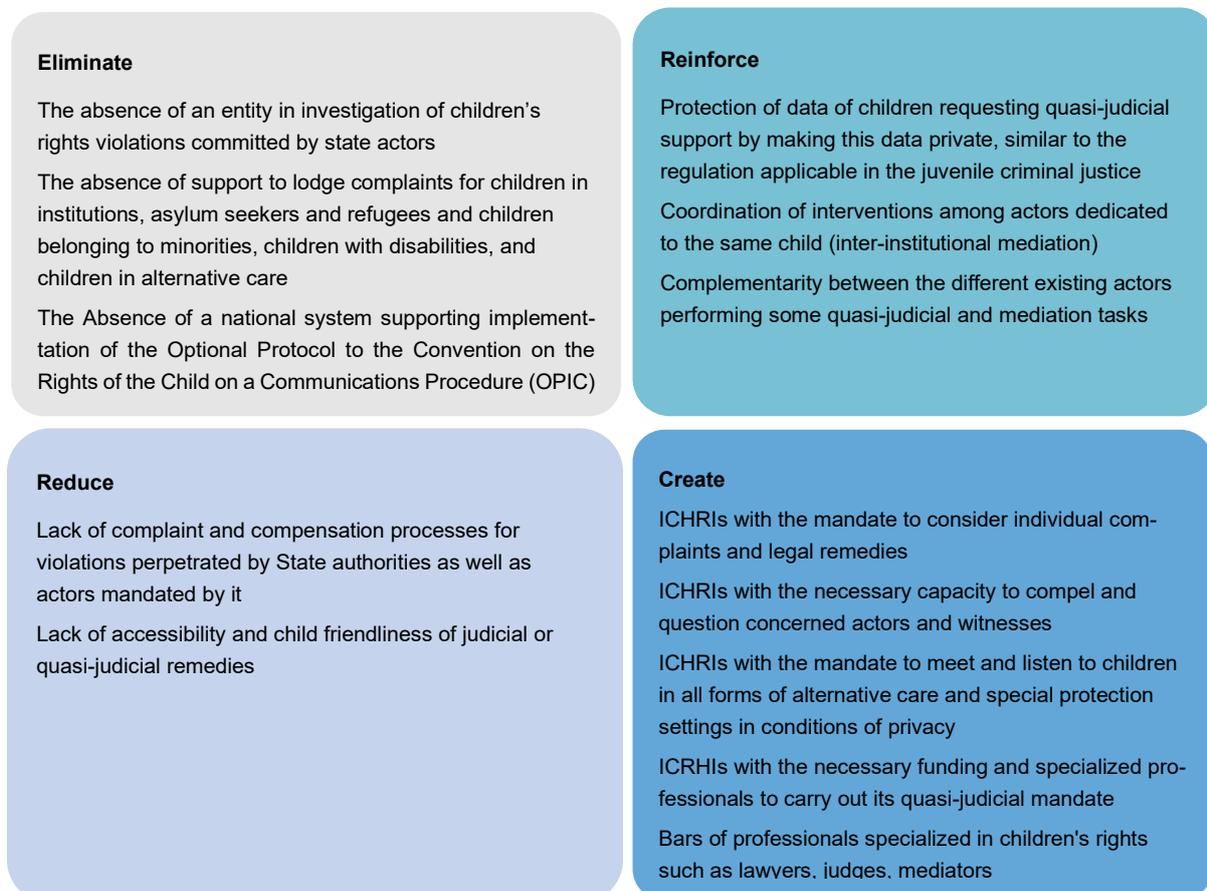
Potential partnership: parliaments, governments at the federal, cantonal, and communal levels, media, civil society (NGOs, etc.)

Analysis of the value of the 'Quasi-judicial and mediation' tasks

The quasi-judicial mandate includes the following:

- Consider individual complaints and petitions
- Carry out investigation and inquiries
- Power to compel and question witnesses
- Provide expertise in children's rights to the courts and support children taking cases to court
- Take legal proceedings to vindicate children's rights
- Engage in mediation and conciliation
- Ensure privacy and protection of victims and undertake monitoring and follow-up activities for them

Figure 32. ERRC of the value of the 'Quasi-judicial and mediation' tasks



Result of the analysis

As the ERRC matrix shows, the implementation of this family of tasks is pertinent because it both fills gaps perceived by the actors in the Swiss context and generates innovation. In this respect, the service is ground-breaking. Today, the Swiss system gives little space for children and adolescents to access quasi-judicial and mediation remedies or compensation procedures. Furthermore, apart from the child protection and justice system, there is no complaint and compensation process for violations perpetrated by State authorities as well as actors mandated by it and no national system supporting children in accessing the Communications Procedure set by the 3rd OPIC.

The future ICHRI performing this family of tasks will integrate in the Swiss context with quasi-judicial complaint mechanisms that do not usually result in binding decisions and that are more flexible in terms of access and more open than those of the judicial system (Sedletzki & Lúx, 2019). The complaint mechanism of the ICHRI is one channel through which children have access to justice in a child-friendly manner. The way the ICHRI will receive and handle complaints depends on its legal mandate and competencies.

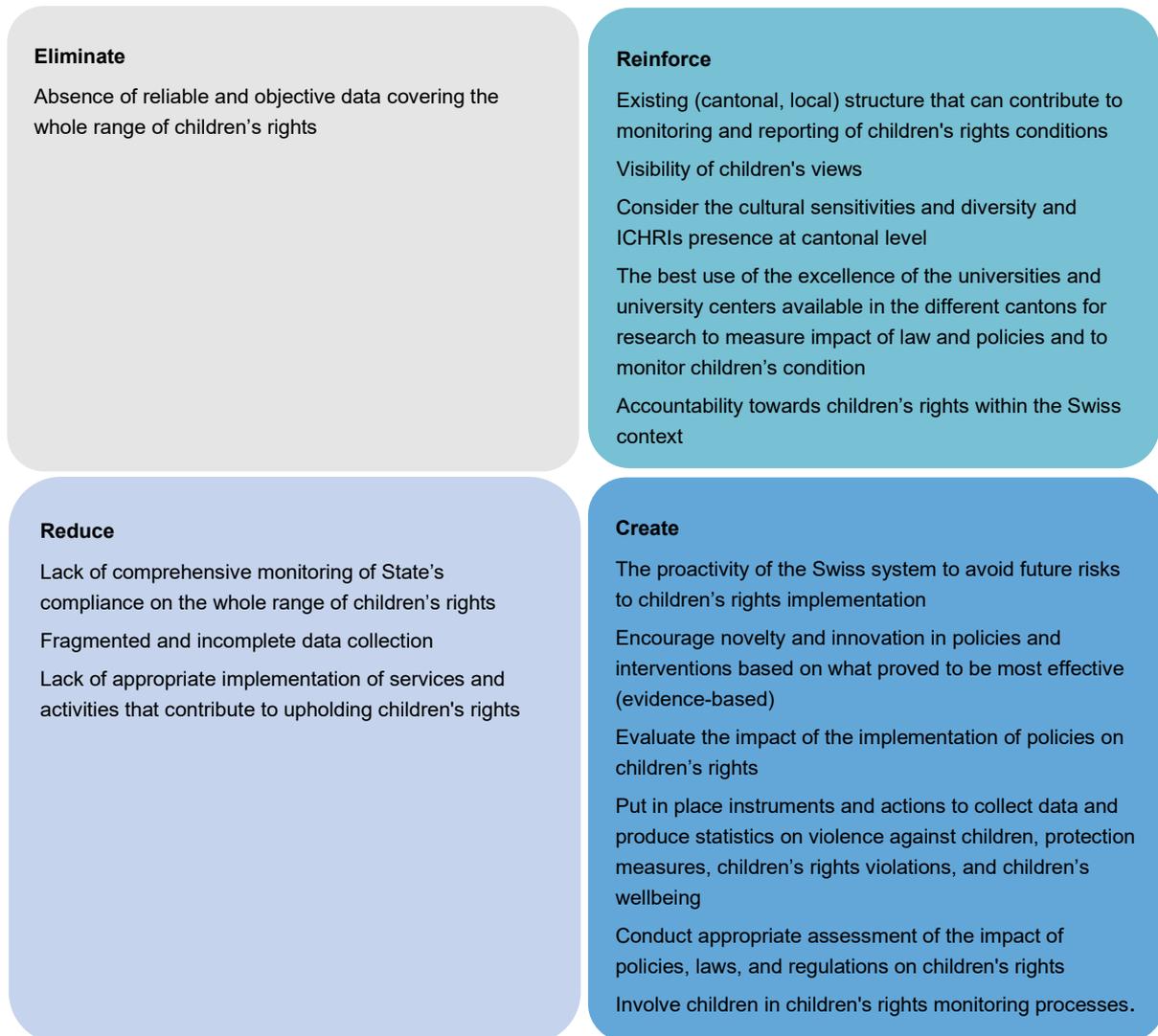
Potential partnership: Children, stakeholders within the justice sectors, service providers, schools, institutions for children with special needs, such as asylum seekers and refugees, children belonging to minorities, children with disabilities and children in alternative care.

Analysis of the value of the 'Monitoring State compliance with children's rights' tasks

The mandate concerning the monitoring of State compliance with children's rights comprises the following:

- Monitor state compliance and progress towards implementation of children's rights
- Children's rights impact assessment of law and policies
- Children's rights assessment of laws and practice related to the protection of children's rights
- Monitor the state of children's rights and the condition of children in child protection institutions/services/facilities
- Undertake visits to juvenile homes and care institutions
- Access to children in all forms of alternative care and to all institutions that include children in compliance with conditions of privacy

Figure 33. ERRC of the value of the 'Monitoring State compliance with children's rights' tasks



Result of the analysis

The ERRC's matrix illustrates how this set of tasks is significant both because it fills gaps perceived by the Swiss actors (Chapter 4.2.4) as well as because it generates innovation. Monitoring state compliance and progress towards implementation of the whole range of children's rights and impact assessment of law and policies with a children's rights approach, along with the monitoring of the state of children's rights and the condition of children in child protection institutions/services/ facilities remain rare in the Swiss system and difficult to imitate. As such, it produces real added value.

Monitoring state compliance can take several forms: it can be carried out on the basis of research areas identified by the ICHRI to be undertaken in partnership with academic institution and competent actors or at the request of a cantonal or municipal actor, but it will always be carried out with the involvement of the concerned group of children. As such it will make the Swiss context accountable towards children's rights, increase its proactivity and avoid future risks of violation of children's rights.

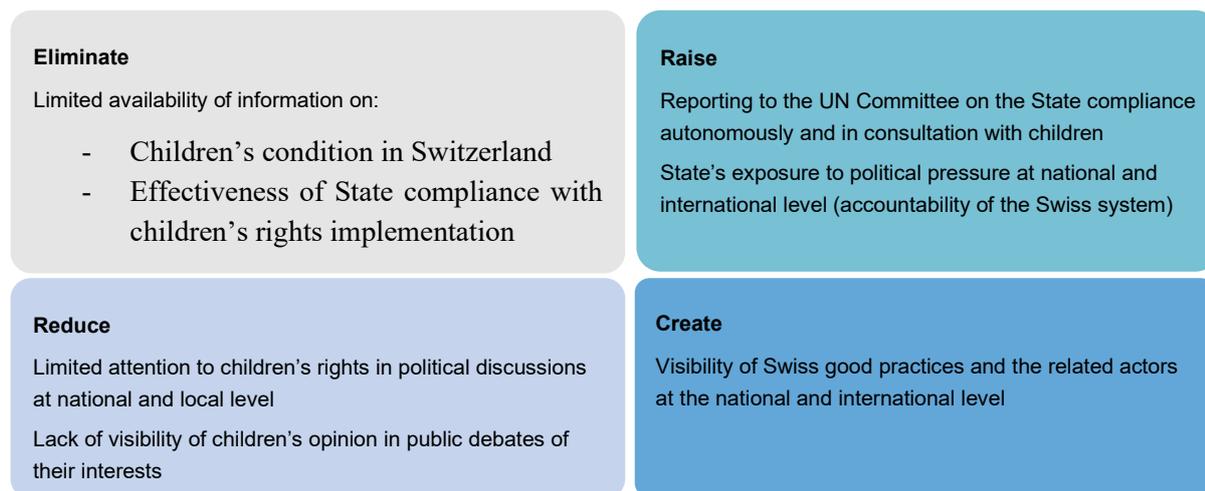
Potential partnership: Federal, cantonal, and communal services, para-public organizations, research centers, media, general public.

Analysis of the value of the 'Reporting on children's conditions and the implementation of the CRC' tasks

The reporting on children's conditions and the implementation of the CRC mandate comprises the following:

- Prepare and publicize opinions, recommendations, and reports
- Contribute independently to the reporting process under the CRC

Figure 34. ERRC of the value of the 'Reporting on children's conditions and the implementation of the CRC'



Result of the analysis

This family of tasks is pertinent as it both fills gaps perceived by the actors in the Swiss context and because it generates innovation. In this respect, the service is pioneering. The family of tasks 'Reporting on children's conditions and the implementation of the CRC' is strictly related to the other tasks and in particular to the ones on 'Monitoring state compliance with children's rights' and 'Child participation'. Through this family of tasks, the ICHRI prepares and publicizes opinions, recommendations and reports and contributes independently to the reporting process under the CRC system.

This is probably the family of tasks of an ICHRI mandate in which two peculiarities of its mandate are more visible: 1) the 'two-way' exchange with and for children; and 2) being an institution 'in the middle' between children and the society, and between the national and international level (Ruggiero & Hanson, 2020; Sedletzki, 2018).

Through the preparation and dissemination of opinions, recommendations, and reports, the ICHRI does not only impart information about children but interacts with children in order to produce the material to be disseminated. Beyond the complaint mechanism, this outreaching task allows the ICHRI to have direct comprehension of children's experiences and enables the ICHRI to provide information to children and to access information from them (two-way exchange). This allows the dissemination of children's experiences both in terms of well-being and exercise of their rights within the national and local context, but also at the international level to the CRC Committee. Meanwhile, it also gives visibility to the role of the ICHRI and allows all stakeholders, and children in particular, to be aware of the ICHRI and its purpose in order to access it, assert their rights (especially through the complaint process, if available), and engage in its activities.

This is a key family of tasks and, comparing it with the Swiss reality emerging from the study, its value, rarity and inimitability are as a whole significant. The risk of duplication is not high, because even though several providers, mainly private and para-public actors, prepare and publicize opinions, recommendations and reports also under the CRC, they do not cover the whole range of rights but rather a selection of rights that pertain to their mandate, operation or activities recognized in the CRC, and do not perform it with the two-way exchange approach in interaction with children, which is the key added value and novelty that the future ICHRI will bring to the Swiss context (see Chapter 4).

Partnerships with other institutions, organizations, and associations are particularly beneficial for the outreach since they help organizations achieve their objectives. On organizational level, this requires the identification of Swiss actors with the ability to sensitize and associate with significant numbers of children.

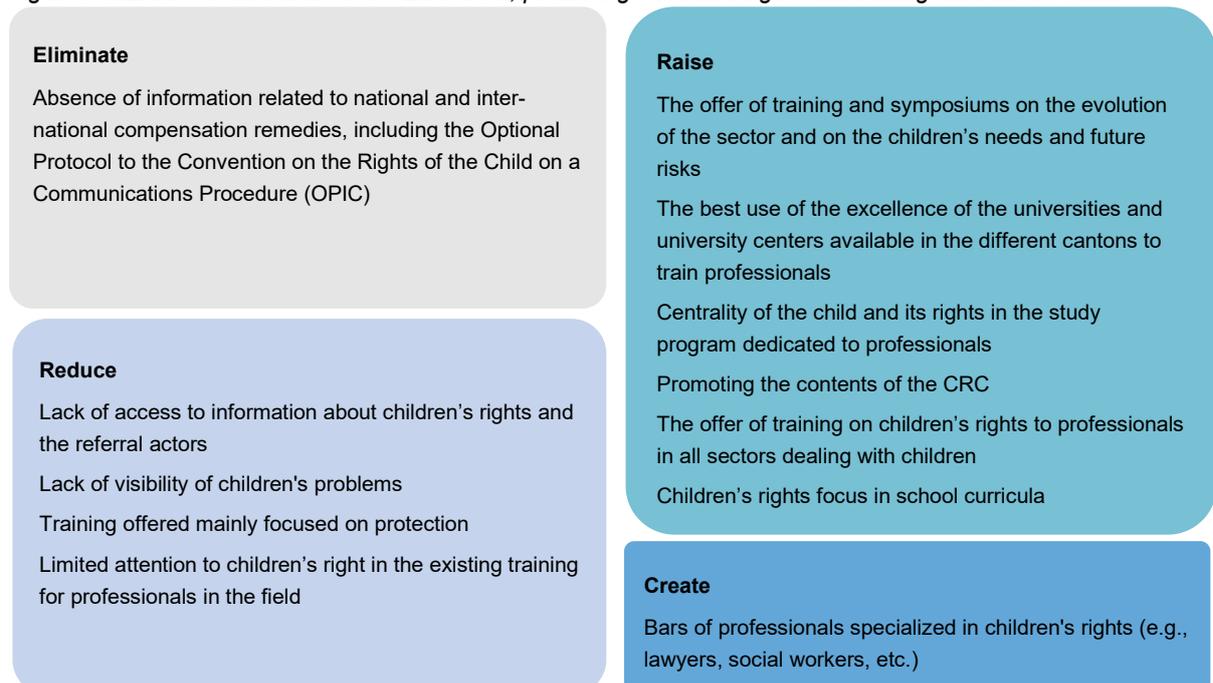
Potential partnership: Children, CRC Committee, schools, civil society, children's rights professionals and academic institutions, media, general public.

Analysis of the value of the 'Education, promoting children's rights and raising awareness' tasks

The mandate regarding education, promoting children's rights and raising awareness includes the following:

- Facilitate access to information and provide sensitization on children's rights, including on their rights related to quasi-judicial and mediation services.
- Support children's rights to education
- Promote public understanding and awareness of the importance of children's rights
- Assist in the formulation of training programs
- Make the principles and provisions of the CRC widely known

Figure 35. ERRC of the value of the 'Education, promoting children's rights and raising awareness' tasks



Result of the analysis

Comparing the family of tasks 'Education, promoting children's rights and raising awareness' with the Swiss reality emerging from the study, its value, rarity and inimitability are not significant as a whole. The risk of duplication is high because several providers, notably academic institutions, offer training services on children's rights or related themes in Switzerland, whereas a large list of private and para-public actors promote advocacy, public understanding, and awareness of the importance of children's rights and the content of the CRC.

As the service is already available on the market, competition is more difficult. Therefore, the added value that the future ICHRI could have for this family of tasks relies on the collaboration with the existing actors, both for awareness raising and education. In relation to the latter, instead of creating its training catalogue, the ICHRI should:

- Contribute to strengthening the current offer of trainings, beyond the child protection sector, and collaborate in the harmonization of the existing offer with a stronger focus on children's rights and needs
- Assist to enlarge the children's rights' focus in school curricula
- Support the creation of training programs qualifying for the exercise of a profession, recognized by the respective professional associations
- Contribute to the creation of bars for professionals specialized in children's rights (e.g., lawyers, social workers, judges, etc.)

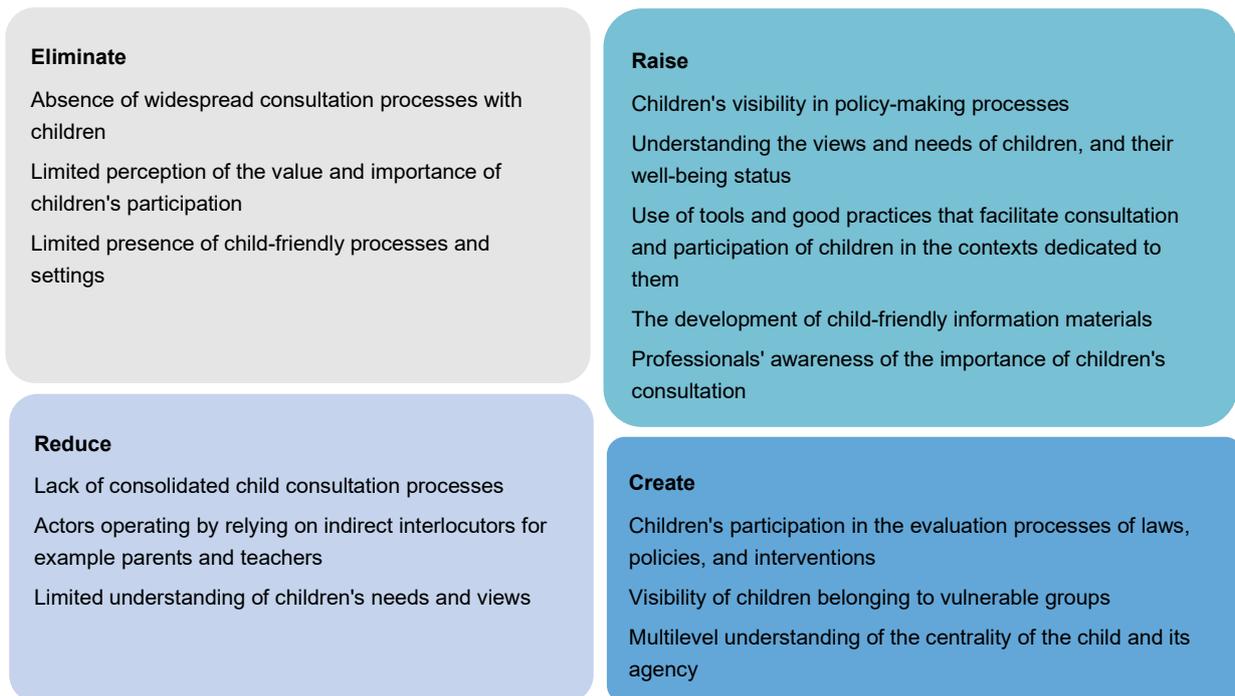
Potential partnerships: Schools, civil society, public servants, children's rights professionals, academic institutions, and children.

Analysis of the value of the 'Child participation' tasks

The child participation tasks include the following:

- Grant children access to information on their right to be heard and on the right to legal representation. in particular for children in alternative care settings
- Ensure the views of children are expressed and heard
- Advocate for and facilitate meaningful participation by children and by children's rights NGO's

Figure 36. ERRC of the value of the 'Child participation' tasks



Result of the analysis

The 'Child participation' family of tasks not only meets a key need in the Swiss context but also creates novelty. This is also the family of tasks in which the future ICHRI has the opportunity to distinguish itself. It is a rare service that be implemented without the needed know-how and attention cannot. The child participation offered in Switzerland is fragile and undertaken without a systemic approach to the child, within the protection and the child justice systems, and most of the time through indirect interlocutors, such as parents, teachers, and doctors.

Furthermore, when looking at the outcomes related to the 'Accessibility' to the existing actors and their services, an important gap emerges that confirms the limited understanding of the centrality of the children, their agency and the value of their opinion. 'Accessibility' is mainly organized to facilitate adult access as a proxy representative of the child's opinion and needs.

In this respect, this family of tasks produces real added value. However, to remain as such and to consolidate the pro-active role of the future ICHRI in Switzerland, child participation needs to be both a means and an aim in the performing of its mandate. In other words, it should be part of its internal working process (means) and a practice to disseminate and cement in all the institutions, services and facilities dedicated to children (aim). Any other actor wishing to replicate this family of tasks would have to make organizational efforts, and the role of the future ICHRI will be to support this process by empowering present actors to integrate quality child participation in their work.

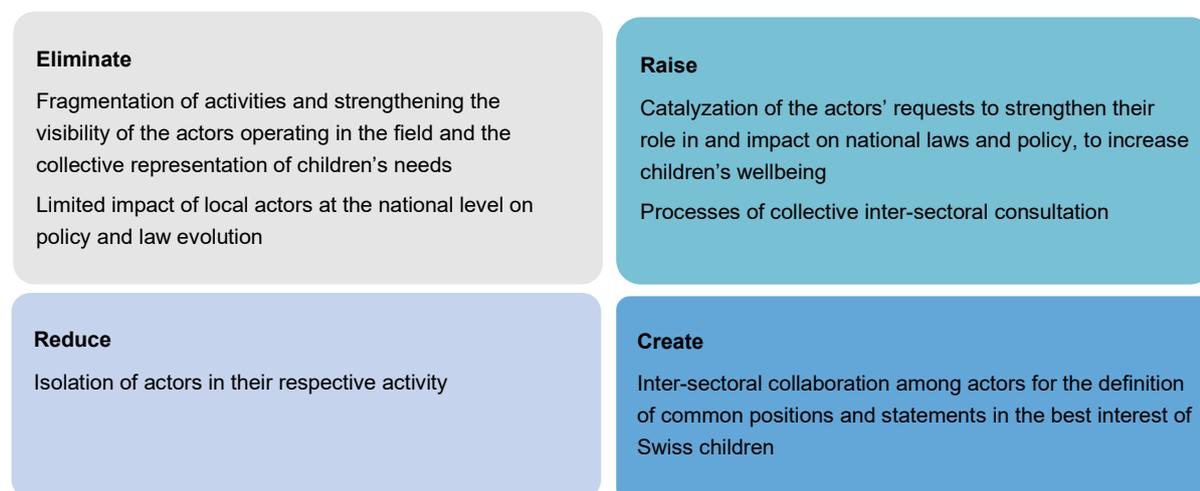
Potential partnership: Children and any other actor wishing to replicate this family of tasks.

Analysis of the value of the 'Networking' tasks

The Networking tasks comprise the following:

- Collaboration with NGOs
- Collaboration with Governments
- Ensuring pluralistic representation

Figure 37. ERRC of the value of the 'Networking' tasks



Result of the analysis

The 'Networking' family of tasks not only meets a need but creates novelty. Efforts of collaboration are visible among public actors in the relevant bodies (such as the Conference of Cantonal Directors of Social Affairs (CDAS) and the Child and Youth Policy Conference (CFEJ), whereas many actors do collaborate with civil society. However, the collaboration is piecemeal and left to the interest of the single actors. Therefore, at present, it is a rare service that is difficult to imitate and produces real added value in this respect.

Given the number of actors in Switzerland and their variegated scopes of activities (Chapter 4.1), partnerships with other institutions, organizations, and associations will be particularly beneficial for the ICHRI to achieve its objectives. On the organizational level, this requires the identification of Swiss actors interested in setting up long-term alliances based on formal agreements and memoranda of understanding that clearly spell out the nature of the cooperation and respective roles, even though in some cases these partnerships may be informal and transient depending on immediate circumstances.

Potential partnership: Among others FSIO, Conference of the CDAS and the CFEJ, Cantonal and inter-cantonal Observatories, national and international actors, and civil society stakeholders.

5.2 The prospected mandate for the future ICHRI in Switzerland

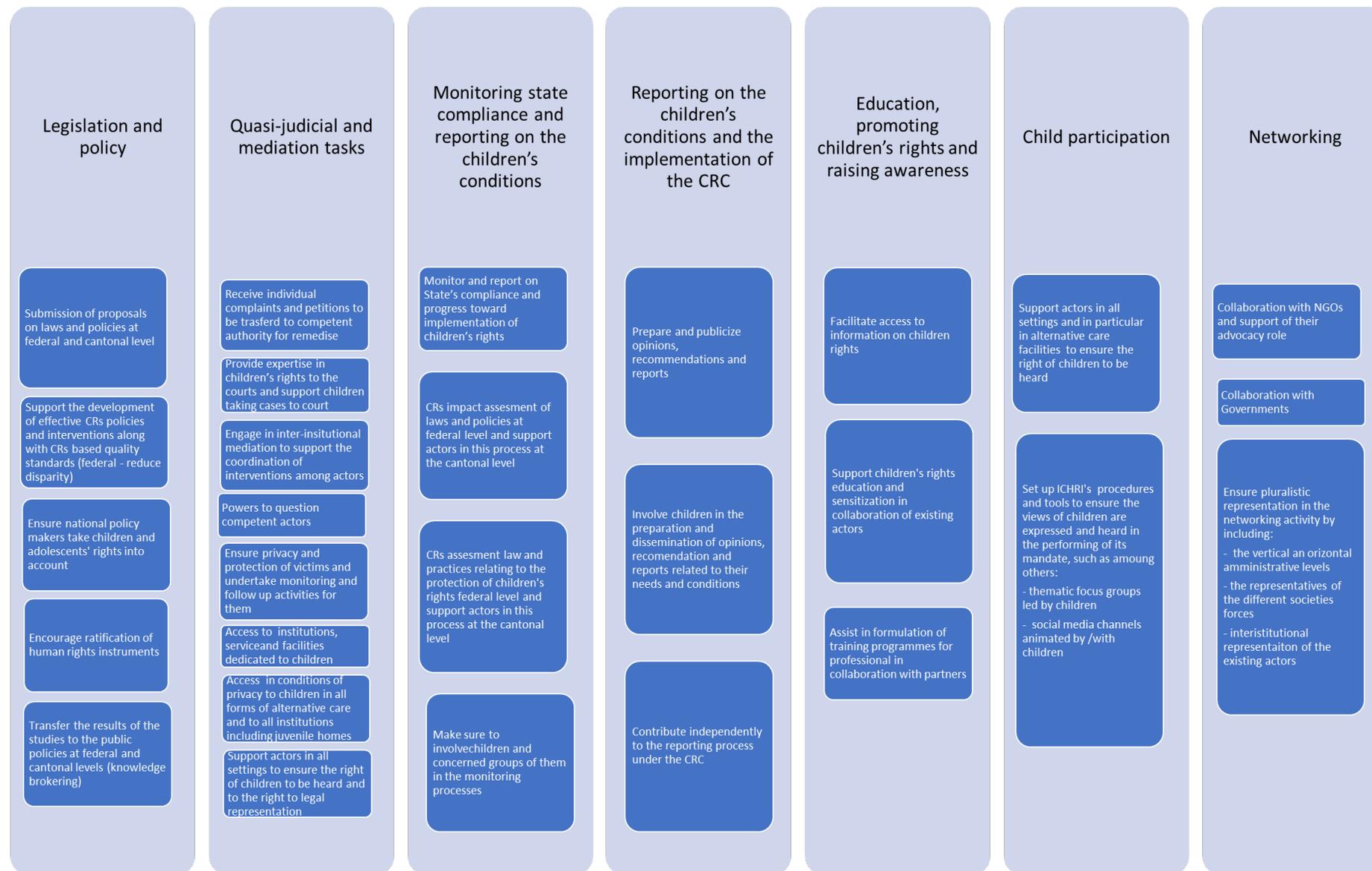
The analysis of the value of each family of tasks, which was undertaken above, measured the difference between these families of tasks of the future ICHRI and similar services/functions existing in the current Swiss reality. The ERRRC matrix verified whether it is worthwhile for the future ICHRI to perform the said families of tasks or whether it is preferable to give it up because it is not sufficiently different from what is already offered in the Swiss present context.

In line with the Motion 19.3633 and international standards, the analysis of the value of each family of tasks indicates that for the future ICHRI in Switzerland to bring added value, it needs to be a 'catalyzer' actor playing a proactive as well as a reactive role with quasi-judicial tasks. Mirroring the experiences of other countries as described in Chapter 3.4, the future ICHRI as catalyzer should be able to operate collaboratively with the highly fragmented range of interventions by multiple actors in Switzerland for the following overarching purposes:

- Ensuring that children's views are heard and incorporated into law and policy making
- Facilitating the shaping of legislation and policy based on children's rights and needs
- Monitoring state compliance with the implementation of the CRC
- Assisting the adoption of national quality standards to harmonize local services to children
- Supporting the enlargement of the training offers for professionals in all sectors
- Enhancing the large-scale dissemination of information about children's condition and opinions

Based on these findings, it is possible to outline a hypothesis of the future ICHRI's mandate in Switzerland that would best fit with the national reality and encourage innovation. The above analysis process allows the adaptation of the seven families of tasks identified in the ideal model (Fig. 1 – Chapter 3.2) by specifying, strengthening, reducing, or removing certain activities from its scope of action (Fig. 38). This process allows the outlining of a mandate complementary to the tasks already covered by the existing actors (Chapter 4). For example, providing a more detailed identification of the activity related to the family of tasks on 'Legislation and policy' strengthening the tasks related to child participation as a transversal component of the mandate of the future ICHRI accompanying the fulfilment of all families of tasks. Fine-tuning the list of tasks related to education, promotion, and awareness raising, outlining it as a task of support and assistance, while giving more space to information about children's rights directly to children, individually and in groups.

Figure 38. A potential mandate for the future Swiss ICHRI



5.3 What organizational model for the future ICHRI?

5.3.1 Definition of organizational models: the risk analysis methodology

These pages provide a selection of four organizational models outlined by adjusting the theoretical and empirical models available (Chapter 3) to the Swiss reality, as it emerges from the research findings presented (Chapter 4). As is also evident from the examination of the European experiences (Chapter 3), due to the peculiarity of the Swiss governmental system and the characteristics of the ecosystem of actors working in the children's rights field in the country, Switzerland, like the other European States, needs to create its own ICHRI to best fit with the national reality. Therefore, the models presented are intended to support this reflection and raise awareness about the risks carried by the different possible structural and organizational choices.

A definition of four potential operational organizational models for ICHRI, including their structure and governance is presented. For each model, the following elements are described:

- General structure
- Legal nature
- Nature of the financing
- Coordination system
- The risk(s) related to their respective implementation

In the following pages, the focus is on identifying and analyzing the risks of each organizational model.

Risk analysis is a method of identifying an organization's main risks and assessing their likely impact on its activities (based on the outcomes from the analysis above). The aim is to derive a risk management strategy, including preventive and corrective actions. A risk matrix is a tool that allows risks to be classified based on two criteria, as shown in the image below:

- their level of severity, i.e., their impact or consequences (minor, moderate, major)
- the likelihood of their occurrence, i.e., their probability of occurrence (from 'unlikely' to 'almost certain')

Impact - Outcomes	Major			
	Moderate			
	Minor			
		Improbable	Probable	Almost certain
		Probability of occurrence		

The greater the certainty of the risk and the greater the severity of its consequences, the more provisions are needed to eliminate or reduce it. There are usually several categories of risk. In this case, the following risks were reviewed:

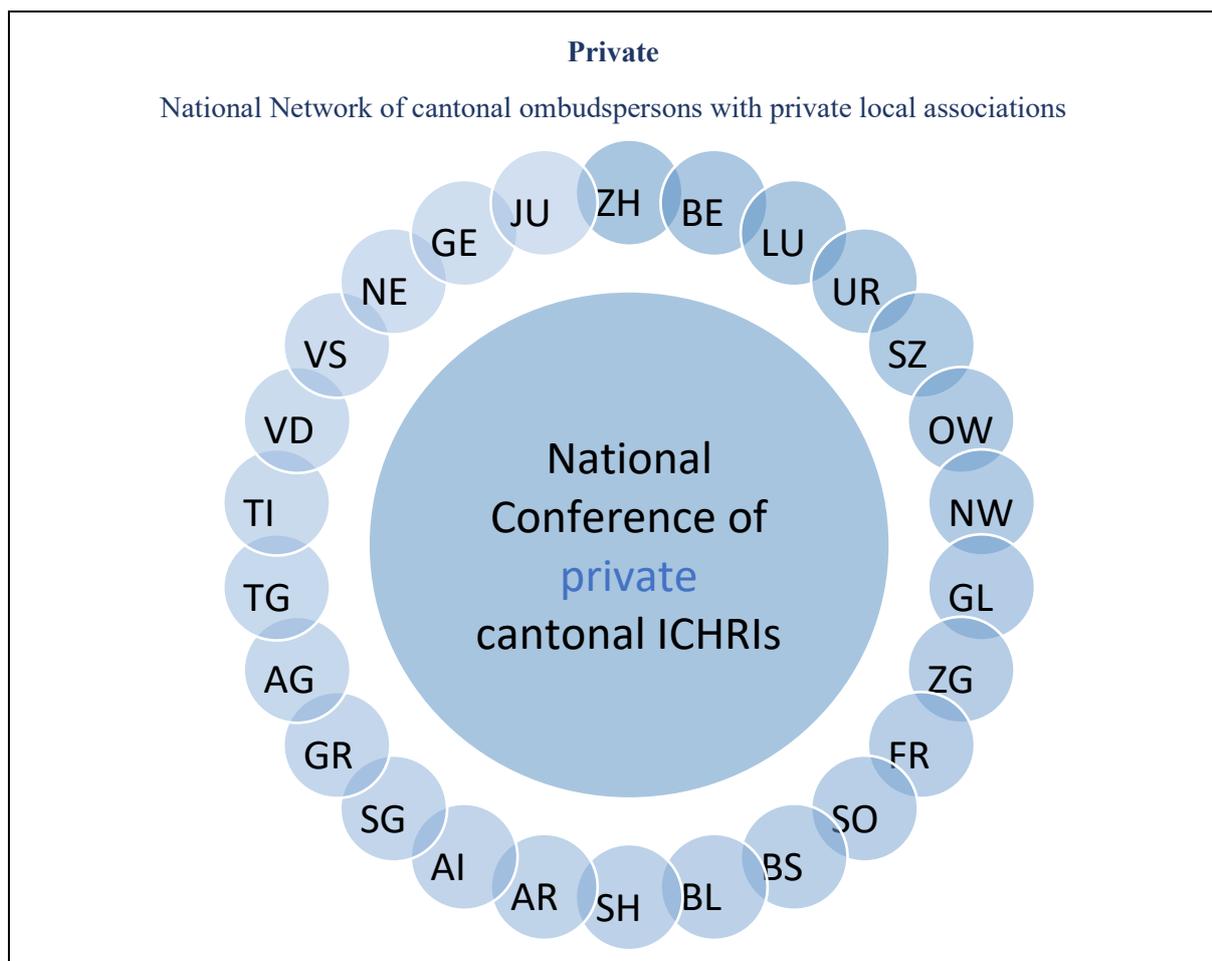
- strategic risks related to public policies, social developments, competition, partners, innovation capacity
- service risks: access to target audiences, quality, credibility
- financial risks: sources of funding, price of services
- operational risks related to governance, internal processes and procedures, legal status, personnel, skills, and location.

In the risk assessment analysis provided below, only the risks displayed in the red quadrants are presented, namely the major risks with the probable and almost certain occurrence and moderate risks with almost certain occurrence.

5.3.2 Potential organizational models

Private: National Network of cantonal ombudspersons with Private local associations

Figure 39. Illustration of private model



Structure: A specialized private ICHRI is established as an association at the cantonal level, with a centralized national association consisting of the Conference or Network of cantonal ICHRIs, which elect the national ombudsperson for children.

At the cantonal level, each private ICHRI takes the shape of an association of private law whose members will come from private entities, such as NGOs, professional organizations, and academic institutions that work on children’s rights and/or child protection. In each association, the members would elect a board of directors who will hire the cantonal ombudsperson for children's rights for a designated term based on merit and experience in the field.

At the national level, a Conference of cantonal ombudspersons will be organized. It will be composed of the cantonal ombudspersons who elect among them the national ombudsperson for children who will lead for a designated term the Conference or Network of cantonal ICHRIs. A team of experts would support the national ombudsperson.

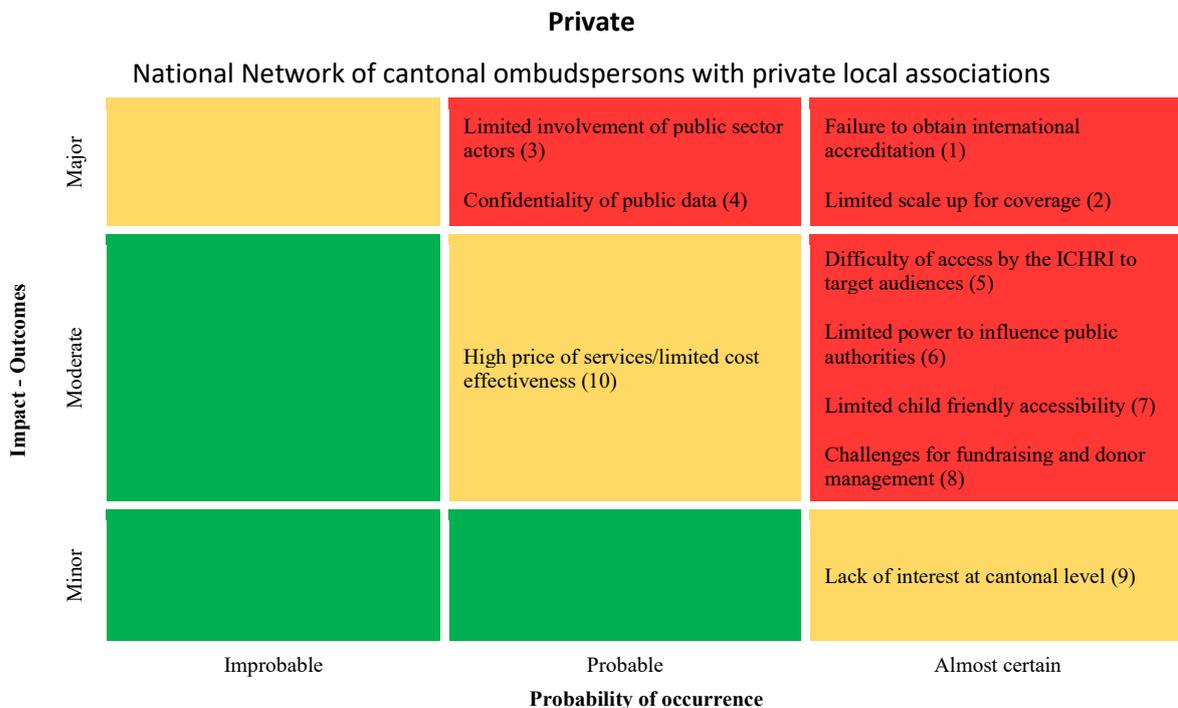
Legal nature: The associations at the cantonal level will be registered according to Swiss law (Art. 60-79 ZGB, Swiss Civil Code) on association. The national Conference or Network of cantonal ICHRIs will also be an association of private law.

Nature of the financing: The cantonal associations will be funded mainly from public funds from the cantons. The national ombudsperson will be supported with additional public federal funds. The associations can also mobilize private funds to carry out additional projects or activities.

Coordination system and accountability: The national Conference or Network of cantonal ICHRIs will coexist with autonomous institutions at the cantonal level. The National Conference or Network of cantonal ICHRIs will be led by the National Ombudsperson, who will be mandated to coordinate the activities of the autonomous cantonal institutions.

The Conference or Network of cantonal ICHRIs will ensure appropriate coordination of efforts and activities among the cantonal ICHRIs, especially when addressing issues pertaining to the national level.

Figure 40. Risks associated with the private model



The cantonal ICHRIs report to the board and members of the association that hired them and to the related public and/or private donors. The head of the Conference or Network of cantonal ICHRIs, i.e., the national ombudsperson for children, reports to the Conference of cantonal ombudspersons for children and the related public donor/s.

The major risks include the following: **Failure to obtain international accreditation (1)**. One of the State Parties' obligations, following the CRC's ratification, is to establish the ICHRI. Therefore, it is an institution that is mandated by public law. The private model proposed here would not be eligible for international accreditation, as is the case, for instance, in Germany. It would also prevent the private ICHRI from joining ENOC as a full member, which would limit international collaborations; **Limited scale-up for coverage (2)**. Given the uneven presence of private actors in equal measure in each of the 26 cantons and the unpredictability of private actors' interest in such an endeavor, the possibilities to ensure cantonal coverage are limited. Among the major risks also identified, there is the **limited involvement of public sector actors (3)**. There is no public component because it is a private model and as a result, the public authorities will be unable to assist, for example, in the formation of local associations. Finally, there is the issue of **data confidentiality (4)** and the protection of the identity of the child, which is an aspect particularly important in the Motion 19.3633.

Among the risks with a high probability and a moderate impact, there is the **difficulty of access by the ICHRI to target audiences (5)**. The private model lacks the legitimacy required to enter child-specific facilities and engage in ongoing collaboration with them, due to its self-proclaimed status. This would necessitate a significant investment on the part of this model, such as requests for authorizations and assessments of the ethical ramifications of processes involving child consultations. **Limited power to influence public authorities (6)** is another high probability and moderate impact risk. A private institution on children's rights may have less sway than a public one, due to its self-declared status. It is merely one organization among many that the government can choose to take into account or not. Among the risks, there is also the **limited child friendly access to the private model (7)**. This is an activity that requires a strong investment in terms of processes and structure, but also in terms of acquisition of professional skills, which might imply high costs. Another risk that this model might face is the **challenges related to fundraising and donor management (8)**. This is essentially the consequence of having to identify private and public financiers for the realization of all activities, as well as for the coverage of the related structural costs and the consequent reporting processes.

Integrated Public: Integrated Think-tank on Children's Rights

Structure: This is an ICHRI integrated within the NHRI that will be soon created in Switzerland, based on the modification of 1st October 2021 of the Federal Law on the measures of civil promotion of the peace and strengthening of the human rights.⁶¹

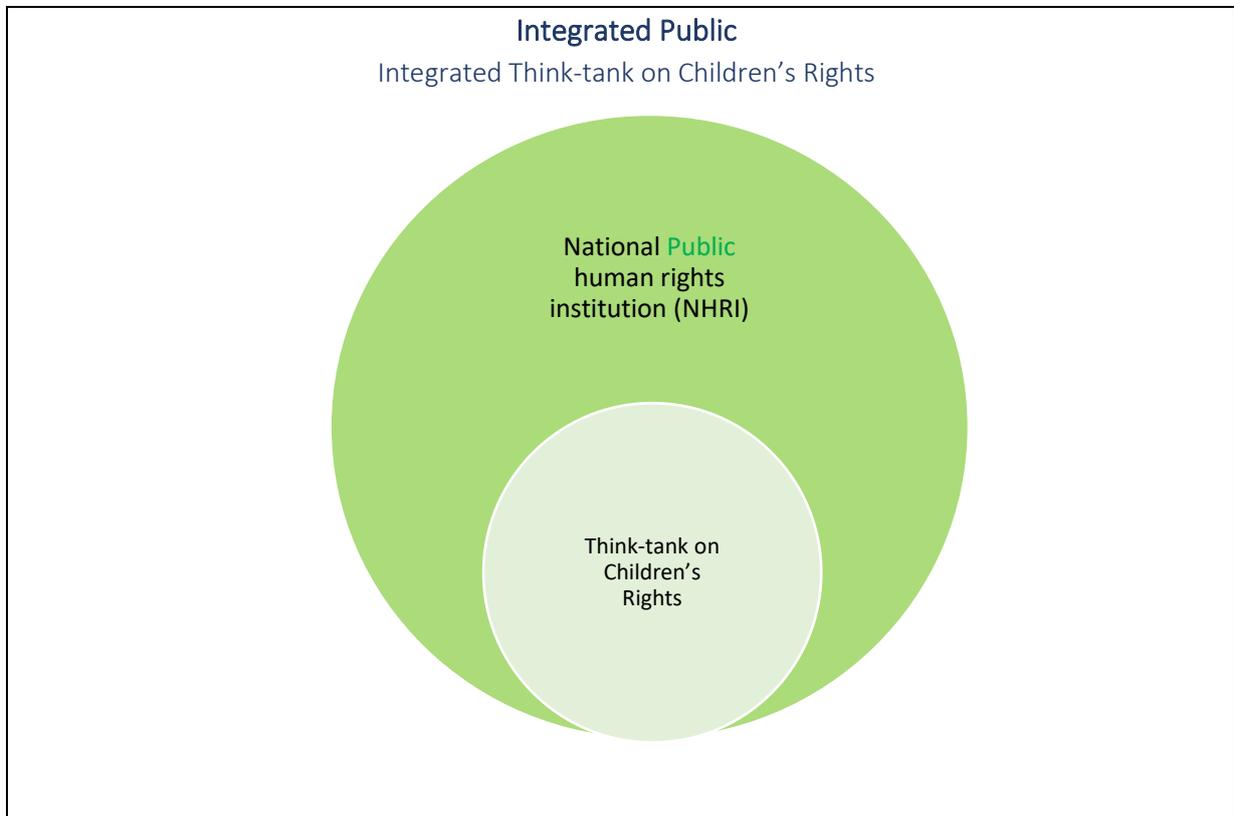
The establishment of the Swiss NHRI is scheduled for early 2023, it will take the shape of a public-law corporation (association) under the Swiss law, and it will have a broad mandate to promote and protect human rights, with the following tasks:

- information and documentation
- research
- advice

⁶¹ See RO 2022 317 – Loi fédérale sur des mesures de promotion civile de la paix et de renforcement des droits de l'homme (admin.ch) (texte entrant en vigueur en 2023) FF 2021 2325 – Loi fédérale sur des mesures de promotion civile de la paix et de renforcement des droits de l'homme (admin.ch)

- promotion of dialogue and cooperation
- human rights education and awareness raising
- international exchange

Figure 41. Illustration of integrated public model



The NHRI has no specific competence on children's rights. In particular, it does not deal with individual complaints and does not exercise any monitoring or mediation function.

The NHRI may provide services to authorities and private parties for a fee.

However, to strengthen and consolidate the national attention to children's rights, the setting up of a NHRI might foresee the presence within it of a Think-tank on Children's Rights. It will be composed of a selection of the members of the NHRI Assembly working on children's rights related issues.

The organs of the NHRI are the Assembly of Members, the Committee, and the Board of Directors.

Members may be natural or legal persons whose activities are related to the protection and promotion of human rights. The Assembly of Members decides on admissions on the recommendation of the Committee. The members of the Assembly may be natural or legal persons whose activities are related to the protection and promotion of human rights. The Confederation and the cantons may be represented at the Members' Meeting without the right to vote.

The Assembly of Members appoints the members of the Committee in such a way as to ensure a pluralistic representation of the social forces involved in the protection and promotion of human rights and a balanced representation of women and men as well as of the language communities.⁶²

⁶² Art. 10c (4) FF 2021 2325 Loi fédérale sur des mesures de promotion civile de la paix et de renforcement des droits de l'homme

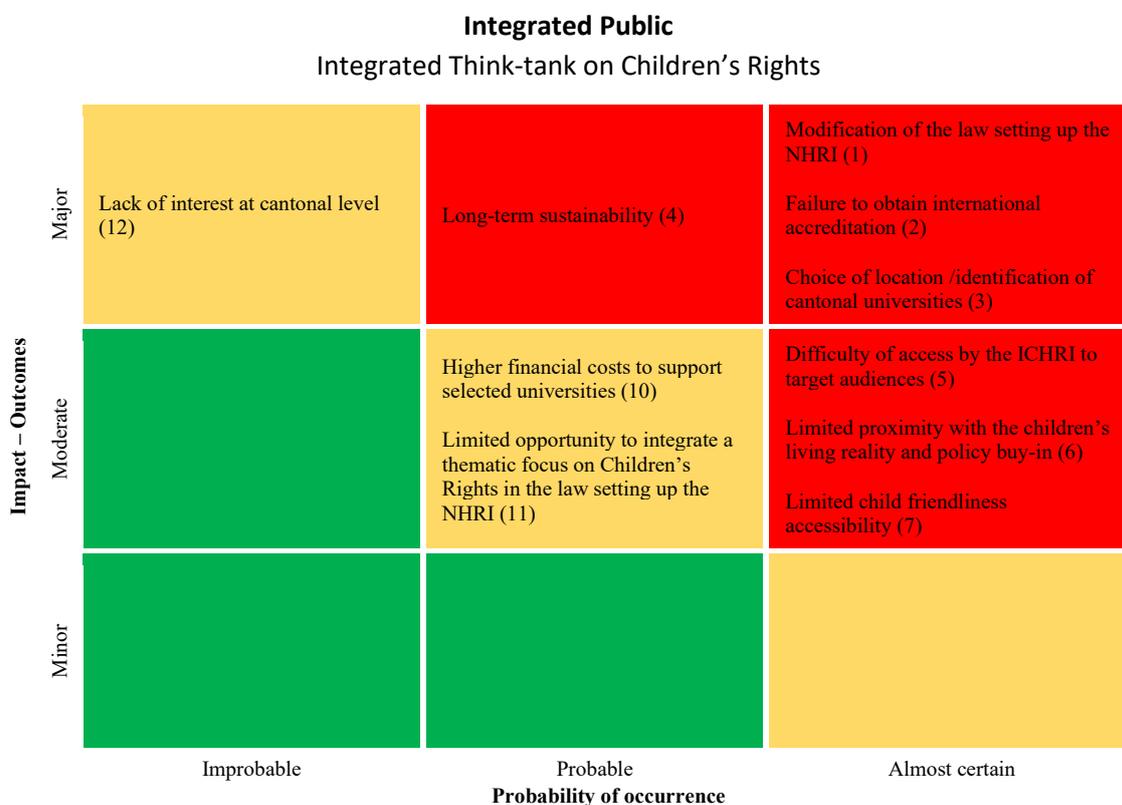
Legal nature: Integrated Think-tank on Children’s Rights within the NHRI public-law corporation (association).

Nature of the financing: The Federal Council proposes to the Federal Assembly every four years, after consultation with the cantons, an expenditure ceiling to finance the organization and activities of the NHRI.

The Confederation provides the NHRI with annual financial support within the framework of the authorized credits. The aim is for the cantons to cover the infrastructure costs and for the NHRI to be located at one or more universities.⁶³

The eventual presence of a Think-tank on Children’s Rights within the NHRI will require the identification of universities at the cantonal level working in the related field to support its work. Furthermore, an enlargement of the annual expenditure ceiling is required to finance the Think-tank on Children’s Rights.

Figure 42. Risks associated with the integrated public model



Coordination system and accountability: The coordination will be ensured by the NHRI Assembly of Members and the participation of the Confederation and the cantons at the Members' Meeting without the right to vote.

The NHRI will publish an annual report on its activities. This report will be submitted to the Federal Council and the Federal Assembly. The eventual presence of the Think-tank on Children’s Rights within the NHRI will require a specific space to children’s rights related issues in its annual report.

⁶³ Art. 10a (2) FF 2021 2325Loi fédérale sur des mesures de promotion civile de la paix et de renforcement des droits de l’homme

Among the major risks, the following are included: **Modification of the law setting up the NHRI (1)**. As the process that led to the amendment of the law providing for the creation of the NHRI was particularly long and laborious, the likelihood of changing the content of this law at such short notice before the institution comes into being is very unlikely; the **failure to obtain international accreditation (2)**. If the law setting up the NHRI cannot be amended, the INHRI and its Integrated Think-tank on Children's Rights will not be legislatively mandated with specific competence on children's rights; **the choice of location and the related identification of cantonal universities (3)** and the willingness of the cantons to provide existing academic excellence in the field with the availability of cantonal resources to cover the structural costs related to the performance of the activities. Finally, the risk related to the **long-term sustainability (4)** of this model is strictly related to the amendment of the law establishing the NHRI. Should this prove impossible, the presence of the Integrated Think-tank on Children's Rights within the NHRI would be left solely to the goodwill of the Assembly of Members of the NHRI.

Among the risks with a high probability and a moderate impact, there is the **difficulty of access by the ICHRI to target audiences (5)**, which is not part of the mandate of the academic actors that will be associated with the Integrated Think-tank on Children's Rights. The **limited proximity to the children's living reality and policy buy-in (6)** is an additional risk. Academic actors might not always be well aligned with the needs of the local contexts, and the policy needs to support effective decisions corroborated by scientific evidence. The risk of **limited accessibility to children and child friendly accessibility (7)** is related to the fact that academic actors can undertake punctual research mandates that might include child consultation components. However, this won't allow the implementation of a structured and steady consultation process, nor will it allow the setting up of child-friendly accessibility procedures.

Stand-alone Public: a public stand-alone ICHRI with its regional divisions

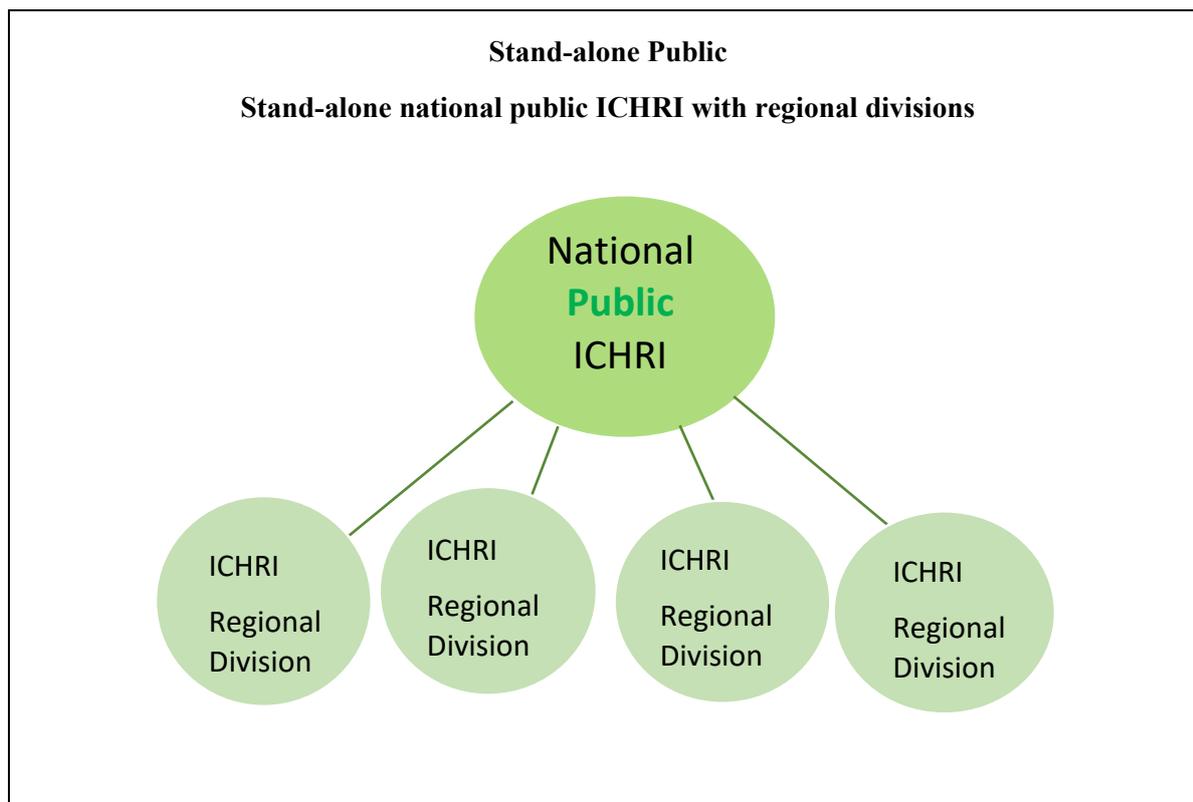
Structure: Federal law will set up a national ICHRI and it will have 4 or more regional offices. The regional ICHRI will be headed by ombudspersons for children. Regional offices would be grouped to ensure the best representation of the Swiss reality and the closest proximity to children.⁶⁴

The regional ombudspersons in this model will be appointed by the national ombudsperson in consultation with the concerned cantons.

The national ICHRI and the heads of the regional divisions will be supported by an interdisciplinary team. To ensure a constant consultation with social forces involved in the protection and promotion of human rights, an Advisory Conference will be set up. In order to ensure a pluralistic representation, the members of the Advisory Conference will come from private and public entities, such as NGOs, professional organizations, and academic institutions that work on children's rights and/or child protection.

⁶⁴ For example: the 7 statistical regions: 'Midland,' 'North-West,' 'East,' 'Lake Geneva,' 'Ticino,' 'Central' and 'Zurich' used by the Federal Office of Statistics.

Figure 43. Illustration of stand-alone public model



Legal nature: The national ICHRI and its regional divisions will be legislatively mandated.

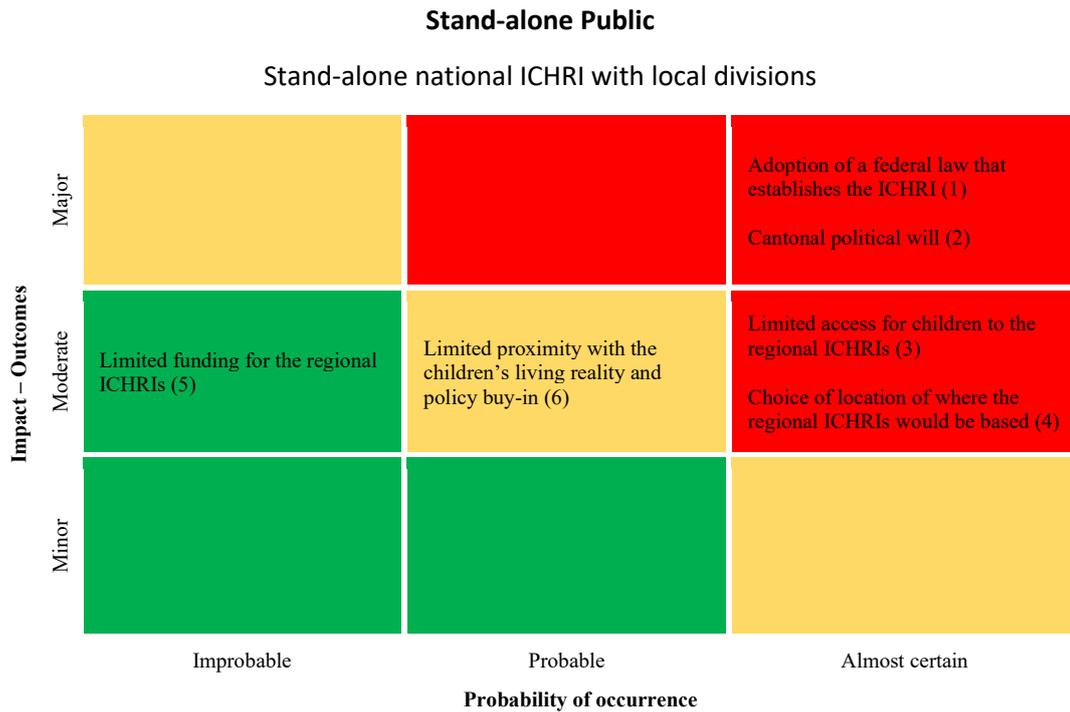
Nature of the financing: The national ICHRI and its regional divisions will be funded solely by public funds from the federal government and the cantons.

Coordination system and accountability: The coordination mandate is attributed to the national ICHRI. The national ICHRI with its regional divisions will ensure appropriate coordination of efforts especially when addressing issues pertaining to the national level.

The national ICHRI will report directly to the federal assembly about the work at national and regional level. With reference to the regional ICHRI offices, a system of reporting and dissemination to the cantonal parliaments and pertinent stakeholders operating in the canton composing the regional entities will be organized.

The national ICHRI will produce and disseminate adult and child-friendly versions of their activity report to the public on an annual basis.

Figure 44. Risks associated with a stand-alone public model

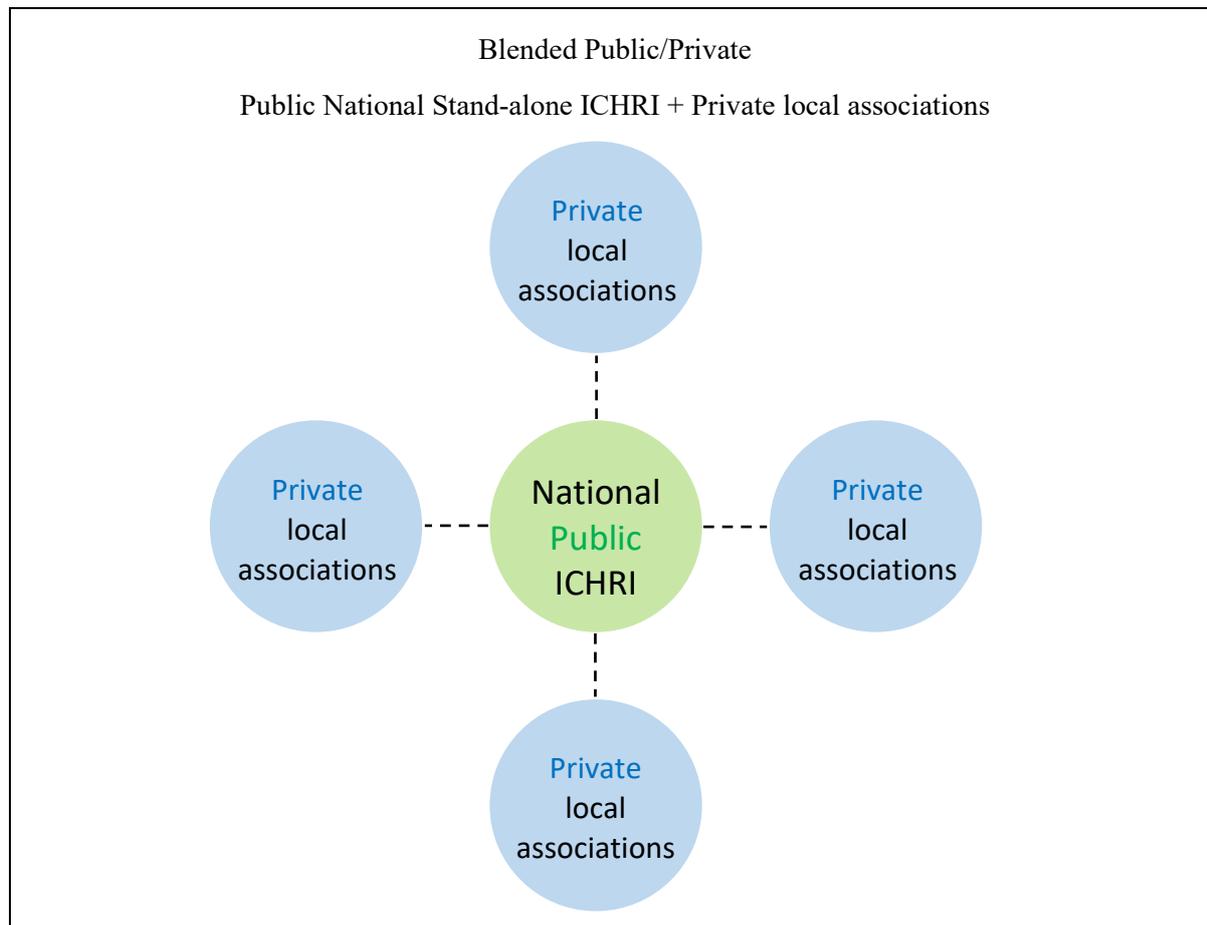


Among the major risks there is the **adoption of a federal law that establishes the ICHRI (1)**. The Motion 19.3633 has the merit to have started a procedure supporting the setting up of an ICHRI in Switzerland, but the presence of the political will at the federal level to create a legislatively mandated public actor or public actors needs to be verified along with the **involvement of the cantons at the political level (2)** in the process. Considering the federalist structure and the distribution of competencies related to children’s rights between the federal and the cantonal state actors, the collaboration of these two levels for a common endeavor will require an important effort and long-term investment, most probably with progressive achievements.

Among the risks with a high probability but a moderate impact, there is the **limited accessibility for children from the cantons to the regional ICHRI (3)**. The creation of the regional divisions of the national ICHRI will require the introduction of tools and facilities that will allow children to access those divisions. These should also be organized to ensure the largest coverage of the regional realities with activities at the cantonal level. This will be the effort needed to address another risk with a high probability of occurrence, but with moderate impact, which is the **choice of location of where the regional ICHRI would be based (4)**.

Blended: A National public ICHRI with private cantonal ICHRIs

Figure 45. Illustration of the blended public/private model



Structure: This structure will take the shape of a specialized ICHRI established as a public institution at the national level, headed by the national ombudsperson. This model is a merge of the first and the third model presented earlier. The federal assembly will elect the national ombudsperson, who will be supported by a team of experts.

In each regional reality, an association of members from private and public entities such as NGO's, Unions, professional organizations, academic institutions that work on children's rights and/or child protection will be created. The regional ICHRIs will be headed by ombudspersons for children. As in model 3, the regional offices would be grouped to ensure the best representation of the Swiss reality and the closest proximity to children.⁶⁵ In each one of the regional associations, the members will elect a board of directors who will hire a coordinator for a designated term based on merit and experience in the field.

The regional coordinators organized together with the national ICHRI ombudsperson will compose the national Ombuds Conference and will coordinate their action under the umbrella of the national ombudsperson for children.

⁶⁵ For example: the 7 statistical regions: 'Midland', 'North-West', 'East', 'Lake Geneva', 'Ticino', 'Central', and 'Zurich' used by the Federal Office of Statistics.

Legal nature: The associations at regional levels will be registered according to the Swiss law as private law association.⁶⁶ Whereas the national ICHRI will be established by law and will report directly to the Federal Assembly.

Nature of the financing: The regional associations will be funded mainly from public and private funds to carry out additional projects or activities. The public national ICHRI will be funded by public funds from the national and cantonal authorities.

Coordination system and accountability: The public national ICHRI legislatively mandated will coexist with private associations at regional level. The national ICHRI will ensure the coordination with the private regional associations and its regional coordinators through the national Ombuds Conference, especially when addressing issues pertaining to the national level.

Each regional coordinator will report to the board of the regional association that hired the coordinator, whereas the national ICHRI for children will report to the Federal Assembly.

The national ICHRI and the regional associations will jointly publish an activity report to the public in adult and child-friendly versions on an annual basis.

Figure 46. Risks associated with a blended public/private model

Blended Public/Private				
Public National Standing-alone ICHRI + Private local associations				
Impact – Outcomes	Major	Confidentiality of public data (2) Cantonal legislative bodies feeling excluded from the selection process (3)	Need for a federal law that establishes the national ICHRI (1)	
	Moderate	The regional private ICHRI might not be sustainable in the long term (10) Limited Scale up for coverage: Availability of private actors able to scale up to ensure proper cantonal coverage within their regions (11)	Difficulty of access by the ICHRI to target audiences (3) Informal commitment of the regional private ICHRI to coordinate with the national public ICHRI (4) The regional private association might end up under-funded (5) Failure to obtain international accreditation for the regional private associations (6)	
	Minor		Lack of interest at cantonal level (7) Choice of location where the 4 regional private ICHRI would be based (8) Challenges for fundraising and donor management for the regional private ICHRI (9)	
		Improbable	Probable	Almost certain
		Probability of occurrence		

⁶⁶ Art. 60-79 ZGB, Swiss Civil Code.

Among the major risks, there is the **adoption of a federal law that establishes the ICHRI (1)**. The Motion 19.3633 has the merit to have started a procedure supporting the setting up of an ICHRI in Switzerland, but the presence of the political will at the federal level to create a public actor or public actors legislatively mandated needs to be verified. The risk related to the **confidentiality of public data** concerning the local private associations **(2)** and the protection of the identity of the child, is an aspect particularly important in the Motion 19.3633. **Cantonal legislative bodies might feel excluded from the selection process (3)** concerning the setting up of the regional private associations. In the latter, there is no public component because it is a private entity and as a result, the public authority will be unable to assist, for example, with the formation of local associations.

Among the risks with a high probability but with moderate impact, there is the **difficulty of access by the ICHRI to target audiences (3)**. The national location of the public ICHRI will limit its proximity to the children's living realities. Therefore, the setting up of multi-linguistic and distance access tools developed with a child-friendly approach might facilitate child consultations and children's access to the activity of the ICHRI. The presence of regional associations can support this process. However, the collaboration between public and private actors might require additional programmatic efforts. The latter is strictly related to the risk of **informal commitment of the regional private ICHRI to coordinate with the national public ICHRI (4)**. When referring to the risk of difficult access by the ICHRI to target audiences, it is worth noting that private regional associations will lack the legitimacy required to enter child-specific facilities and engage in ongoing collaboration with them due to their self-proclaimed status. This would necessitate a significant investment on the part of these regional actors, such as requests for authorizations and assessments of the ethical ramifications of processes involving child consultations. Furthermore, the **regional private associations might end up underfunded (5)**. The cantons being excluded from setting up the regional private associations might decide to invest their resources in facilities dedicated to strengthening the proximity of the national public ICHRI with the cantonal reality, bypassing the regional associations. The **failure to obtain international accreditation for the regional private associations (6)** might be another implementation risk to address. One of the State Parties' obligations following the CRC's ratification is to establish the ICHRI. Therefore, it is an institution that is mandated by public law. The regional private model proposed here would not be eligible for international accreditation, as is the case, for instance, in Germany for the local private actors. It would also prevent the private regional association from joining ENOC as a full member, which would limit international collaborations.

6. Conclusion: The future Swiss ICHRI is an innovation that makes sense

The present study has examined the appropriateness of creating an ICHRI in Switzerland and investigated its ability to bridge gaps in terms of the protection and promotion of children's rights as confirmed by the consulted actors themselves. Its methods were based on a broad range of evaluative, investigative, and analytical research techniques intended to identify organizational or operational shortcomings and to assist policy makers in creating workable solutions to solve them effectively.

Both Motion 19.3633 and the international standards emphasize the importance of the creation of the ICHRI as instrumental to the implementation of all substantive rights listed in the CRC with and for children. Based on the outcomes of the present analysis (see Chapters 4 and 5), not only will the future ICHRI be an institution with high added value because of its mission, but it will also generate innovation because of its participatory child-friendly structure. With reference to this last aspect, the results show that child-friendly facilities are a rare exception across all types of organizations surveyed. For example, according to the organizations' self-reports, only one in five that direct their services at children maintain a child-friendly website with child-friendly information. Facilities that facilitate access for vulnerable or disadvantaged children—such as the use of easy language or provision of translation services—are even less common (Chapter 4.2.6).

The setting up of the ICHRI might challenge conventional perceptions about how the performance of the national system on children's rights can be improved and it may also challenge the traditional adult-centric way of thinking. However, the present study illustrates that the setting up of an ICHRI with the mandate prospected above (see Chapter 5.2) with a children-centric approach does not need to compromise governance but can rather strengthen it with a better understanding of children's needs and proactive anticipation of risks of future infringements of their rights. This will meet the concerns often pointed out by respondents that activities in Switzerland were too reactive, responding to violations of children's rights that had already happened, and not enough was done in terms of prevention (Chapter 4.2.6). Furthermore, this will contribute to the spreading and strengthening of the public and professional understanding of children's rights. As it emerges from the findings, when asked about their most urgent concerns, many respondents observed that actors including professionals in the field have too little awareness and knowledge of children's rights. This is directly correlated to the fact that many respondents are concerned about the fact that it is not easy enough for children to access services and that there is a lack of national and local legislation regarding both the framework of children's rights in general and specific rights, such as the right to protection from corporal punishment. Moreover, based on the self-reports collected, only one in three private organizations offering services to children and only one in four public federal or inter-cantonal bodies have a children's rights specialist in their ranks (Chapter 4.2.6).

About the implementation of children's rights in Switzerland, many respondents mentioned concerns about structure. The most frequent concern was that the relevant actors in Switzerland had too little money, time, and qualified staff to do as much as they could do towards promoting and/or protecting the rights of children. Also common were statements that organizations and services were not coordinated well enough. In addition, experts refer to specific activities. The one that is most often pointed out, mirroring one of the structural concerns, is the lack of monitoring in Switzerland, particularly for activities that are based on data. A lack of data collection efforts is mentioned both regarding the monitoring of services, such as how many children and adolescents are in out-of-home care or receive other protective services such as family support, and in relation to children's life situations and well-being. As illustrated in the report, the future Swiss ICHRI with the prospected mandate outlined will be

able to fill some of the gaps identified in the Swiss context. The risk of duplication of activity already performed by other actors is not high, because even though several actors already contribute substantially to support the protection and promotion of the rights of children they do not cover the whole range of rights recognized in the CRC and do not perform it with the two-way exchange approach in interaction with children, which is the key added value and novelty that the future ICHRI will bring to the Swiss context (Chapter 5.2).

Based on this study, to bring added value to the Swiss context, the main responsibility of a future ICHRI, without removing responsibility from (pre-existing) actors but working alongside them, is to strengthen their performance and support governance collaborative processes focusing more on children's rights in traditional adult-oriented systems. Furthermore, as was the case in other countries (Flekkoy, 1989; Klep, Rap, & Pattyn, 2022; Musunguzi & Ellingsen, 2017; Swansea University & University of Central Lancashire, 2008), it will contribute to filling up any gaps in monitoring processes of policy, practice, interventions, and mechanisms, and ensure that the effects of policy and practice on children's rights are understood and acknowledged.

Throughout the last 20 years, the worldwide discussion surrounding ICHRI has transformed the GC no. 2, which has the merit of adapting the Paris Principles to children's rights, into a baseline for creating ICHRIs in a successful manner. Despite this, and notwithstanding their adherence to the principles outlined in GC no. 2, States Parties continue to have considerable autonomy in deciding the composition and functions of ICHRIs, which has resulted in the development of several distinct types of children's ICHRIs, as is also evident from the examination of the European experiences (Chapter 4). This is beyond any doubt an asset that, due to the vast variety of governmental structures, allows State Parties to shape the ICHRI based on the peculiarity of the geographic area of competence. Switzerland, like the other European States, needs to create its own ICHRIs to best fit with the national reality. Therefore, the prospected models presented (Chapter 5.3) are intended to support this reflection and raise awareness about the fact that each one of them carries implementation risks that need to be taken into due consideration. The ICHRI in Switzerland needs to include features that allow substantial and effective regional representation that engages the cantons while having a strong centralized coordination that allows harmonization across the country. However, while for example the private models offer the opportunity to engage civil society and ensure local representation, concerns about independence might impede such a model from abiding by the Paris Principles and CRC GC 2. On the other hand, a public model might find challenges to appropriately engage civil society but would ensure the required independence. To be successful, it should be able to appropriately operate at cantonal level. Finally, a blended model might address the shortfalls of the public models by ensuring effective cantonal and civil society engagement, but at the same time it might exacerbate the fragmentation of the system as the national public ICHRI will have little influence on the private institutions.

Therefore, further adjustments of the prospected models need to be undertaken, based on collaborative discussions on the cantonal and federal levels, including a large national consultation with children.

7. References

- Bargal, D. (2008). Action research: A paradigm for achieving social change. *Small Group Research*, 39(1), 17–27. <https://doi.org/10.1177/1046496407313407>.
- Bennett, R.J. (2021). The United Kingdom. In J. Martí-Henneberg (ed.), *European Regions, 1870 – 2020* (pp. 47-64). https://doi.org/10.1007/978-3-030-61537-6_6.
- Bradbury Huang, H. (2010). What is good action research?: Why the resurgent interest? *Action Research*, 8(1), 93-109. <https://doi.org/10.1177/1476750310362435>.
- Bradbury, H., Waddell, S., O' Brien, K., Apgar, M., Teehankee, B., & Fazey, I. (2019). A call to Action Research for Transformations (ART): The times demand it. Editorial. *Action Research*, 17(1), 1–10. <https://doi.org/10.1177/1476750319829633>.
- Bursens, M., & Myssart-Piérard, F. (2009). Kingdom of Belgium peter bursens. In H. Michelmann (ed.), *Foreign relations in federal countries* (pp. 91-114). McGill-Queen's University Press. <http://www.jstor.org/stable/j.ctt80bcr>.
- Chapnik, L., Curran, J., Fournier, J., Kleczewski, A.-G., Polanco Lazo, R., & Viennet, C. (2021). *Legal opinion on Mediation Office and Services for Children's Rights*. current to: 29.04.2021 E-Avis ISDC 04, www.isdc.chwww.isdc.ch.
- Commission fédérale pour l'enfance et la jeunesse [CFEJ]. (2020). *Création d'un bureau national de médiation pour les droits de l'enfant en Suisse: document de référence*. Département fédéral de l'intérieur [DFI]. https://ekkj.admin.ch/fileadmin/user_upload/ekkj/02publikationen/weitere_Publikationen/f_2020_Document_de_reference_CFEJ_Bureau_de_médiation_pour_les_droits_de_l_enfant.pdf.
- Committee on the Rights of the Child [CRC]. (2002, November 15). *General Comment No. 2 (2002). The role of independent national human rights institutions in the promotion and protection of the rights of the child* (CRC/GC/2002/2). United Nations Human Rights, Office of the High Commissioner. <https://www.refworld.org/docid/4538834e4.html>.
- Committee on the Rights of The Child [CRC]. (2003, November 27). *General Comment No. 5 (2003). General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)* (CRC/GC/2003/5). United Nations Human Rights, Office of the High Commissioner. <https://www.refworld.org/docid/4538834f11.html>.
- Committee on the Rights of the Child [CRC]. (2004a, October 1). *Concluding Observations: Croatia* (CRC/C/15/Add. 243). United Nations Human Rights, Office of the High Commissioner. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G04/442/92/PDF/G0444292.pdf?OpenElement>.
- Committee on the Rights of the Child [CRC]. (2004b, June 30). *Concluding Observations: Panama* (CRC/C/15/Add. 233). United Nations Human Rights, Office of the High Commissioner. <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgnXZ0ChBsrwmcy8%2f%2BFNoDFsOB1IlfB8PN5C6TAuBTERPoUIUbfxbCDJ9NqRocKhUbAigu8HLeLpcYul117xkzvPALrXLSYcfP4vAO%2FUEd0H>.
- Committee on the Rights of the Child [CRC]. (2005a, March 31). *Concluding Observations: Austria* (CRC/C/15/Add. 251). United Nations Human Rights, Office of the High Commissioner. <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgnXZ0ChBsrwmcy8%2f%2BFNoDER8cYoH%2blc%2f5IUfYrBavHxz1WwaiPrHRdAHi6bxY8ontKYxXquLGAUB3pWAwU6lJVNn3MzKOnN4qmH3Qp5s2W>.

- Committee on the Rights of the Child [CRC]. (2005b, February 11). *Concluding Observations: Bolivia*. United Nations Human Rights, Office of the High Commissioner. <https://www.refworld.org/docid/43f3053a0.html>.
- Committee on the Rights of the Child [CRC]. (2006, June 8). *Concluding Observations: Colombia* (CRC/C/COL/CO/3). United Nations Human Rights, Office of the High Commissioner. <file:///C:/Users/sbmitrov/Downloads/G0642477.pdf>.
- Committee on the Rights of the Child [CRC]. (2008, October 22). *Concluding Observations: Austria* (CRC/C/OPSC/AUT/CO1). United Nations Human Rights, Office of the High Commissioner. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/446/64/PDF/G0844664.pdf?OpenElement>.
- Committee on the Rights of the Child [CRC]. (2011a, October 31). *Concluding Observations: Italy* (CRC/C/ITA/CO3-4). United Nations Human Rights, Office of the High Commissioner. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/466/12/PDF/G1146612.pdf?OpenElement>.
- Committee on the Rights of the Child [CRC]. (2011b, November 16). *Third and fourth Periodic Reports of States parties due 2009, Austria* (CRC/C/AUT/3-4). United Nations Human Rights, Office of the High Commissioner. https://www.ohchr.org/sites/default/files/english/bodies/crc/docs/AdvanceVersions/CRC-C-AUT-3_4.pdf.
- Committee on the Rights of the Child [CRC]. (2014, February, 25). *Concluding observations on the combined third and fourth periodic reports of Germany** (CRC/C/DEU/CO/3-4). United Nations Human Rights, Office of the High Commissioner. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/411/26/PDF/G1441126.pdf?OpenElement>.
- Committee on the Rights of the Child [CRC]. (2020, March 6). *Concluding observations on the combined fifth and sixth periodic reports of Austria* (CRC/C/AUT/CO/5-6). United Nations Human Rights, Office of the High Commissioner. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/060/64/PDF/G2006064.pdf?OpenElement>.
- Committee on the Rights of The Child [CRC]. (2021, October 21). *Concluding observations on the combined fifth and sixth periodic reports of Switzerland* (CRC/C/CHE/CO/5-6). United Nations Human Rights, Office of the High Commissioner. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/293/54/PDF/G2129354.pdf?OpenElement>.
- Deschouwer, K. (2005). Kingdom of Belgium. In J. Kincaid, & G. Alan Tarr (eds.), *Constitutional Origins, Structure, and Change in Federal Countries* (pp. 48–75). McGill-Queen's University Press. <http://www.jstor.org/stable/j.ctt80vfv>.
- Dosher, M., Benepe, O., Humphrey, A., Stewart, R., & Lie, B. (1960). *The SWOT analysis method*. Stanford Research Institute.
- European Network of Ombudsmen (n.d.). *Members of the European Network of Ombudsmen*. European Union. <https://www.ombudsman.europa.eu/en/european-network-of-ombudsmen/members/all-members>.
- European Network for Ombudsman for Children. (2015). *ENOC Members*. <https://enoc.eu/who-we-are/enoc-members/>
- Flekkoy, M. G. (1989). Child Advocacy in Norway: The Ombudsman. *Child Welfare Volume*, 68(2), 113-122.
- Gamper, A. (2006). Republic of Austria. In K. Le Roy, & C. Saunders (eds.), *Legislative, Executive, and Judicial Governance in Federal Countries* (pp. 72-100). McGill-Queen's University Press. <http://www.jstor.org/stable/j.ctt80q7h>.

- Gordon, M. (2018). The basic constitutional law. In P. Dunleavy, A. Park, & R. Taylor (eds.), *The UK's Changing Democracy*. LSE Press. <https://doi.org/10.31389/book1.n>.
- Hitz Quenon, N. (2015). Le droit de protection de l'enfant. Les premiers effets de la mise en œuvre dans les cantons de Genève, Vaud et Zurich. *ZKE*, 6, 399-412.
- Jud, A., Kosirnik, C., Mitrovic, T., Ben Salah, H., Fux, E., Koehler, J., Portmann, R., & Knüsel, R. (2018). Mobilizing agencies for incidence surveys on child maltreatment: successful participation in Switzerland and lessons learned. *Child Adolesc Psychiatry Ment Health*, 12(3). <https://doi.org/10.1186/s13034-017-0211-2>.
- Klep, K., Rap, S., & Pattyn, V. (2022) *How to Research Independent Children's Rights Institutions: Lessons Learned from the Evaluation of the Dutch Children's Ombudsman*. In Lux, B. Gran, & L.E. Bass (eds.), *The Roles of Independent Children's Rights Institutions in Advancing Human Rights of Children (Sociological Studies of Children and Youth, Vol. 28)* (pp. 55-73). Emerald Publishing Limited. <https://doi.org/10.1108/S1537-466120220000028005>.
- Krüger, P., & Jud, A. (2015). Overview of previous agency surveys and national administrative data sets. In A. Jud, L. M. Jones, & C. Mikton (eds.), *Toolkit on mapping legal, health and social services responses to child maltreatment* (pp. 4-9). Switzerland: World Health Organization.
- Lachat-Cler, M. (2018). La politique de l'enfance et de la jeunesse en Suisse. Point de vue du secrétariat général de la Conférence des directrices et directeurs cantonaux des affaires sociales (CDAS). In R. Ruggiero, C. Nanchen, & P. D. Jaffé (eds.), *Quelle adéquation entre la Politique de l'enfance et de la jeunesse et la réalité de terrain?* (pp. 11-17). Centre interfacultaire en droits de l'enfant.
- Lansdown, G. (2018). *National human rights institutions (NHRIs) Series: Tools to support child-friendly practices. Children's participation in the work of NHRIs*. UNICEF. [Brochure]. https://www.unicef.org/eca/sites/unicef.org.eca/files/2019-02/NHRI_Participation.pdf.
- Lätsch, D., & Krüger, P. (2018). Die Früherkennung von innerfamiliärer Gewalt gegen Kinder in der Gesundheitsversorgung. *Praxis der Rechtspsychologie*, 28(2), S. 49-80.
- Mauborgne, R., & Chan Kim, W. (2015). *Blue Ocean Strategy, Expanded Edition: How to Create Uncontested Market Space and Make the Competition Irrelevant*. Harvard Business Review.
- Musinguzi, P., & Ellingsen, I. T. (2017). The Norwegian Ombudsman for Children on child participation: Perceptions, impacts and dilemmas. *Journal of Comparative Social Work*, 12(2), 147-169. <https://doi.org/10.31265/jcsw.v12i2.153>.
- Roelli, B. (2021). Die Anlaufstelle KESCHA – Entstehung, Arbeitsweise, Erfahrungen. In P. Eitel, & B. Graham-Siegenthaler (eds.), *Aspekte rechtlicher Nähebeziehungen* (pp. 217-248). Schulthess.
- Ruggiero R., & Hanson, K. (2020). Independent children's human rights institutions 'in the middle' between local and global perspectives. *Societies Without Borders*, 14(1), 1-15.
- Ruggiero, R. (2008). *Ombudsman for Children in Federal and Regional States* [unpublished doctoral dissertation], Università degli Studi del Molise.
- Ruggiero, R. (2013). Ombudspersons for Children in Selected Decentralized European States: Implementing the CRC in Belgium, Spain and the United Kingdom. *Interdisciplinary Journal of Family Studies*, 18(2), 65-97.
- Ruggiero, R. (2020). Children's Ombudsperson/Commissioners for Children's Rights. In D. T. Cook (Ed.), *The SAGE Encyclopedia of Children and Childhood Studies* (pp. 483). Sage.

- Ruggiero, R., & Combremont, M. (2018). Coordination des politiques et evidence-based policy: leçons apprises et conseils à suivre pour promouvoir la politique suisse en matière de jeunesse. In R. Ruggiero, C. Nanchen & P. D. Jaffé (eds.). *Quelle adéquation entre la Politique de l'enfance et de la jeunesse et la réalité de terrain?* (pp. 91-99). Centre interfacultaire en droits de l'enfant. https://www.unige.ch/cide/files/8015/4167/0349/Publication_Adequation_Politique_enfance_jeunesse_Reale_terrain.pdf.
- Sedletzki, V. (2013). *Championing Children's Rights: A global study of independent human rights institutions for children*. Innocenti Publications. <https://www.unicef-irc.org/publications/669-championing-childrens-rights-a-global-study-of-independent-human-rights-institutions.html>.
- Sedletzki, V. (2018). *National human rights institutions (NHRIs) Series: Tools to support child-friendly practices. Promotion and outreach with and for children*. UNICEF. [Brochure]. https://www.unicef.org/eca/sites/unicef.org/eca/files/2019-02/NHRI_Promotion%26Outreach.pdf.
- Sedletzki, V., & Lúx, A. (2019). *National human rights institutions (NHRIs) Series: Tools to support child-friendly practices. Child-friendly complaint mechanisms*. UNICEF. [Brochure]. https://www.unicef.org/eca/sites/unicef.org/eca/files/2019-02/NHRI_ComplaintMechanisms.pdf.
- Sedletzki, Vanessa (2012). *Défendre les droits de l'enfant: Rapport de synthèse de l'étude mondiale sur les institutions indépendantes de défense des droits de l'enfant*. Innocenti Publications. <https://www.unicef-irc.org/publications/677-d%C3%A9fendre-les-droits-de-lenfant-rapport-de-synth%C3%A8se-de-l%C3%A9tude-mondiale-sur-les.html>.
- Swansea University & University of Central Lancashire. (2008). Evaluating the Children's Commissioner for Wales. <https://senedd.wales/media/hkrhh1mn/cc-001eng-english.pdf>.
- United Nations (1993, December 20). *Human Rights Instruments. Principles relating to the Status of National Institutions (The Paris Principles)*. General Assembly resolution 48/134. <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>.
- United Nations Children's Fund [UNICEF]. (2012). *Championing Children's Rights A global study of independent human rights institutions for children – summary report*. https://www.unicef-irc.org/publications/pdf/championing2_eng.pdf.

8. Annexes

Annex 1. Analysis grid

Analysis Grid Framework - Criteria	Motion 19.3633	CRC General Comment 2 (CRC/GC/2002/2)	CRC General Comment 5 (CRC/GC/2003/5)	Concluding observations of the Committee on the rights of the child: Switzerland Report 2 till 6 - Independent Monitoring body	OPIC
1. Structure and organization (level of operation federal, cantonal, or municipal and geographical coverage) and Nature (public, semipublic, private)					
1.1 Legal nature: public and para-public, and private bodies		Legislatively mandated entity. Para. 8 The role of NHRIs, with their <u>legislative base and specific powers</u> , is complementary. It is essential that institutions work closely with NGOs and that governments respect the independence of both NHRIs and NGOs. Para. 26			
1.2 Geographical scope of action: 1.2.1. Federal level: public and semi-public bodies emanating from the Confederation, and private bodies 1.2.2. Linguistic geographical identities (inter-cantonal actors): actors playing a transversal role in several or one of the four linguistic areas (French, German, Italian and Romansh) 1.2.3. Cantonal level: public and semi-public organizations emanating from the Cantons, and private entities	Operate at nationwide level		1.2.1. Federal level: public and semi-public bodies emanating from the Confederation, and private bodies 1.2.2. Linguistic geographical identities (inter-cantonal actors): actors playing a transversal role in several or one of the four linguistic areas (French, German, Italian and Romansh) 1.2.3. Cantonal level: public and semi-public organizations emanating from the Cantons, and private entities	Federal/National scope CRC/C/15/Add.182 para. 16 and central CRC/C/CHE/CO/2-4 Para. 18	
1.3 Legal basis: to be provided only for the public actors identified					
1.4 Organizational level of specialization and coordination systems Three main structural categories: 1.4.1 Specialized ICHRI: a children's human rights institution dedicated exclusively to children. If the actor analyzed is a public entity, it is important to identify if it is entranced in a specific legal provision 1.4.2 Integrated ICHRIs: the ICHRI is integrated into a general human rights institution. If the actor analyzed is a public entity, it is important to identify if it is entranced in a specific legal provision 1.4.3 General Institution: the ICHRI is integrated into the General Institution, and it is entranced in a specific legal provision	Legislatively mandated entity. Para. 8 The role of NHRIs, with their <u>legislative base and specific powers</u> , is complementary. It is essential that institutions work closely with NGOs and that governments respect the independence of both NHRIs and NGOs. Para 26	The NHRI establishment process should be consultative, inclusive, and transparent, initiated and supported at the highest levels of government and inclusive of all relevant elements of the State, the legislature and civil society. Para. 10			
1.5 Four main coordination models: 1.5.1 National institutions with some activities at the local level 1.5.2 National institutions with branch offices at the local level 1.5.3 National institutions that coexist with autonomous institutions at the sub-national level 1.5.4 Autonomous independent institutions that coexist at the cantonal, regional, or municipal levels	Shall not have the possibility to give instructions and overlap with cantonal competencies (limitation)	Cooperation with other UN and Human Rights bodies. Para. 22, 23 and 24 Able to ensure regional and international cooperation on children's and adolescents' rights issues. Para. 23		The Committee notes the establishment of mediators in a number of cantons and of mechanisms specialized in children's issues in a number of cantons and cities. The Committee also notes that there have been a number of parliamentary motions for the establishment of a federal national human rights institution. However, the Committee is concerned that there is no central independent mechanism to monitor the implementation of the Convention, and which is empowered to receive and address individual complaints of children at the cantonal and federal levels. CRC/C/15/Add.182 13 June 2002 Para. 15 Concluding observations of the Committee on the rights of the child: Switzerland.	

Analysis Grid Framework - Criteria	Motion 19.3633	CRC General Comment 2 (CRC/GC/2002/2)	CRC General Comment 5 (CRC/GC/2003/5)	Concluding observations of the Committee on the rights of the child: Switzerland Report 2 till 6 - Independent Monitoring body	OPIC
1.6 Specialization of the staff, both in terms of training and professional experience: 1.6.1 Specialization in children's and adolescents' Rights 1.6.2 Professional expertise 1.6.3 Interdisciplinarity					
1.7 Accountability: 1.7.1 Legislative: for public and semi-public actors at federal or cantonal level 1.7.2 Executive: for public and semi-public actors at federal or cantonal level 1.7.3 Judiciary: for public and semi-public actors at federal or cantonal level 1.7.4 Donors: mainly for private actors 1.7.5 General Public 1.7.6 Others		Right to report directly, independently, and separately on the state of children's and adolescents' rights to the public and to parliamentary bodies. Para. 18		Full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). CRC/C/CHE/CO/5-6, Para. 13.c	
2.Mandate/Activities					
2.1 Legislation and policy					
2.1.1 Submission of proposals on laws and policies	Issue recommendations to the state	Promote harmonization of national legislation, regulations and practices with the CRC and its optional protocol. Para. 19 (e)			
2.1.2 Ensure national policy makers take children's and adolescents' rights into account. Para 19.f		Ensure national economic policy makers take children's and adolescents' rights into account. Para. 19 (f) Promote harmonization of national legislation, regulations and practices with the Convention on the Rights of the Child, its Optional Protocols, and other international human rights instruments relevant to children's rights and promote their effective implementation, including through the provision of advice to public and private bodies in construing and applying the Convention. Para. 19 (e)			
2.1.3 Encourage ratification of human rights instruments		Encourage ratification of human rights instruments. Para. 19 (h)			

Analysis Grid Framework - Criteria	Motion 19.3633	CRC General Comment 2 (CRC/GC/2002/2)	CRC General Comment 5 (CRC/GC/2003/5)	Concluding observations of the Committee on the rights of the child: Switzerland Report 2 till 6 - Independent Monitoring body	OPIC
2.2 Monitoring state compliance					
2.2.1 Monitor and report on State's compliance and progress towards implementation of children's rights	Mediation office essential to solicitate and reinforce the position of children and adolescents to improve the judicial response to their needs.	Promote and protect the rights of the child. Para. 3 The State ratifies the Convention on the Rights of the Child and takes on obligations to implement it fully. The role of NHRIs is to monitor independently the State's compliance and progress towards implementation and to do all it can to ensure full respect for children's rights. While this may require the institution to develop projects to enhance the promotion and protection of children's rights, it should not lead to the Government delegating its monitoring obligations to the national institution. Para. 25 Review government implementation and monitoring of the state of children's and adolescents' rights. Para 19 (g)	Role to protect and promote the rights of the child. Para. 65		
2.2.2 Ensure that the impact of laws and policies on children is carefully considered based on the best interest principle		Ensure that the impact of laws and policies on children is carefully considered based on the best interest principle. Para 19 (i)			
2.2.3 Keep under review the adequacy and effectiveness of law and practice relating to the protection of children's and adolescents' rights		Keep under review the adequacy and effectiveness of law and practice related to the protection of children's and adolescents' rights. Para 19 (d)	Monitor independently the State's compliance and progress towards implementation and to do all it can to ensure full respect for children's rights. Para. 65		
2.2.4 Monitoring of the state of children's and adolescents' rights and the related childhood condition		Ensure that the institutions, services, and facilities responsible for the care or protection of children conform with the standards: undertake visits to juvenile homes and care institutions to report on the situation and to make recommendations for improvement. Para 19 (s)			
2.2.5 Undertake visits to juvenile homes and care institutions to report on the situation and to make recommendations for improvement					
2.2.6 Access, in conditions of privacy, to children in all forms of alternative care and to all institutions that include children		Access, in conditions of privacy, to children in all forms of alternative care and to all institutions that include children. Para.15			
2.3 Quasi-judicial and mediation tasks					
2.3.1 Consider individual complaints and petitions, including those submitted on behalf of or directly by children	Inform and counsel children to grant access to justice / Offer Judicial counseling (ONLY)	Consider individual complaints and petitions and carry out investigations, including those submitted on behalf of or directly by children. Para. 13		Mandate to receive, investigate and address complaints from children. The Committee insists on FULL mandate - CRC/C/CHE/CO/5-6 Para. 13 (a)	States are therefore encouraged to develop effective and appropriate internal redress for children (para. 8), being guided by the best interests of the child as a primary consideration and taking into account the principle of child-sensitivity (Para. 7). The crucial role of national human rights institutions and other relevant

Analysis Grid Framework - Criteria	Motion 19.3633	CRC General Comment 2 (CRC/GC/2002/2)	CRC General Comment 5 (CRC/GC/2003/5)	Concluding observations of the Committee on the rights of the child: Switzerland Report 2 till 6 - Independent Monitoring body	OPIC
2.3.2. Identify and solicit the intervention of competent actors (catalyzer of intervention) 2.3.3 Carry out investigations and inquiries on matters related to children's and adolescents' rights 2.3.4 Powers to compel and question witnesses 2.3.5 Access relevant documentary evidence and places of detention and facilities dedicated to children 2.3.6 Provide expertise in children rights to the court and support children taking cases to court 2.3.7 Take legal proceeding to vindicate children's and adolescents' rights 2.3.8 Engage in mediation and conciliation 2.3.9 Ensure privacy and protection of victims and undertake monitoring and follow up activities for them 2.4. Reporting on the children's conditions and the implementation of the CRC 2.4.1 Prepare and publicize opinions, recommendations, and reports 2.4.2 Contribute independently to the reporting process under the CRC 2.5 Education, promoting rights and raising awareness					specialized institutions, mandated to promote and protect the rights of the child, is also underlined (Para. 9). As such, strengthening children's access to justice and the implementation of children's rights at national level through effective remedies at the domestic level are important pillars of the new Protocol (Preamble)
		Undertake investigations into any situation of violation of children's rights, on complaint or on their own initiative, within the scope of their mandate. Para. 19 (a) Conduct inquiries on matters related to children's rights. Para. 19 (b)			
		To be able to effectively carry out such investigations, they must have the powers to compel and question witnesses, access relevant documentary evidence and access places of detention. Para. 13			
		Provide expertise in children's and adolescents' right to the court. Para. 19 (r) Support children taking cases to court. Para. 14			
		Take legal proceeding to vindicate children's and adolescents' rights. Para. 19 (p)			
		Act as mediator between the child and the state services/ refer to services were necessary Engage in mediation and conciliation. Para. 19 (q)			
				Ensure privacy and protection of victims and undertake monitoring and follow up activities for them CRC/C/CHE/CO/2-4 Para. 19	
	Prepare and publicize opinions, recommendations, and reports. Para. 19 (c)				
	Contribute independently to the reporting process under the CRC. Para. 20				
	Facilitate access to information and provide Undertake human rights education. Para. 19(o) Promote public understanding and awareness of				

Analysis Grid Framework - Criteria	Motion 19.3633	CRC General Comment 2 (CRC/GC/2002/2)	CRC General Comment 5 (CRC/GC/2003/5)	Concluding observations of the Committee on the rights of the child: Switzerland Report 2 till 6 - Independent Monitoring body	OPIC
2.5.1 Facilitate access to information and provide sensitization on children rights including their rights related to the quasi-judicial and mediation services	sensitization on children rights	the importance of children's and adolescents' rights. Para. 19 (l) Make the principles and provisions of the convention widely known. Para. 19 (m) Assist in the formulation of programs for the teaching of, research into, and integration of children's rights in the curricula of schools and universities and in professional circles. Para. 19 (n)			
2.5.2 Undertake human rights education					
2.5.3 Promote public understanding and awareness of the importance of children's and adolescents' rights					
2.5.4 Assist in formulation of training program					
2.5.5 Make the principles and provisions of the convention widely known					
2.6 Child participation					
2.6.1 Grant children access to information on their rights to be heard and express their opinion (in settings dedicated to children)	Build and establish a relationship of trust with the child. Grant access to information, to the right to be heard and to the right to legal representation, notably in situations of placement in alternative care (in particular and not exclusively)	Ensure the views of children are expressed and heard. Para. 19 (j) Advocate for and facilitate meaningful participation by children and adolescents rights NGOs. Para. 19 (f)			
2.6.2 Ensure the views of children are expressed and heard					
2.6.3 Advocate for, support and facilitate meaningful participation by children					
2.7 Networking					
2.7.1 Collaboration with NGOs		Non-governmental organizations play a vital role in promoting human rights and children's rights. The role of NHRIs, with their legislative base and specific powers, is complementary. It is essential that institutions work closely with NGOs and that governments respect the independence of both NHRIs and NGOs. Para. 26			
2.7.2 Collaboration with Governments					
2.7.3 Pluralistic representation (NGOs, Unions, professional organizations, universities, government department in advisory capacity only)					
3. Accessibility					
3.1 Physical and geographical	Accessible to all children and their caregivers on the Swiss territories	Geographically and physically accessible to all children, including the most vulnerable (children in care or detention, indigenous groups, children with disability, refugees and migrant children, street children, special needs in relation to language, health, culture, and education). Para. 15		Accessible CRC/C/15/Add.182 Para. 16	
3.2 Phone	Accessible by phone				
3.3 Digital access tools (website, social media, apps, ...)					
3.4 Facilities to enable access for vulnerable children					

Analysis Grid Framework - Criteria	Motion 19.3633	CRC General Comment 2 (CRC/GC/2002/2)	CRC General Comment 5 (CRC/GC/2003/5)	Concluding observations of the Committee on the rights of the child: Switzerland Report 2 till 6 - Independent Monitoring body	OPIC
4.Independency					
4.1 Legal basis	Independent from administration	Legislatively mandated entity. Para. 8 The role of NHRIs, with their legislative base and specific powers, is complementary. It is essential that institutions work closely with NGOs and that governments respect the independence of both NHRIs and NGOs. Para. 26			
4.2 Free from any possible political biases and/or economic interests 4.2.1 public funds 4.2.2 private funds 4.2.3 mixture of public and private funds		Resources: reasonable financial provision for the operation of the institution. Para.11	Independence in funding, mandate, and immunities. Para. 65	Independence in funding, mandate, and immunities CRC/C/CHE/CO/2-4 Para. 19	
4.3 Adequate financial resources, infrastructure, and staffing		4.4 Appointment process is described in the setting up regulation (determined by law, statutes, regulation, ...)	The NHRI establishment process should be consultative, inclusive, and transparent, initiated and supported at the highest levels of government, and inclusive of all relevant elements of the State, the legislature and civil society. Para. 10		
4.5 Identification of the mandate (determined by law, statute, regulations ...)		Legislatively mandated entity. Para. 8			
4.6 Immunities of opinion and action (determined by law, statute, regulations ...)		It is essential that institutions work closely with NGOs and that governments respect the independence of both NHRIs and NGOs. Para. 26	"Independent human rights institutions are complementary to effective government structures for children; the essential element is independence". Para. 65		
4.7 Freedom to set their agenda and determine their activities (determined by law, statute, regulations, ...)		Entirely free to set their own agenda and determine their own activities. Para. 25	Entirely free to set their own agenda and determine their own activities. Para. 65		
4.8 Presence of accountability mechanisms (for example, annual reporting to the Executive, Legislative or Judiciary, or to donors and/or the general public)		Right to report directly, independently, and separately on the state of children’s and adolescents’ rights to the public and to parliamentary bodies. Para. 18		Full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). CRC/C/CHE/CO/5-6, Para. 13.c	
4.9 The use of international and regional standards and monitoring of independent human rights institutions can also strengthen institutional independence			The private sector is defined as including businesses, NGOs, and other private associations, both for profit and not-for-profit. Para. 42 The Committee emphasizes that States parties	Full compliance with the principles related to the status of national institutions for the promotion and protection of human rights (the	

Analysis Grid Framework - Criteria	Motion 19.3633	CRC General Comment 2 (CRC/GC/2002/2)	CRC General Comment 5 (CRC/GC/2003/5)	Concluding observations of the Committee on the rights of the child: Switzerland Report 2 till 6 - Independent Monitoring body	OPIC
<p>4.9.1 Principles related to the Status of National Institutions (The Paris Principles)</p> <p>4.9.2 General comment no. 2 (2002), The role of independent national human rights institutions in the promotion and protection of the rights of the child</p> <p>4.9.3 National regulation for quality insurance, professional ethics and standards</p>			<p>have a legal obligation to respect and ensure the rights of children as stipulated in the Convention, which includes the obligation to ensure that non-State service providers operate in accordance with its provisions, thus creating indirect obligations for such actors. Para. 43</p> <p>The Committee emphasizes that enabling the private sector to provide services, run institutions, and so on does not in any way lessen the State's obligation to ensure for all children within its jurisdiction the full recognition and realization of all rights in the Convention (arts. 2 (1) and 3 (2)). Art. 3 (1) establishes that the best interests of the child shall be a primary consideration in all actions concerning children, whether undertaken by public or private bodies.</p> <p>Art. 3 (3) requires the establishment of appropriate standards by competent bodies (bodies with the appropriate legal competence), in particular in the areas of health, and with regard to the number and suitability of staff. This requires rigorous inspection to ensure compliance with the Convention. The Committee proposes that there should be a permanent monitoring mechanism or process aimed at ensuring that all State and non-State service providers respect the Convention. Para. 44</p> <p>See also General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights*</p>	<p>Paris Principles). CRC/C/CHE/CO/5-6 Para. 13 (c)</p>	

Annex 2. Summary of ICHRI structures of the analyzed countries

ICHRI Criteria / Country	Belgium	Austria	United Kingdom	France	Germany		Italy
					ICHRI	GHRI	
Legal nature							
Public bodies	Yes	Yes	Yes	Yes	Yes	No	Yes
Para-public bodies	No	No	No	No	Yes	Yes	No
Private bodies	No	No	No	No	Yes	No	No
Geographical scope of action							
Federal/National level	No	No	Yes	Yes - Child Defender	No	Yes	Yes
Regional/State level	Yes	Yes	Yes	Yes - Head of Region	Yes	No	Yes
Municipal level	No	No	No	Yes - Delegate volunteers	No	No	No
Legal basis							
Legal basis	Yes	Yes	Yes	Yes	Yes, for public No, for private and para public	Yes	Yes
Organizational level of specialization							
Specialized ICHRI	Yes	Yes	Yes	No	Yes	No	Yes
Integrated ICHRI	No	No	No	Yes	No	No	No
General institution	No	No	No	No	No	Yes	No
Coordination models							
National institutions with some activities at the local level	No	No	No	No	No	Yes	No
National institutions with branch offices at the local level	No	No	No	Yes - Regional heads and volunteer delegate at local level	No	No	No
National institutions that coexist with autonomous institutions at the sub-national level	No	No	No	No	No	No	Yes

ICHRIs Criteria / Country	Belgium	Austria	United Kingdom	France	Germany		Italy
					ICHRIs	GHRI	
Autonomous independent institutions that coexist at the cantonal, regional, or municipal levels	Yes	Yes - with some level of coordination through a network Permanent Conference	Yes - cross-national issues handled by England, informal network of children's commissioners ensures some level of coordination	No	Yes - with some level of standardization and coordination at national level	NO	No
Specialization in children's and adolescents' rights	Not found	Not found	Not found	Not found	Not found	Not found	Not found
Professional expertise	Yes	Yes	Yes	Yes, only national level	Yes	Yes	Yes
Interdisciplinarity	Yes	Yes	Yes	Yes, only national	Yes	Yes	Yes
Accountability							
Legislative	Yes - Flemish community	Not found	Yes, for Scotland	Yes	Not clear	No	Yes
Executive	Yes - French community	Not found	Yes, for Wales, England, and Northern Ireland	Yes	Not clear	No	No
Judiciary	No	Not found	No	No	Not clear	No	No
Donors	No	Not found	No	No	Not clear	No	No
General Public	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Other	No	No	No	No	Yes, in some cases to the board of directors and members	Yes, board of directors and members	
Mandate							
Legislation and policy	Yes	Yes	Yes	Yes	No	No	Yes
Quasi-judicial and mediation tasks	Full	Partial	Partial	Full	Partial	No	No
Consider individual complaints and petitions, including those submitted on behalf of or directly by children	Yes	No	Yes, except for England	Yes	No	No	No
Take legal proceeding to vindicate children & adolescents rights	Yes	No	Yes	Yes	Yes	No	No

ICHRIs Criteria / Country	Belgium	Austria	United Kingdom	France	Germany		Italy
					ICHRIs	GHRI	
Engage in mediation and conciliation	Yes	Yes	Information missing	Yes	Yes	No	No
Monitoring State compliance	Yes	Yes	Yes	Yes	No	Partial	Yes
Monitoring of the state of children and adolescents' rights and childhood condition in institutions, services, and facilities responsible for children care or protection including undertaking visits to juvenile homes and care institutions, speaking in privacy with children to report on the situation and to make recommendations	Yes, in Flemish region. No, in French region	Information not found	Yes	No	No	No	No
Reporting on the children's conditions and the implementation of the CRC	Partial	Yes	Yes	Yes	Partial	Partial	Yes
Education, promoting children's rights and raising awareness	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Child participation	Yes	Yes	Yes	Yes	Yes	No	Yes
Networking and coordination	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Independency							
Legal basis	Yes	Yes	Yes	Yes	No	Yes	Yes
Free from any possible political biases and/or economic interests	Yes	Yes	Yes	Yes	No	Yes	Yes
Adequate financial resource, infrastructure, and staffing	Yes	Yes	Yes	Partial relying on volunteer delegates	Partial	No	Yes
Appointment process is described in the setting up regulation (determined by law, statutes, regulations, ...)	Yes	Not found	Yes	Yes	No	Yes	Yes
Identification of the mandate (determined by law, statute, regulations ...)	Yes	Not found	Yes	Yes	No	Yes	Yes
Immunities of opinion and action (determined by law, statute, regulations ...)	No	No	Yes	Yes	No	Yes	Yes
Freedom to set their agenda and determine their activities (determined by law, statute, regulations, ...)	Yes	No	Yes	Yes	No	Yes	Yes
Presence of accountability mechanisms	Yes	Yes	Yes	Yes	No	Yes	Yes
The use of international and regional standards for and monitoring of independent human rights institutions can also strengthen institutional independence	Yes	No	Yes	No	No	Yes	Yes

Annex 3. SWOT analysis of the Switzerland context per dimension

1. Structure and organization

<p>Strengths</p> <ul style="list-style-type: none"> • Wide range of public, private and para-public actors operating at various levels (federal, cantonal, inter-cantonal levels) (in line with Motion 19.3633 and international standards) • Most of the actors are set by law and have a legal mandate (public actors) (in line with Motion 19.3633 and international standards) • High number of actors working exclusively on children's related issues (majority of public actors) • Public actors have a good professional expertise and interdisciplinary background on children's related issues • Excellent geographical coverage of the national territory 	<p>Weaknesses</p> <ul style="list-style-type: none"> • Private actors are generally working at the federal level, which makes them less connected to the local reality • Little staff specialized in children's rights in general, in all actors • As services providers, they rather integrated into a general actor • Few actors (14) met the requirements derived from the Concluding Observations of being public and specialized actors with a legal mandate • Highly fragmented range of actors • Fragile coordination practices at the vertical and horizontal level • Few actors mainly the public met the accountability criteria to report both to parliament and the general public (Motion 19.3633 and international standards)
<p>Opportunities</p> <ul style="list-style-type: none"> • Strengthen the children's rights specialization and interdisciplinary background for all actors • Proximity to the local reality and local needs • Growing interest in children's rights implementation at the political level • Create a national institution with activity at the local level following the requirements derived from the Motion 19.3633 and the international standards (being public, specialized actors and with a legal mandate) 	<p>Threats</p> <ul style="list-style-type: none"> • Private actors' self-appointment as ICHRI • Lack of information on specialization of staff • Private actors have lower official accountability to the executive, judiciary and legislative bodies and might be influenced by donors as their primary accountability is often to them

2. Mandate/Activities

Strengths	Weaknesses
<ul style="list-style-type: none"> • Quasi-judicial mandates considering individual, or group claims, complaints and petitions are mostly performed by public actors • Monitoring state compliance mandates are mostly performed by public actors • A larger number of public actors work on ensuring the views of children are expressed (mainly in the criminal justice and child protection system) • A larger number of private actors advocate for and facilitate meaningful participation by children • Several actors mostly public actors publicize opinions, recommendations, and reports • Many actors do coordinate with both NGOs and government entities • Academic actors with specialization and/or thematic focus undertake research and provide training on children's rights and child-related issues • The activity performed by the existing actors are perfectly in line with their mandate and role, and they are complementary to the mandate of an ICHRI office 	<ul style="list-style-type: none"> • Highly fragmented range of actors performing tasks complementary to the mandate of an ICHRI office • Very few actors hold quasi-judicial mandates and those that hold such mandates are actors in the criminal justice system and Child Protection Authorities • A limited number of para-public or private actors provide mediation and support children taking cases to court but no private actor has a full judicial/mediation mandate • The hearing of the children's opinions takes place mostly within the criminal justice and child protection system. Only 25% of actors have child participation as part of their mandate (mainly in the child protection framework) • Very few actors submit a proposal on laws and policies • Very few actors ensure that laws and policies take children's rights into account and/or advocate for the ratification of human rights instruments • A low number of private actors work on ensuring the views of children are expressed and heard • Very few public actors advocate for and facilitate meaningful participation by children • Very few actors, most of whom are public actors, monitor state compliance to the CRC • Very few actors have a pluralistic representation. Most of these actors are private or para-public • No private actors have a mandate to undertake visits to facilities dedicated to children, report on the situation and make recommendations for improvements • No actor undertakes surveys to evaluate the children's well-being at the national level • No actor work in consultation with the underaged population

Opportunities	Threats
<ul style="list-style-type: none"> • Opportunity to set up a catalyzer actor with a quasi-judicial re-active and pro-active role: <ul style="list-style-type: none"> - re-active is meant as mandated to receive complaints and solicit the intervention of the referral competent actor - pro-active is meant as mandated to gather children's opinions and needs and undertake analysis (directly or with the support of other existing actors) on the children's well-being at the national level always in consultation with children - able to operate collaboratively with the high fragmented range of actors already existing in the Swiss context to: <ol style="list-style-type: none"> a. Ensure the hearing of children's opinion and their integration into policymaking and evaluation processes b. Contribute to the shaping of legislation and policy based on the children's opinions and needs assessments analysis c. Monitoring State compliance d. Support training and promotion of children's rights 	<ul style="list-style-type: none"> • Actors in the child protection system perform quasi-judicial and mediation tasks where the perpetrator is a person and might not cover cases where the perpetrator is the state or a state-mandated entity • Strongly re-active system, with limited attention to pro-active approach to prevent risk and future violation • Very low number of actors with a comprehensive mandate for education and promotion of children's rights • Most of the actors provide general sensitization and advocacy (mostly para-public and private actors) • No private or public actor mandate covers the mandate of an ICHRI particularly when it comes to quasi-judicial/mediation, monitoring state compliance and reporting on the children's rights situation • Limited access to mediation. It is carried out only by 6.9% of the actors and 17.2% consider individual complaints and petitions including those submitted on behalf or directly by children • No public actors report directly to the CRC on the children's well-being at the national level • Misplaced reliance on proxy processes, such as parents, schoolteachers (except child protection authorities and the actors in the criminal justice system) • Limited understanding of the children's needs and opinion • Absence of the children's needs and opinions in decision-making processes related to policy and practice

3. Accessibility

<p>Strengths</p> <ul style="list-style-type: none"> • Excellent geographical coverage of the national territory and availability of local offices 	<p>Weaknesses</p> <ul style="list-style-type: none"> • No front desks and very limited physical facilities dedicated to children or set in a child-friendly manner • Only 12 actors are accessible to vulnerable children • Limited use of child-friendly digital tools and hotlines • Limited visibility of child-friendly digital tools and hotlines • Little information about the availability of child-friendly access tools
<p>Opportunities</p> <ul style="list-style-type: none"> • Due to excellent geographical coverage, child-friendly accessibility processes can be more easily scaled up 	<p>Threats</p> <ul style="list-style-type: none"> • Actors operate with a misplaced reliance on proxy processes, such as parents, child protection actors, schools, and so on • Very limited understanding of the children's needs. Opinions are overlooked and not included in decision-making processes related to policy and practice

4. Independency

<p>Strengths</p> <ul style="list-style-type: none"> • Many actors (half of them) are established by setting up legislation, and are legally mandated (mainly public actors) • If referring to individual authorities, an appointment process is clearly defined by the regulation (mainly public actors) 	<p>Weaknesses</p> <ul style="list-style-type: none"> • Very few actors explicitly use international or regional standards to strengthen institutional independence • Only two para-public actors refer to the Paris Principles and explicitly refer to the General comment no. 2 • Most of the actors using national regulation or professional standards are public institutions • Most actors, particularly public actors, are mostly not free to set their agenda • Few actors with immunities of opinion and action determined by law • Few actors are adequately resourced and are mostly private actors • Private actors rely mostly on a mixture of public and private funds which might not guarantee their independence and stability
<p>Opportunities</p> <ul style="list-style-type: none"> • Public actors rely mostly on public funds for the freedom to set their agenda, and adequate recourses could be stated in the setting up legislation • The legal entrenchment of public entities ensures stability and consolidation of the activity • High accountability mechanisms in front of the executive power and the public are imposed by law (Motion 19.3633 and international standards) 	<p>Threats</p> <ul style="list-style-type: none"> • Actors not in line with the international standards such as the Paris Principles and consequent missed accreditation at the UN level⁶⁷ or within the ENOC⁶⁸ • Proliferation of private actors with little change in consolidation and scalability

⁶⁷ International Coordinating Committee of NHRIs (<https://www.ohchr.org/en/countries/nhri>) and Global Alliance of National Human Rights Institutions (<https://ganhri.org>)

⁶⁸ European Network of Ombudspersons for Children: <https://enoc.eu>

Annex 4. Map of actors composing the sample

Canton	Organization
AG	Departement Bildung, Kultur und Sport AG
AG	Jugendbeschwerdekammer Kanton Aargau
AG	Jugendparlament Aargau
AG	Kommission für Kinder- und Jugendfragen Kanton Aargau
AI	Kinder- und Jugendkommission AI
AR	Jugendanwaltschaft Oberegg AI -> Jugendanwaltschaft Appenzell-Innerrhoden
BE	Abteilung Familie und Gesellschaft - Direktion für Integration und Soziales BE
BE	Berner Rechtsberatungsstelle für Menschen in Not
BE	Familie & Quartier Stadt Bern - Direktion für Bildung, Soziales und Sport
BE	Kantonales Jugendamt - Direktion für Inneres und Justiz BE
BE	Kantonales Jugendparlament Bern
BE	KESB Oberland West BE
BE	KESB Thun
BE	Kinderparlament Stadt Bern KiPa
BE	Sozialdienst Stadt Bern
BL	Amt für Kind, Jugend und Behindertenangebote - Bildungs-, Kultur- und Sportdirektion BL
BL	Jugendrat Baselland
BL	Kantonale Kinder- und Jugendkommission BL
BS	Jugend, Familie und Sport - Erziehungsdepartement des Kantons Basel-Stadt
BS	Junger Rat Basel Stadt
BS	Kinderbüro Basel
FR	Bureau de promotion des enfants et des jeunes BPEJ
FR	Centre national de compétences et de prestations pour l'éducation en vue d'un développement durable - Education 21
FR	Commission de coordination en charge du suivi de la politique de la jeunesse
FR	Commission de l'enfance et de la jeunesse CEJ
FR	Conseil des jeunes CJ
FR	Fachstelle für Kinder- und Jugendförderung NE
FR	Juris Conseil Junior
FR	Service de l'enfance et de la jeunesse SEJ
GE	Bureau des droits de l'enfant - Genève
GE	Le Service d'autorisation et de surveillance accueil de jour SASJ
GE	ODAGE (Kommission für Kinderrechte in der Genfer Anwaltskammer)
GE	Office de l'enfance et de la jeunesse OEJ
GE	Parlement des Jeunes Genevois PJG
GE	Service de protection des mineurs SPMi
GE	Service social ville de Genève
GL	Hauptabteilung Soziale Dienste GL
GR	Bündner Mädchenparlament
GR	Jugendsession GR
GR	Fachbereich Familie, Kinder, Jugend - Departement für Volkswirtschaft und Soziales, Kantonales Sozialamt GR
JU	Délégué.e à la jeunesse - Jura
JU	Tribunal des mineurs JU
LU	Abteilung Kindheit-Jugend-Familie und Integration - Dienststelle Soziales und Gesellschaft Kt. LU, Gesundheits- und Sozialdepartement
LU	Dienststelle Soziales und Gesellschaft - Fachstelle Kinderschutz LU
LU	Jugendparlament Kanton Luzern (JUKALU)
LU	Luzerner Polizei
NE	Centre LAVI de Neuchâtel
NE	Délégué.e à la jeunesse - Neuchatel

NE	Parquet général NE
NE	Service de protection de l'adulte et de la jeunesse SPAJ
NE	Tribunal régional du Littoral et du Val-de-Travers, Boudry NE
NW	Jugendanwaltschaft Nidwalden
NW	Sozialamt - Gesundheits- und Sozialdirektion NW
OW	Abteilung Fachstelle Gesellschaftsfragen - Kantonales Sozialamt OW
SG	Kanton SG, Kinderrechte, Beratung und Unterstützung
SG	Fallberatung Kinderschutz Ost SG
SG	Familien- Kinder und Jugendbeauftragte - Departement Gesundheit und Soziales, Amt für Soziales, Abteilung Chancengleichheit SG
SG	Jugendanwaltschaft St.Gallen
SH	Anlauf- und Koordinationsstelle Jugendhilfe Schaffhausen
SH	Fachstelle für Gewaltbetroffene SH
SH	Jugendparlament Schaffhausen
SH	Kantonale Kinder- und Jugendkommission Kanton Schaffhausen
SO	Anlauf- und Koordinationsstelle für Kinder- und Jugendfragen SO
SO	Fachkommission Familie - Kind - Jugend SO
SO	KESB Region Solothurn
SO	Verein Jugendparlament Kanton Solothurn JUPASO
SZ	Departement des Innern - Amt für Gesundheit und Soziales SZ
SZ	Schwyzer Kinderparlament
SZ	Staatsanwaltschaft March SZ -> Staatsanwaltschaft Kanton Schwyz
TG	Benefo - Opferhilfe Thurgau
TG	conexfamilia TG
TG	Fachstelle für Kinder-, Jugend- und Familienfragen (KJF) Thurgau
TG	feel-ok Thurgau
TG	Helpline Thurgau
TG	Offene Jugendarbeit Kreuzlingen TG
TG	Perspektive Thurgau
TG	Verein Beratungsstelle für gewaltbetroffene Frauen TG
TG	Verein Jugendparlament Thurgau
TI	Autorità regionale di protezione dei minori e degli adulti 3 TI
TI	Commissione comunale dell'infanzia e della gioventù Lugano
TI	Consiglio Cantonale dei Giovani
TI	Fondazione ASPI
TI	Gruppo 20 Novembre
TI	Istituto Vanoni di Lugano
TI	L'Ufficio del sostegno a enti e attività per le famiglie e i giovani (UFaG)
TI	Ministero pubblico TI
TI	Parlamento comunale dei bambini e dei giovani Lugano
TI	Servizio per l'aiuto alle vittime di reati Locarno e Valli
TI	Sezione Reati contro l'Integrità delle Persone (SRIP)
TI	Ufficio dei giovani
TI	Ufficio delle famiglie e dei minorenni (UFAM) - Lugano Viganello
UR	Abteilung Kulturförderung und Jugendarbeit - Amt für Kultur und Sport, Bildungs- und Kulturdirektion UR
UR	Amt für Soziales - Gesundheits-, Sozial- und Umweltdirektion UR
UR	Kantonale Kinder- und Jugendkommission UR
UR	Kantonales Jugendparlament Uri
VD	AVASAD, Unité PSPS, SESAME
VD	Chambre consultative de la jeunesse
VD	Commission consultative de protection des mineurs
VD	Commission de jeunes du canton de Vaud
VD	Direction générale de l'enfance et de la jeunesse (DGEJ)
VD	Justice de paix Morges VD

VD	Service Social Lausanne
VS	Bureau du délégué cantonal à la jeunesse
VS	Observatoire cantonal de la jeunesse
VS	Office pour la protection de l'enfant OPE
VS	Parlement des jeunes du valais
VS	Service cantonal de la jeunesse et centre pour le développement et la thérapie de l'enfant et de l'adolescent CDTEA
VS	Service cantonal de la jeunesse SCJ
VS	Service de l'action social SAS
VS	Staatsanwaltschaft Oberwallis
ZG	punkto Eltern Kinder & Jugendliche
ZH	Jugendanwaltschaft Limmattal/Albis
ZH	Jugendanwaltschaft See/Oberland ZH
ZH	Jugendanwaltschaft Stadt Zürich
ZH	Jugendparlament Kanton Zürich
ZH	Kantonale Kinder- und Jugendkommission Kt. Zürich
ZH	KESB Winterthur/Andelfingen
ZH	KESB Zürich Stadt
ZH	AJB
ZH	okaj Zürich
ZH	Schlupfhuus
ZH	Soziale Dienste - Departement Soziales Stadt Winterthur
ZH	Soziale Dienste Stadt Winterthur
ZH	Soziale Dienste Stadt Zürich
inter-cantonal	ASSITEJ Suisse
inter-cantonal	AFAJ
inter-cantonal	Alliance Enfance
inter-cantonal	Amnesty Schweiz
inter-cantonal	Association Particip'Action
inter-cantonal	Association Patouch
inter-cantonal	Associazione Franca
inter-cantonal	Bundesamt für Justiz
inter-cantonal	Campus für Demokratie - Stiftung Dialog (spezifisch politische Bildung und Partizipation)
inter-cantonal	Centre suisse de compétence pour les droits humains CSDH
inter-cantonal	Commission fédérale pour l'enfance et la jeunesse CFEJ
inter-cantonal	Conférence en matière de protection des mineurs et des adultes COPMA
inter-cantonal	Conférence Latine de Promotion et de Protection de la Jeunesse CLPPI
inter-cantonal	Conférence pour la politique de l'enfance et de la jeunesse CDAS
inter-cantonal	Conférence pour la politique de l'enfance et de la jeunesse CPEJ
inter-cantonal	Conférence romande des Délégué(e)s à l'Enfance et à la jeunesse CRDEJ
inter-cantonal	Conférence suisse des directeurs cantonaux de l'instruction publique CDIP
inter-cantonal	Conférence suisse des responsables cantonaux de la protection de l'enfance et de l'aide à la jeunesse CPEAJ
inter-cantonal	CSAJ
inter-cantonal	CSDM
inter-cantonal	Die Allianz für die Rechte der Migrantenkinder (ADEM)
inter-cantonal	Dynamo International
inter-cantonal	EBG
inter-cantonal	EDA
inter-cantonal	Enfants du monde
inter-cantonal	Fachstelle Zwangsheirat
inter-cantonal	fedpol
inter-cantonal	FICE Schweiz
inter-cantonal	FRB
inter-cantonal	FSPJ

inter-cantonal	humanrights.ch
inter-cantonal	IAO
inter-cantonal	IGQK
inter-cantonal	infoklick.ch
inter-cantonal	Innocence en Danger
inter-cantonal	Integras inkl. Groupe Romand des Droits de l'enfant
inter-cantonal	International Institute for the Rights of the Child
inter-cantonal	Internationaler Sozialdienst
inter-cantonal	Jacobs Foundation
inter-cantonal	Jugendparlament SG AI AR
inter-cantonal	KESCHA
inter-cantonal	Kinderanwaltschaft Schweiz
inter-cantonal	Kinderlobby Schweiz
inter-cantonal	Kindernothilfe Schweiz
inter-cantonal	Kinderrechte Mobil
inter-cantonal	Kinderschutz Schweiz
inter-cantonal	LIMITA
inter-cantonal	Marie Meierhofer Institut für das Kind
inter-cantonal	Mouvement d'Apostolat Des Enfants et Préadolescents Action Catholique des Enfants MADEP-ACE
inter-cantonal	Netzwerk Bildung und Familie
inter-cantonal	Office fédéral des assurances sociales OFAS
inter-cantonal	Ombudsstelle Kinderrechte Ostschweiz
inter-cantonal	PACH
inter-cantonal	Pro enfance
inter-cantonal	Pro Juventute
inter-cantonal	Pro Kinderrechte Schweiz
inter-cantonal	Quality4Children
inter-cantonal	Save the Children
inter-cantonal	Schulnetz21
inter-cantonal	Schweizer Kinderombudsstelle
inter-cantonal	Schweizerische Arbeitsgemeinschaft der Jugendverbände
inter-cantonal	Schweizerische Beobachtungsstelle für Asyl- und Ausländerrecht
inter-cantonal	Schweizerische Flüchtlingshilfe
inter-cantonal	Solidaritätsnetzwerk Ostschweiz/Beobachtungsstelle für Asyl- und Ausländerrecht Ostschweiz
inter-cantonal	Solidarité sans frontières
inter-cantonal	Stiftung Kinderdorf Pestalozzi
inter-cantonal	Terre des hommes
inter-cantonal	Transgender Network Switzerland
inter-cantonal	tschau.ch
inter-cantonal	Unicef Schweiz
inter-cantonal	Uni GE - CIDE
inter-cantonal	Verband heilpädagogischer Dienste Schweiz
inter-cantonal	Verein Kinderrechte Ostschweiz
inter-cantonal	Vereinigung Cerebral
inter-cantonal	YOUVITA
inter-cantonal	Zentrum für Menschenrechtsbildung
inter-cantonal	Zwischengeschlecht.org

Annex 5. Survey questionnaire

Project “Promotion and protection of children's rights: state of the art and measures to be taken”

Experts Survey

Questionnaire

Contents

Introduction	116
Section 1: Organizational characteristics	117
Section 2: Mandates and activities	118
Legislation and policy	118
Quasi-judicial and mediation tasks	119
Promoting and monitoring compliance with children's rights	122
Reporting on children's rights conditions	123
Promoting awareness of children's rights to general public and professionals.....	124
Child participation.....	124
Funding	125
Section 3: Accessibility	126
Section 4: Cooperation and coordination	126
Section 5: Perceived gaps in the implementation of children's rights	129
Section 6: Evaluation of the Noser motion	129
Section 7: Respondent characteristics	130
Exit	131

Introduction

Dear Sir or Madam,

Thank you for taking part in this survey. We are going to ask you about some basic characteristics of the organization you represent, the mandates and activities your organization performs in order to the protect or promote children's rights, the extent of your cooperation with other types of organization relevant to the field, and your assessment of central aspects regarding Motion 19.3633. Your contribution will help us to assess how the roles and responsibilities are de facto divided between institutional actors in Switzerland, and how the prospect of an independent children's human rights institution (ICHRI) is evaluated. We highly appreciate your contribution.

Please be informed that:

- Your responses will be stored on a strictly secured platform and will not be shared with anyone outside of the research team. The members of the research team are subject to the duty of confidentiality and the locally applicable data protection regulations.
- In our research report, we will not identify individual actors' responses. Instead, we will aggregate responses for different types of actors.
- Until you send off the questionnaire on the last page, you may revise earlier responses by using the "back" button. However, it is NOT possible to revisit an incomplete questionnaire after closing your browser window. We kindly ask you to complete the questionnaire in one sitting.

If you have any questions, you may reach us at david.laetsch@zhaw.ch. Thank you.

On behalf of the research team:

Dr. Roberta Ruggiero, University of Geneva

Prof. Dr. David Lättsch, Zurich University of Applied Sciences

Prof. Dr. Paula Krüger, Lucerne University of Applied Sciences and Arts

Section 1: Organizational characteristics

1. Please provide the full name of the organization you represent.

This may be an umbrella organization (such as a cantonal department) or an organizational unit within this umbrella organization (such as center of competence within the department). Please decide what organization it is appropriate for you to represent and answer all the following questions accordingly, that is, from the point of view of the organization or organizational unit that you have referenced below.

2. Which of the following legal categories fits best with your organization?

- 1 Public
- 2 Para-public (e.g., fulfilling both public and non-public mandates, or funded to a substantial degree by both public and private actors)
- 3 Private
- 98 Not sure / Not applicable

3. On which level of government does your organization operate?

You may check multiple options.

- 1 National
- 2 Inter-cantonal (at least two cantons)
- 3 Cantonal
- 4 Regional (at least two municipalities)
- 5 Municipal
- 98 Not sure / Not applicable

4. Which of the following professions are represented by at least one employee of your organization?

You may check multiple options. A profession is represented if at least one member of staff holds a certified degree in that profession (e.g., Bachelor's or Master's degree).

- 1 Law
- 2 Social work
- 3 Psychology
- 4 Social sciences (such as sociology, political science etc.)
- 5 Medicine
- 6 other health professions
- 7 other, please specify:
- 98 Not sure / Not applicable

5. Has at least one member of your staff (i.e., employee under contract with your organization) received certified training/education in children's rights and/or in issues closely related to children's rights (e.g., child protection, child migration)?

Examples are a Bachelor's or Master's degree in children's rights studies, or a postgraduate certificate (such as CAS, MAS) in a course dedicated largely or entirely to issues related to children's rights.

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

6. Organizations are often held accountable in their actions by a superordinate body or authority. This may mean that the organization regularly reports its actions to the superordinate body and/or that the superordinate body has the power to review and regulate the organization's work. Is your organization accountable to any body of the following type?

You may check multiple options.

- 1 Legislative (e.g., cantonal parliament)
- 2 Executive (e.g., branch of the canton's government)
- 3 Judiciary
- 4 General public
- 5 Donors
- 6 Other, please specify:
- 98 Not sure / Not applicable

7. What sources provide the funding for your organization?

You may check multiple options.

- 1 Public sources on a federal level
- 2 Public sources on a cantonal or inter-cantonal level
- 3 Public sources on a municipal or regional level
- 4 Private sources (e.g., foundations, donations, revenues from activities etc.)
- 98 Not sure / Not applicable

Section 2: Mandates and activities

In the following section, we are going to list several mandates and activities that may or may not be performed by organizations focusing on child-related services and/or on children's rights. For each task, we are going to ask you whether your organization has performed this task in the past twelve months. In the following, "your organization" means *yourself and/or your colleagues acting in their professional capacity as members of your organization (the one you referenced before)*. By "children" we mean *children and young people between birth and the age of 18 years*, in accordance with art. 1 UNCRC. Finally, the term "children's rights" refers to the set of rights codified in the United Nations Convention on the Rights of the Child, including for example (but not limited to) children's right to health, education, protection from violence and exploitation, adequate parental care, or freedom of expression and participation.

Legislation and policy

8. In the past twelve months, has your organization submitted any proposals on policies and/or laws regarding children's rights, on the local, cantonal, inter-cantonal or national level?

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

[IF 8=2] *On what level of government did your organization do this? You may check multiple options.*

- 1 National
- 2 Inter-cantonal
- 3 Cantonal
- 4 Regional (at least two municipalities involved)
- 5 Municipal
- 98 Not sure / Not applicable

9. In the past twelve months, has your organization implemented actions to ensure that policy makers take children's rights into account (e.g., by sharing children's opinions on the issue under discussion, organizing consultation sessions with children etc.)?

- 1 No
- 2 Yes

98 Not sure / Not applicable

[IF 9=2] *On what level of government did your organization do this? You may check multiple options.*

- 1 National
- 2 Inter-cantonal
- 3 Cantonal
- 4 Regional (at least two municipalities involved)
- 5 Municipal
- 98 Not sure / Not applicable

Quasi-judicial and mediation tasks

10. In the past twelve months, has your organization received and considered any individual or group claims, complaints or petitions submitted directly by a child or on behalf of a child?

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

11. In the past twelve months, has your organization carried out any investigations or inquiries on matters relating to a violation of children's rights (e.g., children's right to education, to participation or to protection from violence)?

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

[IF 11=2] *Which of the following children's rights did these actions concern? You may check multiple options.*

- 1 Right to non-discrimination
- 2 Right to the best interests of the child being a primary consideration
- 3 Rights related to standards for institutions, services, and facilities
- 4 Right to participation and to respect for the views of the child
- 5 Child's civil rights and freedoms (for example, freedom of expression; freedom of religion; preservation of child's identity)
- 6 Family environment or alternative care (for example, right to adequate parental guidance and care; right to adequate care in out-of-home placement)
- 7 Protection from all forms of violence (for example, protection from child abuse; protection from extrafamilial violence)
- 8 Basic health and welfare (for example, right to adequate standards of living; to adequate health care; to protection from drugs; rights of disabled children)
- 9 Education, leisure, and cultural activities (for example, right to leisure, play, participation in cultural activities)
- 10 Special protection: Children in situation of emergency (for example, protection of refugee and migrant children; rehabilitation of child victims)
- 11 Special protection: Children involved with the system of administration of juvenile justice
- 12 Special protection: Children in situation of exploitation (for example, protection from sexual exploitation; from trafficking and abduction)
- 13 Special protection: Children belonging to a minority or indigenous group
- 14 Other, please specify:
- 98 Not sure

12. In the past twelve months, has your organization assisted and/or counseled children who had been maltreated or suffered any other violation of children's rights?
- 1 No
2 Yes
98 Not sure / Not applicable
13. In the past twelve months, has your organization supported any children taking cases to court (e.g., by counseling them, by referring them to a specialized lawyer etc.)?
- 1 No
2 Yes
98 Not sure / Not applicable
14. In the past twelve months, has your organization provided expertise in children's rights to a court or public authority?
- 1 No
2 Yes
98 Not sure / Not applicable
15. In the past twelve months, has your organization taken legal proceedings to vindicate children's rights in individual or group cases?
- 1 No
2 Yes
98 Not sure / Not applicable

[IF 15=2] Which of the following children's rights did these actions concern? You may check multiple options.

- 1 Right to non-discrimination
2 Right to the best interests of the child being a primary consideration
3 Rights related to standards for institutions, services, and facilities
4 Right to participation and to respect for the views of the child
5 Child's civil rights and freedoms (for example, freedom of expression; freedom of religion; preservation of child's identity)
6 Family environment or alternative care (for example, right to adequate parental guidance and care; right to adequate care in out-of-home placement)
7 Protection from all forms of violence (for example, protection from child abuse; protection from extrafamilial violence)
8 Basic health and welfare (for example, right to adequate standards of living; to adequate health care; to protection from drugs; rights of disabled children)
9 Education, leisure, and cultural activities (for example, right to leisure, play, participation in cultural activities)
10 Special protection: Children in situation of emergency (for example, protection of refugee and migrant children; rehabilitation of child victims)
11 Special protection: Children involved with the system of administration of juvenile justice
12 Special protection: Children in situation of exploitation (for example, protection from sexual exploitation; from trafficking and abduction)
13 Special protection: Children belonging to a minority or indigenous group
14 Other, please specify:
98 Not sure

16. In the past twelve months, has your organization engaged in mediation and/or in conciliation services in cases involving children's rights?

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

[IF 16=2] Which of the following children's rights did these actions concern? You may check multiple options.

- 1 Right to non-discrimination
- 2 Right to the best interests of the child being a primary consideration
- 3 Rights related to standards for institutions, services, and facilities
- 4 Right to participation and to respect for the views of the child
- 5 Child's civil rights and freedoms (for example, freedom of expression; freedom of religion; preservation of child's identity)
- 6 Family environment or alternative care (for example, right to adequate parental guidance and care; right to adequate care in out-of-home placement)
- 7 Protection from all forms of violence (for example, protection from child abuse; protection from extrafamilial violence)
- 8 Basic health and welfare (for example, right to adequate standards of living; to adequate health care; to protection from drugs; rights of disabled children)
- 9 Education, leisure, and cultural activities (for example, right to leisure, play, participation in cultural activities)
- 10 Special protection: Children in situation of emergency (for example, protection of refugee and migrant children; rehabilitation of child victims)
- 11 Special protection: Children involved with the system of administration of juvenile justice
- 12 Special protection: Children in situation of exploitation (for example, protection from sexual exploitation; from trafficking and abduction)
- 13 Special protection: Children belonging to a minority or indigenous group
- 14 Other, please specify:
- 98 Not sure

17. In the past twelve months, has your organization implemented actions to ensure the privacy and protection of children as victims of child maltreatment or other violations of children's rights?

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

[IF 17=2] Which of the following children's rights had been violated in these cases? You may check multiple options.

- 1 Right to non-discrimination
- 2 Right to the best interests of the child being a primary consideration
- 3 Rights related to standards for institutions, services, and facilities
- 4 Right to participation and to respect for the views of the child
- 5 Child's civil rights and freedoms (for example, freedom of expression; freedom of religion; preservation of child's identity)
- 6 Family environment or alternative care (for example, right to adequate parental guidance and care; right to adequate care in out-of-home placement)
- 7 Protection from all forms of violence (for example, protection from child abuse; protection from extrafamilial violence)
- 8 Basic health and welfare (for example, right to adequate standards of living; to adequate health care; to protection from drugs; rights of disabled children)

- 9 Education, leisure, and cultural activities (for example, right to leisure, play, participation in cultural activities)
- 10 Special protection: Children in situation of emergency (for example, protection of refugee and migrant children; rehabilitation of child victims)
- 11 Special protection: Children involved with the system of administration of juvenile justice
- 12 Special protection: Children in situation of exploitation (for example, protection from sexual exploitation; from trafficking and abduction)
- 13 Special protection: Children belonging to a minority or indigenous group
- 14 Other, please specify:
- 98 Not sure

Promoting and monitoring compliance with children's rights

18. In the past twelve months, has your organization implemented any actions to monitor whether public regulations, law, policy, and practice were adequate and effective in promoting and fulfilling children's rights?

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

[IF 18=2] *On what level of government did your organization do this? You may check multiple options.*

- 1 National
- 2 Inter-cantonal
- 3 Cantonal
- 4 Regional (at least two municipalities involved)
- 5 Municipal
- 98 Not sure / Not applicable

19. In the past twelve months, has your organization implemented any actions to make sure that the impact of laws and policies on children is carefully considered by those involved based on children's best interests (e.g., assessment of laws, policies, or practices etc.)?

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

[IF 19=2] *On what level of government did your organization do this? You may check multiple options.*

- 1 National
- 2 Inter-cantonal
- 3 Cantonal
- 4 Regional (at least two municipalities involved)
- 5 Municipal
- 98 Not sure / Not applicable

20. In the past twelve months, has your organization accessed any places of out-of-home care dedicated to children (e.g., residential care, detention center, asylum center etc.) in order to inspect the state of children's rights in that institution and to make recommendations for improvement?

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

[IF 20=2] *To which category does this place/do these places belong? You may check multiple options.*

- 1 Residential care home
- 2 Foster care
- 3 Detention center
- 4 Asylum center
- 5 Hospital
- 6 Residential school
- 7 Other, please specify:
- 98 Not sure / Not applicable

Reporting on children's rights conditions

21. In the past twelve months, has your organization prepared and publicized any opinions, recommendations, or reports regarding the state of children's rights in Switzerland, on the local, cantonal, inter-cantonal, or national level?

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

[IF 21=2] *On what level of government did your organization do this? You may check multiple options.*

- 1 National
- 2 Inter-cantonal
- 3 Cantonal
- 4 Regional (at least two municipalities involved)
- 5 Municipal
- 98 Not sure / Not applicable

[IF 21=2] *Which of the following children's rights did these actions concern? You may check multiple options.*

- 1 Right to non-discrimination
- 2 Right to the best interests of the child being a primary consideration
- 3 Rights related to standards for institutions, services, and facilities
- 4 Right to participation and to respect for the views of the child
- 5 Child's civil rights and freedoms (for example, freedom of expression; freedom of religion; preservation of child's identity)
- 6 Family environment or alternative care (for example, right to adequate parental guidance and care; right to adequate care in out-of-home placement)
- 7 Protection from all forms of violence (for example, protection from child abuse; protection from extrafamilial violence)
- 8 Basic health and welfare (for example, right to adequate standards of living; to adequate health care; to protection from drugs; rights of disabled children)
- 9 Education, leisure, and cultural activities (for example, right to leisure, play, participation in cultural activities)
- 10 Special protection: Children in situation of emergency (for example, protection of refugee and migrant children; rehabilitation of child victims)
- 11 Special protection: Children involved with the system of administration of juvenile justice
- 12 Special protection: Children in situation of exploitation (for example, protection from sexual exploitation; from trafficking and abduction)
- 13 Special protection: Children belonging to a minority or indigenous group
- 14 Other, please specify:
- 98 Not sure

22. This next question relates to the past 36 months. In the past 36 months, has your organization contributed independently to the reporting process under the Children's Rights Convention reporting cycle for Switzerland?
- Contributing to the report submitted by the Child Rights Network Switzerland counts as “yes”. Contributing to the periodic reporting by the Swiss Confederation counts as “no”.
- 1 No
2 Yes
98 Not sure / Not applicable

Promoting awareness of children's rights to general public and professionals

23. In the past twelve months, has your organization implemented actions to promote public understanding and awareness of the importance of children's rights?
- 1 No
2 Yes
98 Not sure / Not applicable
- [IF 23=2] On what level of government did your organization do this? You may check multiple options.*
- 1 National
2 Inter-cantonal
3 Cantonal
4 Regional (at least two municipalities involved)
5 Municipal
98 Not sure / Not applicable

24. In the past twelve months, has your organization provided human rights education to people outside of your own organization, such as through courses, textbooks, or other educational material?
- This includes teaching on children's rights that your organization conducts as part of another organization's educational activities.
- 1 No
2 Yes
98 Not sure / Not applicable

Child participation

25. In the past twelve months, has your organization implemented actions to grant children access to information on their right to be heard?
- 1 No
2 Yes
98 Not sure / Not applicable
26. In the past twelve months, has your organization implemented actions to make it easy for children to express their views and opinions in matters related to your organization's services or actions?
- 1 No
2 Yes
98 Not sure / Not applicable

27. In the past twelve months, has your organization implemented actions to advocate for and facilitate the participation of children in places and contexts other than those of your own organization?

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

28. In the past twelve months, has your organization implemented actions to advocate for and facilitate the participation of organizations comprised of children themselves, such as youth associations or youth groups?

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

[IF 28=2] *On what level of government did your organization do this? You may check multiple options.*

- 6 National
- 7 Inter-cantonal
- 8 Cantonal
- 9 Regional (at least two municipalities involved)
- 10 Municipal
- 98 Not sure / Not applicable

29. **In the past twelve months, has your organization undertaken any of the following activities to consult with children in the performing of your mandate?**

You may check multiple options.

- 1 Children advisory groups
- 2 Focus group with children
- 3 Online or offline surveys to gather children's opinion
- 4 Interviews with children
- 5 Other, please specify:
- 98 Not sure / Not applicable

Funding

30. **In your opinion, is your organization adequately funded to promote and protect children's rights to the degree that its mandate requires?**

- 1 No
- 2 Yes
- 98 Not sure / Not applicable

[IF 30=1 OR 98] *If you had more resources, in which of the following domains of children's rights would your organization likely extend or improve its actions?*

- 1 Legislation and policy regarding children's rights
- 2 Quasi-judicial and mediation tasks
- 3 Promoting and monitoring compliance with children's rights in Switzerland
- 4 Reporting on children's rights conditions
- 5 Promoting awareness of children's rights to general public and professionals
- 6 Promoting child participation
- 7 Other, please specify:

98 Not sure / Not applicable

31. Has it ever happened that your organization was not able or not fully able to fulfill its mandate in the protection and promotion of children's rights because your funders had different priorities?

- 1 No
- 2 Yes, but this has happened rarely
- 3 Yes, this has often happened
- 98 Not sure / Not applicable

Section 3: Accessibility

32. Which of the following facilities does your organization provide to make it easy for children to get in contact with your organization?

As a reminder, "children" refers to children and young people up to the age of 18 years. You may check multiple options.

- 1 Front-desk dedicated to children
- 2 Phone hotline for children
- 3 Website with child-friendly information and contacts
- 4 Possibility for children to send chat or text messages
- 5 Social media page dedicated to children
- 6 App for children
- 7 Other, please specify:
- 8 None of the above
- 98 Not sure / Not applicable

33. Which of the following facilities does your organization provide to make it easy for vulnerable children to get in contact with your organization?

You may check multiple options.

- 1 Facilitated physical access to office
- 2 Digital platforms developed in multiple languages, sign-language, read-aloud function, or easy format for children with any limited literacy
- 3 Information material (digital and paper) provided in multiple languages, sign-language, read-aloud function/braille, or easy language/format for children with any limited literacy
- 4 Translation and interpretation facilities
- 5 Hotline for children in multiple languages
- 6 Videophone for children
- 7 Other, please specify:
- 8 None of the above
- 98 Not sure / Not applicable

Section 4: Cooperation and coordination

In the following section, we are going to ask you briefly about the extent and the quality of your organization's cooperation with other organizations that provide services, take action, or promote awareness in the context of children's rights.

If your organization cooperated (incl. exchange of information, coordinating actions etc.) with another organization **at least once in the past 12 months**, we ask you to **rate the quality of your cooperation with that organization in the past 12 months**. If your organization did not cooperate with an organization of this type, you may simply leave the answer at "not applicable".

On average, how would you rate the quality of your organization's cooperation with this organization in the past 12 months?

34. NGO dedicated to the protection or promotion of children's rights

- 1 Not applicable
- 2 Poor
- 3 Satisfactory
- 4 Excellent
- 98 Not sure

35. Child protection authority

- 1 Not applicable
- 2 Poor
- 3 Satisfactory
- 4 Excellent
- 98 Not sure

36. Child protection group

- 1 Not applicable
- 2 Poor
- 3 Satisfactory
- 4 Excellent
- 98 Not sure

37. Agency of Public Social Services or Children and Youth Services

- 1 Not applicable
- 2 Poor
- 3 Satisfactory
- 4 Excellent
- 98 Not sure

38. Victim Aid Agency

- 1 Not applicable
- 2 Poor
- 3 Satisfactory
- 4 Excellent
- 98 Not sure

39. Crisis Intervention Center (such as Women's Shelter, Girls/Boys Shelter)

- 1 Not applicable
- 2 Poor
- 3 Satisfactory
- 4 Excellent
- 98 Not sure

40. Asylum Center

- 1 Not applicable
 - 2 Poor
 - 3 Satisfactory
 - 4 Excellent
 - 98 Not sure
41. Public Administration Office with responsibilities regarding children's rights (municipal, cantonal, or federal)
- 1 Not applicable
 - 2 Poor
 - 3 Satisfactory
 - 4 Excellent
 - 98 Not sure
42. Office of Public Prosecutor (for adults)
- 1 Not applicable
 - 2 Poor
 - 3 Satisfactory
 - 4 Excellent
 - 98 Not sure
43. Office of Youth Public Prosecutor
- 1 Not applicable
 - 2 Poor
 - 3 Satisfactory
 - 4 Excellent
 - 98 Not sure
44. University or research center working in children's rights related issues
- 1 Not applicable
 - 2 Poor
 - 3 Satisfactory
 - 4 Excellent
 - 98 Not sure
45. Independent human rights institution
- 1 Not applicable
 - 2 Poor
 - 3 Satisfactory
 - 4 Excellent
 - 98 Not sure
46. In the past 12 months, did you cooperate with any other organization dedicated to the protection or promotion of children's rights, apart from the ones listed in the previous section of this questionnaire?
- 1 No

- 2 Yes
98 Not sure / Not applicable

[IF 46=1] *Please specify what type or types of organization this was.*

Section 5: Perceived gaps in the implementation of children's rights

47. In your opinion, what are the most pressing concerns regarding the implementation of children's rights in Switzerland today? Please describe briefly.

Section 6: Evaluation of the Motion 19.3633

On 24 September 2020, the National Council, as the second chamber, passed Motion 19.3633 on the establishment of an independent institution for the human rights of children. According to the motion, an independent children's human rights institution (ICHRI) shall be created. This office shall have the necessary competencies to receive and exchange information with authorities and courts, be accessible to all children and adolescents up to 18 years of age as well as their caregivers, advise those affected, mediate between the child and state authorities, and ensure that children and adolescents have access to justice. More information on the content of the motion may be found here:

<https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20193633>

<https://www.parlament.ch/it/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20193633>

<https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20193633>

48. As an expert in your field, how do you evaluate the prospect of an independent children's human rights institution (ICHRI), as outlined in motion 19.3633, being created in Switzerland?
- 1 I am in favor of the motion, without reservations
2 I am in favor, but have reservations
3 I am not in favor
98 Not sure / Not applicable

[IF 48=1] *May we ask you to briefly describe why you are in favor of the motion?*

[IF 48=2] *May we ask you to briefly describe your reservations about the motion?*

[IF 48=3] *May we ask you to briefly describe your objections to the motion?*

49. In your opinion, which of the following children's rights should be covered by the mandate of the ICHRI?
- You may check multiple options.
- 1 All children's rights
2 Right to non-discrimination
3 Right to the best interests of the child being a primary consideration
4 Rights related to standards for institutions, services, and facilities
5 Right to participation and to respect for the views of the child
6 Child's civil rights and freedoms
7 Family environment or alternative care

- 8 Protection from all forms of violence
- 9 Basic health and welfare
- 10 Education, leisure, and cultural activities
- 11 Special protection: Children in situation of emergency
- 12 Special protection: Children involved with the system of administration of juvenile justice
- 13 Special protection: Children in situation of exploitation
- 14 Special protection: Children belonging to a minority or indigenous group
- 15 Other, please specify:
- 98 Not sure / Not applicable

Section 7: Respondent characteristics

In this last section, we are going to ask you a small number of questions about your professional background.

50. What is your professional background?

You may check multiple options. A professional background counts if you have an undergraduate or graduate degree in the field.

- 1 Law
- 2 Social work
- 3 Psychology
- 4 Social sciences (such as sociology, political science etc.)
- 5 Medicine
- 6 Other Health Sciences
- 7 Other, please specify:
- 98 Not sure

51. Do you hold a degree or a postgraduate diploma or certificate in children's rights?

Having received training on children's rights as part of an education in another topic or field does not count.

- 1 Yes
- 2 No
- 98 Not sure

52. How many years of professional experience do you have in the field where you are currently working?

- 1 less than 2 years
- 2 2 to 5 years
- 3 6 to 10 years
- 4 more than 10 years
- 98 Not sure

53. What role do you perform in your organization?

You may check multiple options.

- 1 High-level management (supervising managers)
- 2 Intermediate or lower-level management (supervising case workers)
- 3 Administrative case worker (not in contact with service users)
- 4 Case worker (in contact with service users)
- 5 Other, please specify:
- 98 Not sure

Exit

- 54. Would you like to tell us something else about the topic of children's rights or about the survey?
Then please use this field.
To complete the survey, please click on "Continue".**

((before submission))

You have reached the end of the questionnaire. Please press the button "Continue" to submit.

((after submission))

Thank you for your participation. Your contribution is greatly appreciated.

Annex 6. Items from the survey, related to distinct tasks and activities of organizational actors

Legislation and policy

- 01: Has your organization submitted any proposals on policies and/or laws regarding children's rights, on the local, cantonal, inter-cantonal or national level?
- 02: Has your organization implemented actions to ensure that policy makers take children's rights into account (e.g., by sharing children's opinions on the issue under discussion, organizing consultation sessions with children etc.)?

Quasi-judicial and mediation tasks

- 03: Has your organization received and considered any individual or group claims, complaints or petitions submitted directly by a child or on behalf of a child?
- 04: Has your organization carried out any investigations or inquiries on matters related to a violation of children's rights (e.g., children's right to education, to participation or to protection from violence)?
- 05: Has your organization assisted and/or counseled children who had been maltreated or suffered any other violation of children's rights?
- 06: Has your organization supported any children taking cases to court (e.g., by counseling them, by referring them to a specialized lawyer etc.)?
- 07: Has your organization provided expertise in children's rights to a court or public authority?
- 08: Has your organization taken legal proceedings to vindicate children's rights in individual or group cases?
- 09: Has your organization engaged in mediation and/or in conciliation services in cases involving children's rights?
- 10: Has your organization implemented actions to ensure the privacy and protection of children as victims of child maltreatment or other violations of children's rights?

Monitoring state compliance

- 11: Has your organization implemented any actions to monitor whether public regulations, law, policy, and practice were adequate and effective in promoting and fulfilling children's rights?
- 12: Has your organization implemented any actions to make sure that the impact of laws and policies on children is carefully considered by those involved, based on children's best interests (e.g., assessment of laws, policies, or practices etc.)?
- 13: Has your organization accessed any places of out-of-home care dedicated to children (e.g., residential care, detention center, asylum center etc.) to inspect the state of children's rights in that institution and to make recommendations for improvement?

Reporting on the children's conditions

- 14: Has your organization prepared and publicized any opinions, recommendations, or reports regarding the state of children's rights in Switzerland, on the local, cantonal, inter-cantonal, or national level?
- 15: Has your organization contributed independently to the reporting process under the Children's Rights Convention reporting cycle for Switzerland?

Education, promoting rights and raising awareness

- 16: Has your organization implemented actions to promote public understanding and awareness of the importance of children's rights?
- 17: Has your organization provided human rights education to people outside of your own organization, such as through courses, textbooks, or other educational material?

Child participation

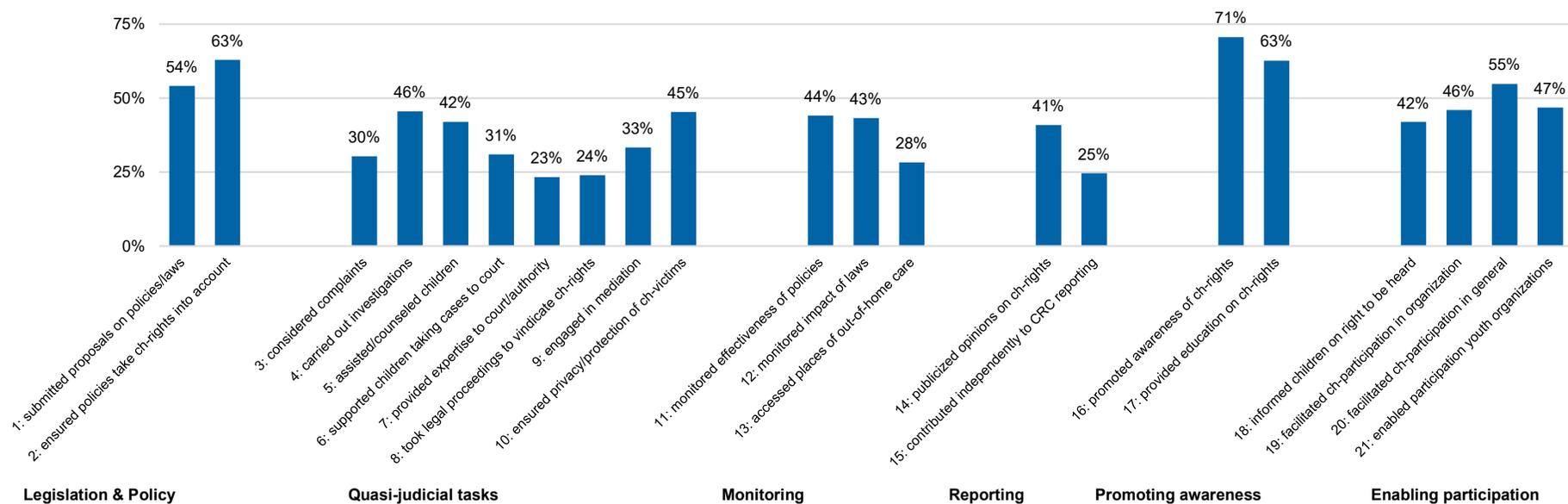
- 18: Has your organization implemented actions to grant children access to information on their right to be heard?
 - 19: Has your organization implemented actions to make it easy for children to express their views and opinions in matters related to your organization's services or actions?
 - 20: Has your organization implemented actions to advocate for and facilitate the participation of children in places and contexts other than those of your own organization?
 - 21: Has your organization implemented actions to advocate for and facilitate the participation of organizations comprised of children themselves, such as youth associations or youth groups?
-

Annex 7. Top 10 percentile of organizations, ranked by number of activities reported

<i>Organization</i>	<i>Legal type</i>	<i>Level of government</i>	<i>No. of activities</i>
Ombudsperson's Office for Children	para-public	national	20
General Directorate for Children and Youth	public	cantonal	19
Cantonal Youth Office	public	cantonal	19
University Center for Children's Rights	public	cantonal	18
Cantonal Youth Office, Unit of Children and Youth Services	public	cantonal	18
General Directorate of the Office for Children and Youth	public	cantonal	17
Office for the Protection of Adults and Children	public	cantonal	17
International Social Services	para-public	national	15
Association for the Prevention of Violence Against Children and Adolescents	private	national	15
Department of Family, Children and Youth of the Cantonal Department of Social Services	public	cantonal	15
Office for Society and Social Affairs, Unit for Family, Childhood and Youth	public	cantonal	15
Unit of Children and Youth Welfare Services	public	regional	15

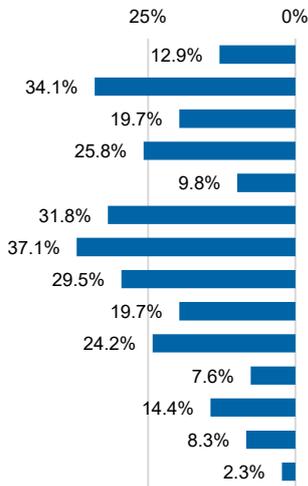
Note. Level of government reflects organizations' self-reports. The theoretical maximum for number of activities is 21.

Annex 8. Proportion of actors having performed an activity at least once in the past 12 months, at any level of government (N = 124–133)

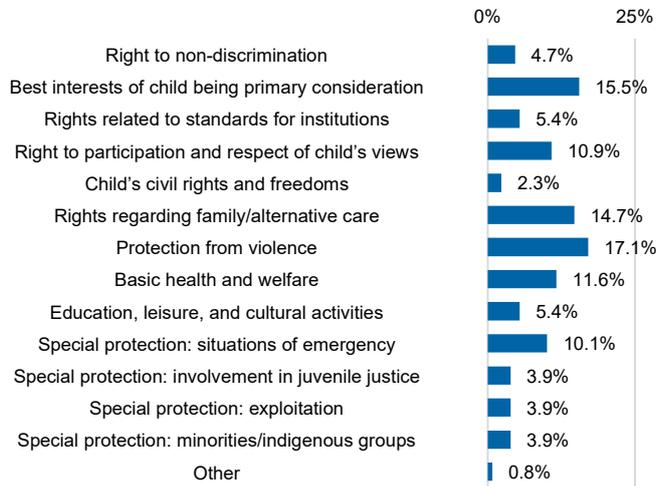


Annex 9. Percentage of actors performing quasi-judicial activities that address specific children’s rights (N = 124–133)

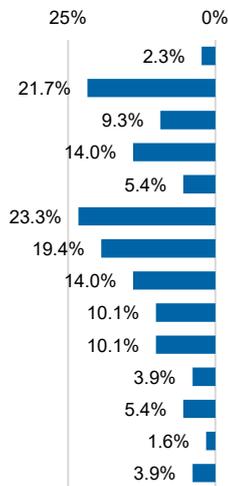
04: Has your organization carried out any investigations or inquiries on matters relating to a violation of children’s rights?



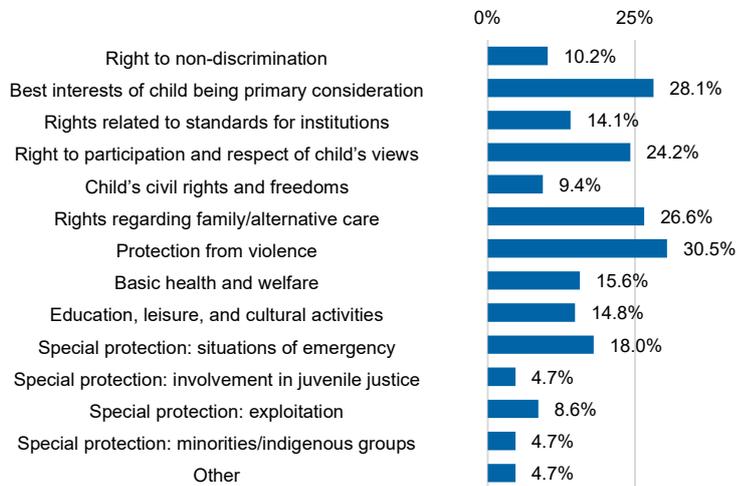
08: Has your organization taken legal proceedings to vindicate children’s rights in individual or group cases?



09: Has your organization engaged in mediation and/or in conciliation services in cases involving children’s rights?



10: Has your organization implemented actions to ensure the privacy and protection of child victims of maltreatment or other violations of children’s rights?



Annex 10. Further analysis of range of activities covered

Figure A.1. Absolute number of activities that different types of actors performed on average, based on self-reports, by domain of tasks (N = 124–133)

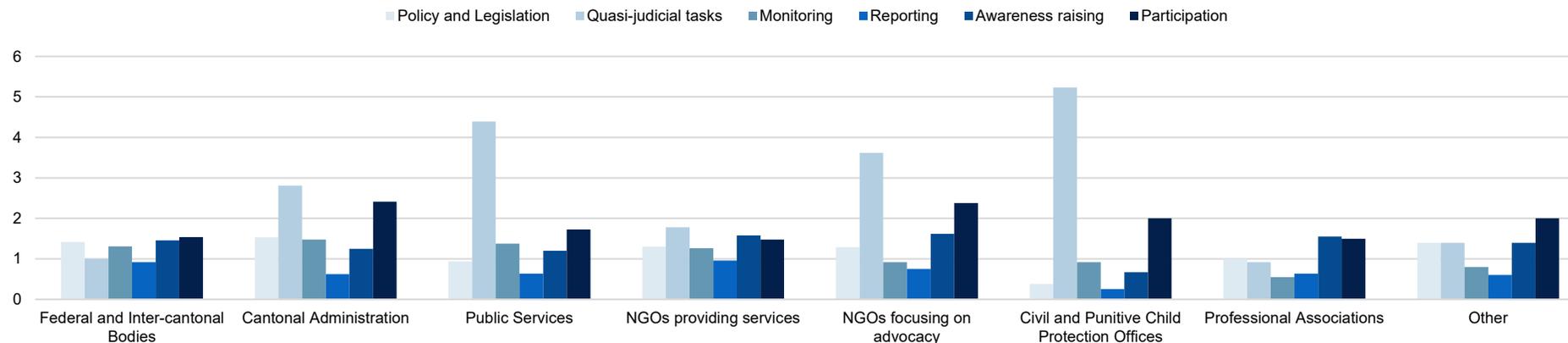


Figure A.2. Range of activities covered by organizations, across types of actors, by domain and sum score (standardized z scores) (N = 124–133)

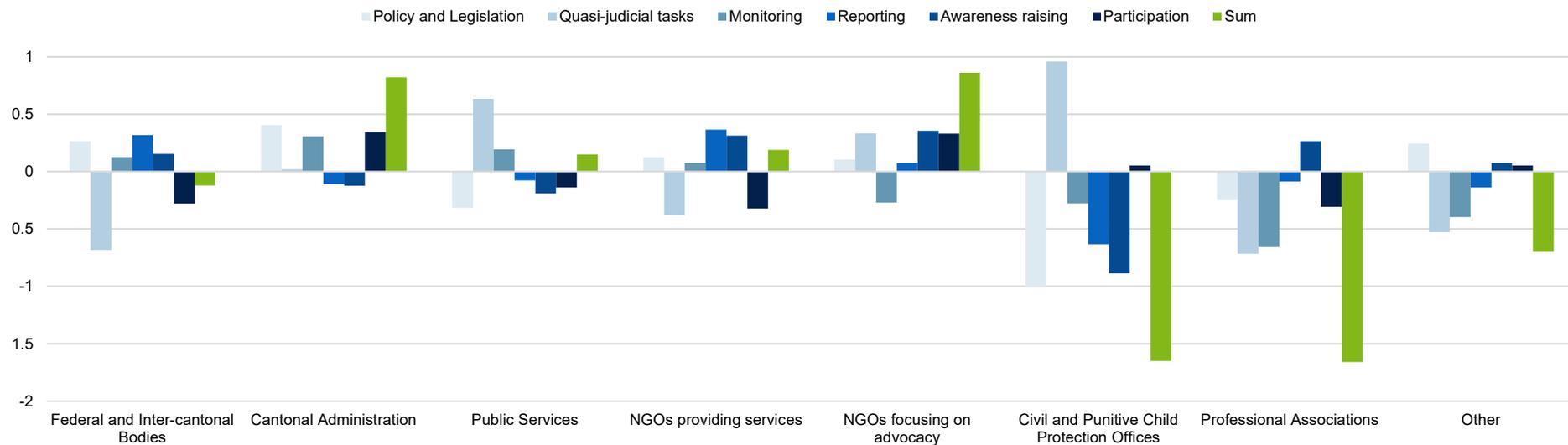
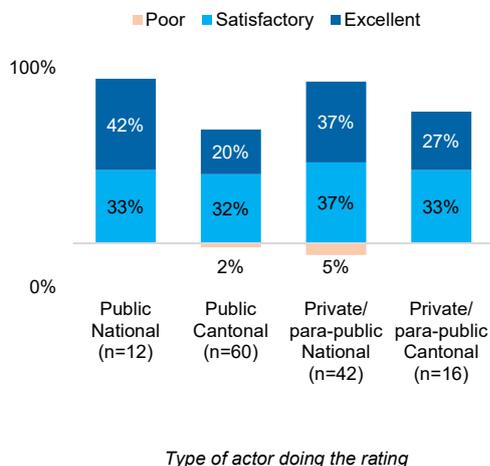


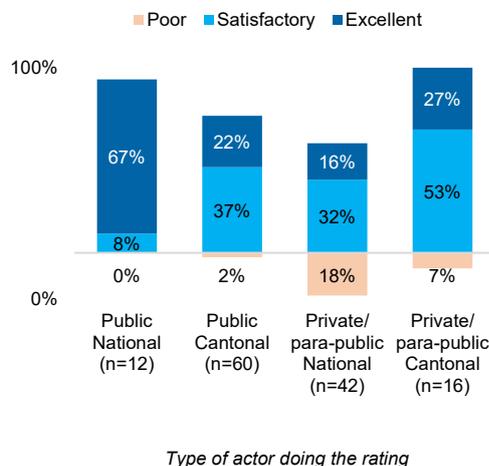
Figure A.1 shows the absolute number of activities that different types of actors performed in the past year on average, according to their self-reports, ordered along the six domains of activities. This mode of presentation makes it apparent that some types of actors spread their activities quite evenly across all domains, whereas others focused on specific activities. The latter applies most pronouncedly to public services and child protective services, both of which specialize in quasi-judicial tasks. To provide a rough estimate of the organizations' *overall* involvement in the promotion and protection of children's rights, we calculated an average value that is the sum of the z-standardized scores across the six domains. Simply put, this value reflects the organizations' involvement in activities related to children's rights where each of the six domains counts the same. In other words, the average value corrects the fact that the domains differ in terms of the number of activities they include. The standardized scores for each individual domain and for this sum score are presented in Figure A.2. A value of 1 means that the organization's involvement in children's rights activities is one standard deviation above that of the average, a value of 0 signifies it is average, and a value of -1 indicates that it is one standard deviation below average. Organizations belonging to the administration of cantons and NGOs focusing on advocacy address the widest range of children's rights, at least according to their self-reported activities.

Annex 11. Quality of cooperation with different types of organizations, as rated by type of actor (N = 130)

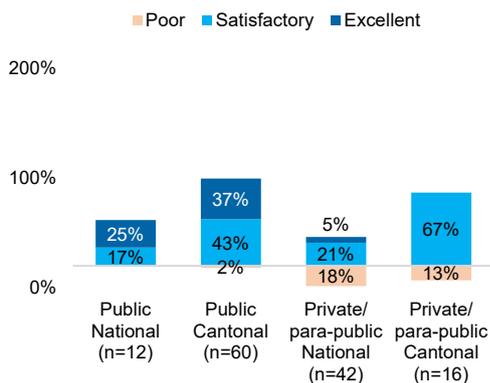
NGOs focusing on advocacy for children’s rights



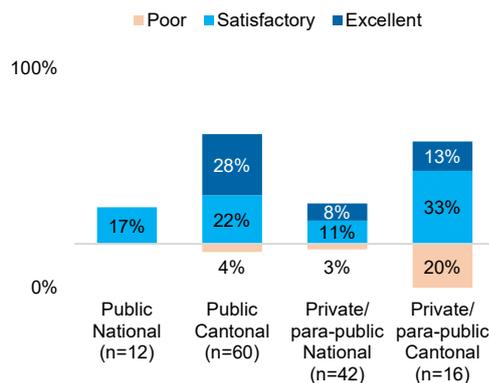
Public administration concerned with children’s rights



Child protection authorities



Child protection groups (e.g., at hospitals)

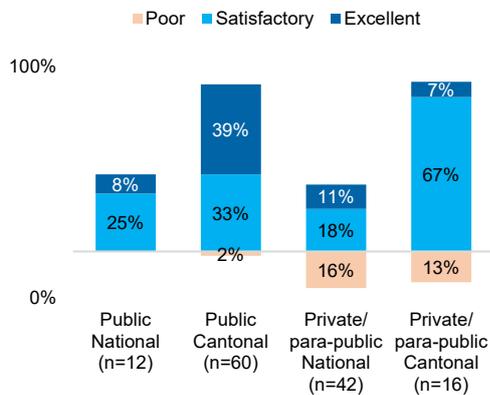


Note. Percentages do not add up to 100% because not all actors cooperated with all other actors. The percentages of actors who responded by “not applicable” or “not sure” were counted in the descriptive analysis but are omitted in the figure. For example, 83% of public actors operating at the national level had not cooperated at all with child protection groups.

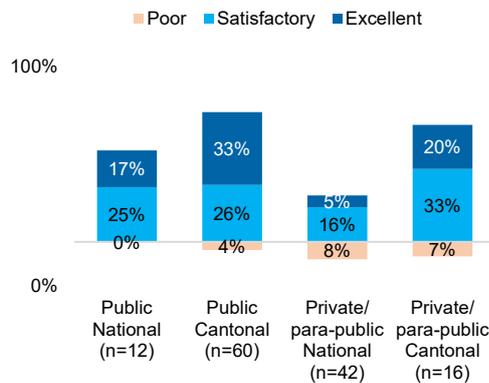
National = National or inter-cantonal.

Cantonal = Cantonal or below.

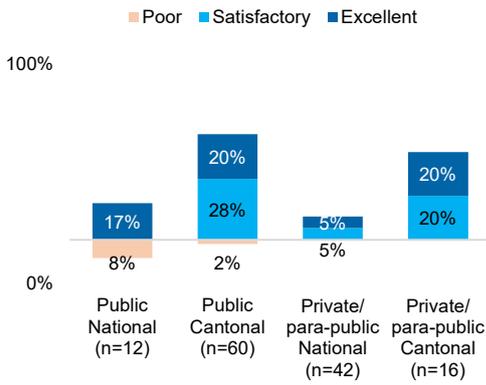
Public social services/children and youth services



Victim aid agencies

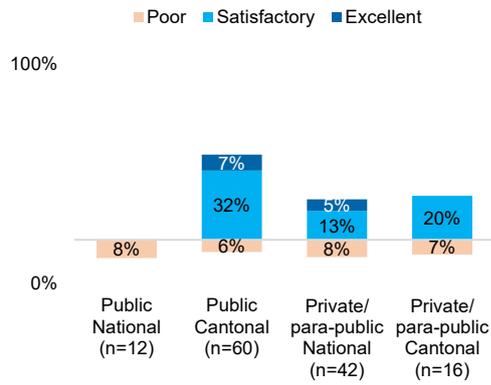


Crisis intervention centers



Type of actor doing the rating

Asylum centers



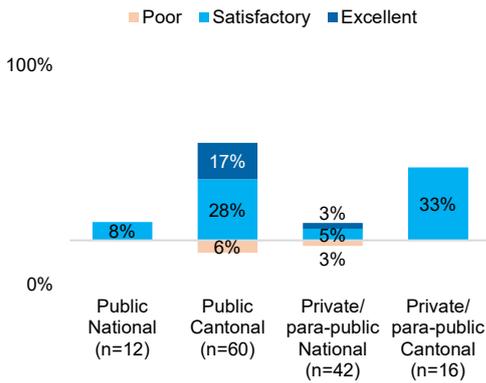
Type of actor doing the rating

Note. Percentages do not add up to 100% because not all actors cooperated with all other actors. The percentages of actors who responded by “not applicable” or “not sure” were counted in the descriptive analysis but are omitted in the figure. For example, 92% of public actors operating at the national level had not cooperated at all with asylum centers.

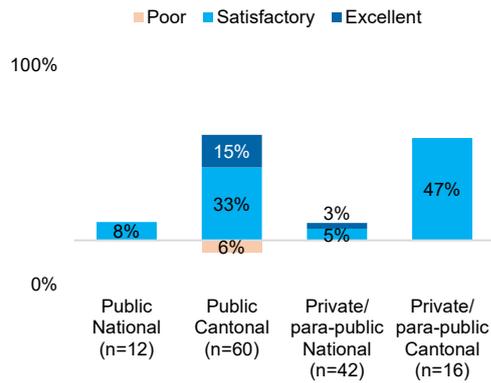
National = National or inter-cantonal.

Cantonal = Cantonal or below.

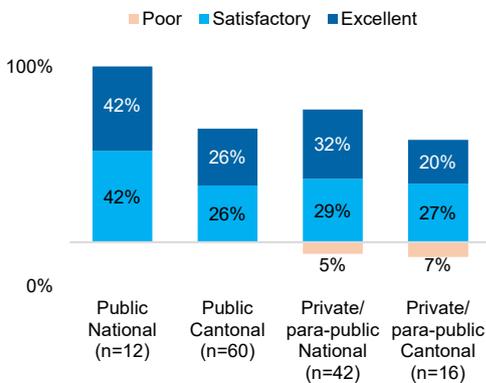
Adult prosecutor’s offices



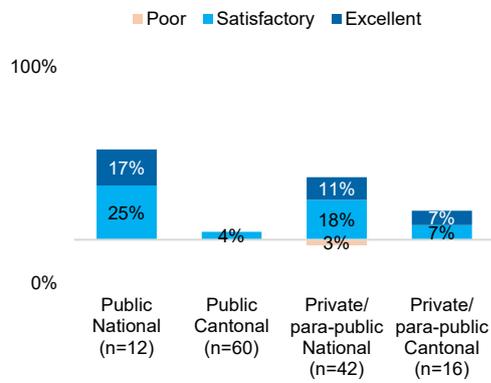
Youth prosecutor’s offices



Universities/Research Centers



Independent human right institutions



Note. Percentages do not add up to 100% because not all actors cooperated with all other actors. The percentages of actors who responded by “not applicable” or “not sure” were counted in the descriptive analysis but are omitted in the figure. For example, 92% of public actors operating at the national level had not cooperated at all with asylum centers.

National = National or inter-cantonal.

Cantonal = Cantonal or below.

Annex 12. Perceived gaps regarding children's rights, statements assigned to category 'Structure'

<i>(Sub-)Category</i>	<i>Sample Statements</i>		
lack of time, money, and staff (26)	"Although many authorities, specialized agencies, schools, etc. are now aware of children's rights, there is often not enough time to inform children about them and to actively involve them"	"Human resources with support persons"	"Financial resources"
lack of awareness (16)	"Lack of recognition"	"The courts are still too focused on the interests and rights of parents."	"Very often, the term children's rights alone triggers negative defensiveness in adults such as teachers or guardians"
lack of coordination/cooperation (14)	"In my opinion, there are now also good organizations that stand up for children's rights, try to implement them and actively involve children, but often they do not work in a coordinated way with each other, some projects do not get off the ground, and there is only a marginal network"	"Hearing practice varies greatly from canton to canton and from authority to authority/ court, which is a big gap"	"The weakness of the current child protection system in Switzerland is the great fragmentation of the responsible organizations. The most urgent problem is accordingly the coordination between the numerous organizations working for children's rights"
lack of monitoring on compliance with children's rights (14)	"Not a political priority"	"Recommendations by SODK and KOKES must be taken forward"	"The Federal Administrative Court's Departments IV, V and VI de facto refuse to apply the CRC, ignore the right to cooperation and coordination with child protection authorities pursuant to Art. 448 Para. 4 of the Civil Code"
low accessibility of services (13)	"Easy and barrier-free access to independent mediation and counselling services"	"Ensuring access to the judiciary/authorities and to existing complaints mechanisms at communal, cantonal, national and international level (individual and systematic counselling)"	"Child-friendly information on all channels"
lack of knowledge in professionals (11)	"No division of the Federal Court reveals operational knowledge of the CRC"	"Training of professionals in relation to children's rights"	"Knowledge of vulnerable children and adolescents regarding children's rights and the possibilities for them to complain"
need of legislation (8)	"The lack of recognition of children's rights as a binding legal obligation"	"No anchored legal basis at the federal level, neither at the cantonal nor at the communal level"	"From our point of view, the most urgent problems are that children's rights are not binding enough and not enforceable"
lack of prevention (6)	"Too little prevention"	"Lack of State requirements for effective prevention measures"	"More must be done for the prevention of violence against children"
need for implementation (5)	"Actively dedicate implementation"	"Practical application of the provisions from the CRC"	

Note. Numbers in parentheses give the number of statements assigned to each (sub-)category. Only sub-categories with at least five statements are presented. Sample statements were translated from German, Italian or French.

Annex 13. Perceived gaps regarding the promotion and protection of children's rights, statements assigned to category 'Activities'

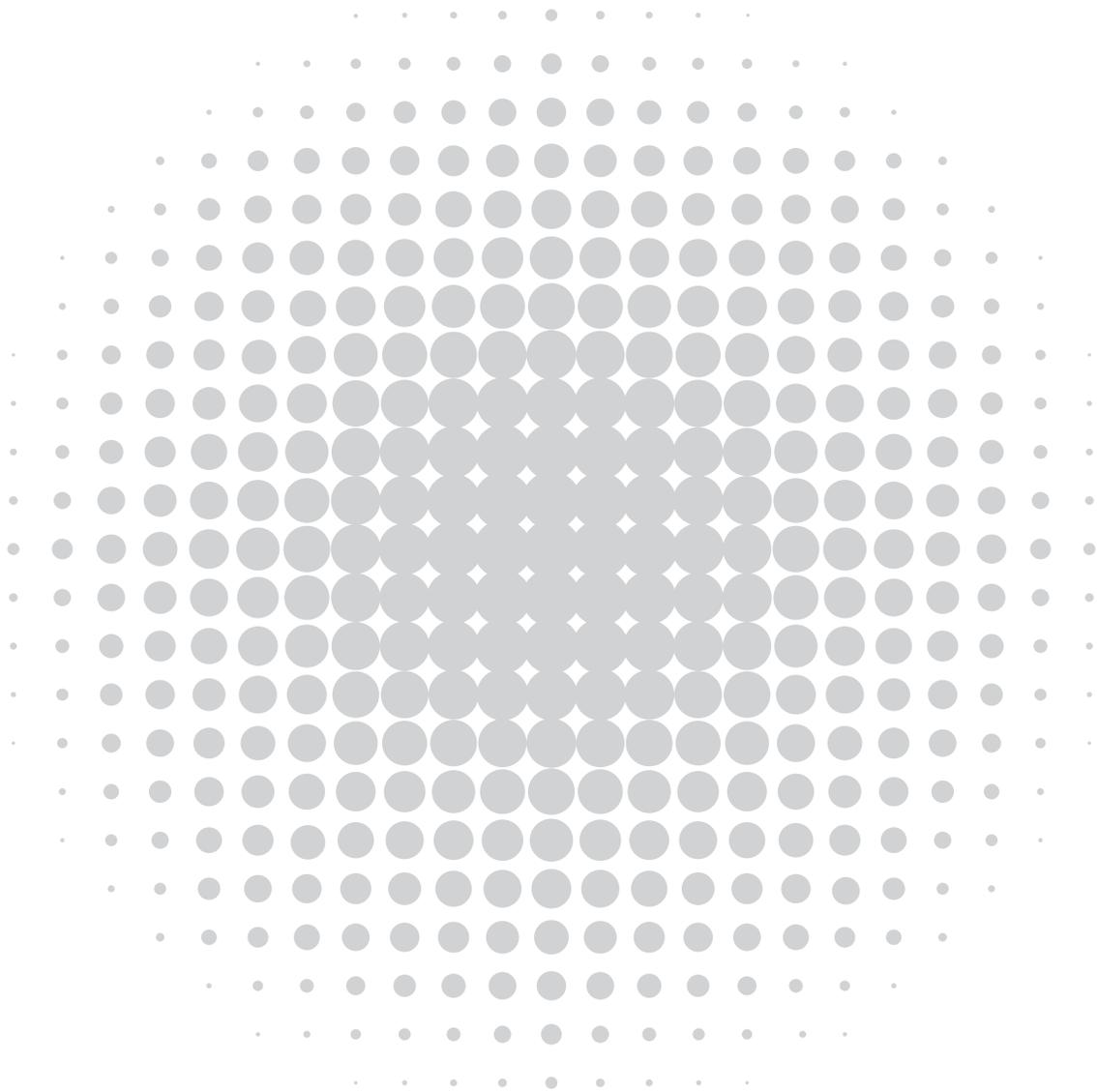
<i>(Sub-)Category</i>	<i>Sample Statements</i>		
Activities (53)			
Lack of awareness-raising (30)	"Public awareness-raising at all political levels, awareness-raising of the administration"	"Greater awareness of children's rights in Switzerland"	"Publicizing among parents, especially parents with migration experience"
Training of professionals (14)	"Further education work among the public, politicians and the authorities and courts entrusted with the implementation of children's rights"	"Training and further education of professionals in the legal system"	"Inclusion of children's rights in the training of professionals"
Reporting on the situation of children's rights (9)	"Too few meaningful data"	"Data collection especially regarding out-of-home placements"	"Lack of data to monitor the well-being of children from birth, to make statements about the implementation of the CRC"

Note. Numbers in parentheses give the number of statements assigned to each (sub-)category. Only sub-categories with at least five statements are presented. Sample statements were translated from German, Italian or French.

Annex 14. Perceived gaps regarding the promotion and protection of children's rights, statements assigned to category 'Specific children's rights'

<i>(Sub-)Category</i>	<i>Sample Statements</i>		
Specific children's rights (101)			
Right to participation and the respect for their opinions (34)	"Lack of and too little systematic participation of children and young people in general as well as in specific areas (e.g., children in legal proceedings)"	"Promoting the right to be heard"	"Schools boast of having this in the curriculum and yet our analyses in the canton show that most children and young people feel they do not really have a say". "Avoid sham participation"
Right to health and well-being (20)	Art. 26 "Active participation and inclusion of children with disabilities"	"Mandatory securing of missing therapy places (overloading of children's and youth clinics and services)"	Art. 26 "Sufficient access to social security benefits (children are the group most affected by poverty)"
Right to protection from all forms of violence (13)	"Implement prohibition of violence against children"	"Enforce the current ban on female genital mutilation of children and do so irrespective of gender"	"Right to a non-violent upbringing"
Right to non-discrimination (12)	"Right not to be discriminated against"	"For foreign children, especially asylum seekers, there is a lack of sensitivity at all levels, which makes Switzerland unattractive for families"	"Discrimination in relation to Lesbian, Gay, Bi-sexual, Transgender persons, queer and intersex people and others, poverty, gender, origin, disability"
Right to education, leisure and cultural activities (9)	"Preservation of natural play space"	"Right to Education for Migrant Children"	"States Parties recognize the right of the child to rest and leisure, to play and to engage in leisure activities appropriate to his or her age, and to participate freely in cultural and artistic life"
Special protection of children in emergency situations (8)	"Respect for the rights of children without Swiss nationality, of migrant and refugee children (especially the right to family life or to not be separated from family due to expulsion or deportation, the right to be heard in asylum and aliens law proceedings, not to live with reduced social assistance or in emergency assistance, and not be accommodated in collective housing)"	"Children of asylum seekers are systematically neglected"	"In the asylum/refugee sector, there are unfortunately many shortcomings regarding accommodation"
special protection of children belonging to a minority (5)	"The concerns of care leavers must also be taken seriously by the authorities and politicians"		

Note. Numbers in parentheses give the number of statements assigned to each (sub-)category. Only sub-categories with at least five statements are presented. Sample statements were translated from German, Italian or French.



fsio online

