Bern, 28 September 2018

**Answers of Switzerland to the OHCHR Report on child, early and forced marriage in humanitarian settings pursuant to the resolution 35/16 of Human Rights Council**

1. **Legal framework**

The Federal Constitution of the Swiss Confederation in its article 11 specifically states that “children and young people have the right to the special protection of their integrity and to the encouragement of their development”. Furthermore “they may personally exercise their rights to the extent their power of judgment allows” [[1]](#footnote-1). This article also guides Swiss Foreign Policy, including its development and humanitarian aid. These rights are also guaranteed by the UN Convention on the Rights of the Child (CRC), which entered into force in Switzerland on 26 March 1997. Switzerland is also state party to the three optional protocols to the CRC.

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

The prevention of and protection from Sexual and Gender-Based Violence (SGBV) which includes child, early and forced marriage, is a priority of the Swiss Federal Department of Foreign Affairs. This is why Switzerland is engaged as a partner in the **Global Call to Action** on Protection from GBV in Emergencies. Since 2017, Switzerland is co-chairing the States and Donor’s Group, which is a crucial multilateral initiative on GBV in emergencies. The initiative increases opportunities to work with governments and civil society organizations as well as with dedicated partners who all aim at leveraging their global commitment to collective action and accountability. It significantly strengthens the response to SGBV.

The **Dispatch on Switzerland’s International Cooperation 2017–2020[[2]](#footnote-2)** reaffirms the centrality of protection in tackling development setbacks rooted in conflict and inequality. The priorities identified are violence against children, including child, early and forced marriage; forced displacement and the quest for durable solutions; access to legal identity and civil documentation.

The following policies are also relevant for child, early and forced marriage because they apply to children affected by humanitarian situations either directly or indirectly:

* Switzerland developed a strategy on the **Protection of civilians (PoC)** which applies to armed conflicts, fragile contexts which could lead to armed conflicts or in post-conflict situations. One of its three pillars focuses on activities for vulnerable groups such as children. This strategy is currently under review.
* Switzerland’s current Dispatch for International Cooperation includes for the first time a strategic goal on gender equality and setting Sexual and Gender-based Violence (SGBV) as one of the priorities. In November 2016, an operational concept on SGBV 2017 – 2020 was adopted by the Swiss Humanitarian Aid Department, laying out the future priorities and lines of interventions in relation to SGBV in the humanitarian sphere.
* Besides the operational concept on SGBV, relevant domestic policies include the **FDFA strategy on gender equality and women’s rights** which sets gender-based violence as a priority and the Swiss National Action Plan on Security Council resolution 1325 Women, Peace and Security (2017–2020). In addition, SDC/HA is also bound by relevant provisions in international human rights (i.e. CEDAW) and humanitarian law. At the same time Switzerland made commitments in relation SGBV in the framework of the World Humanitarian Summit and the Call to Action on protection from GBV in emergencies.
* In Switzerland, the **Asylum Act (AsylA)** and the Foreign Nationals Act (FNA) provide for three categories of hardship. Under the following conditions, the cantons may issue a residence (B) permit subject to approval by the State Secretariat for Migration (SEM). The FNA enables a residence permit to be granted in the event of serious personal hardship. There is also a special rule whereby a residence permit can be granted, under special circumstances (e.g. domestic violence, forced marriage), to a person who may lose his/her residence status as a result of divorce.[[3]](#footnote-3)

In 2017, a five-year programme against forced marriage came to an end. It was launched in 2013 by the Federal Council as a supplement to the Federal Act on Measures against Forced Marriages. The programme centered around prevention workshops in schools and youth clubs, as well as further training courses for professionals who could potentially come across cases of forced marriage in their day-to-day work. According to an external evaluation, the programme made a considerable contribution to helping those affected, and greatly boosted awareness-raising and networking efforts aimed specifically at the professional community.

1. **Main challenges and gaps in prevention and eliminating of the practice of child, early and forced marriage in humanitarian settings**

Child, early and forced marriage (CEFM) is a human rights violation and a harmful practice that disproportionately affects women and girls globally, preventing them from living their lives free from all forms of violence. CEFM threatens the lives and futures of girls and women around the world, robbing them of their possibility to make decisions about their lives, disrupting their education, making them more vulnerable to violence, discrimination and abuse, and preventing their full participation in economic, political and social spheres. Child marriage is also often accompanied by early and frequent pregnancy and childbirth, resulting in higher than average maternal morbidity and mortality rates. CEFM often result in women and girls attempting to flee their communities or to commit suicide to avoid or escape the marriage. According to UNICEF, three main challenges lead to child marriage: i) children can be considered an economic burden at home; ii) marriage is seen as a form of protection against sexual abuse; iii) parents want to avoid the risk of unwanted pregnancy, which would compromise a later marriage.

1. **Areas of Intervention and Priority Actions up to 2020**

Within relevant fora, specifically UN and regional bodies, and in its human rights dialogues and political consultations, Switzerland contributes to developing standards, best practices and policies against all forms of violence including domestic violence; child, early and forced marriages; female genital mutilation; and sexual and SGBV in fragile and conflict situations.

Switzerland’s main support to children in humanitarian situations as well as to children and GBV survivors is multidimensional and includes different instruments. Switzerland is an important donor to UNICEF, UNHCR, UNFPA and other organizations which have special child protection and SGBV mandates. Parts of these funds are multi-year general contributions to allow these organizations sufficient flexibility to respond to worldwide humanitarian challenges affecting children and SGBV male and female survivors.

As an example, Switzerland supported UNFPA in developing the **GBV Area of Responsibility (AoR)** Strategy. The GBV AoR brings together non-governmental organizations, UN agencies, academics and other stakeholders under the shared objective of ensuring life-saving, predictable, accountable and effective GBV prevention risk mitigation and response in emergencies. Furthermore, Switzerland seconds GBV experts to UNFPA in Geneva, Nairobi and provides funding to the Norwegian Refugee Council (NRC) to deploy Regional Emergency GBV Advisors (REGA) to Dakar and Egypt or to other relevant offices (Office of the SRSG Children and armed conflict, CAAC).

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

1. **Examples of Priority Actions up to 2020**
2. In **Bangladesh** following the mass exodus of the Rohingya population form Myanmar, SGBV remains a high risk and reality for Rohingyan women and girls displaced in Cox’s Bazar district, Bangladesh. Four forms of GBV in particular are observed to be linked with economic transactions: i) child marriage (dowry/mahr), ii) sex for survival, iii) commercial sexual exploitation and iv) trafficking. Switzerland supports UNICEF on the premise that there is a critical need for targeted assistance to the many women and girls who confront the daily threat and reality, of GBV, specifically addressing GBV related to economic transactions such as child, early or forced marriage, survival sex, commercial sexual exploitation and trafficking. The available information on the experience of GBV among Rohingya women and girls is limited and adequate information regarding women and girls’ access to resources and influence on household income spending remains opaque Through a qualitative assessment, the project will explore and increase understanding of: (1) how GBV intersects with economic factors and (2) entry points, including feasibility and safety of cash-based interventions (CBIs), to mitigate GBV and its risks. This project utilizes an evidence-driven approach to translate qualitative assessment findings into a pilot intervention design with an action research component that links economic flows and GBV response programming.
3. In **South Sudan**, long-standing discriminatory practices such as child and forced marriage and polygamy, in addition to years of war, have created an environment where violence against women and girls is common in many parts of the country. According to an IOM report, in 2017, in every second South Sudanese household, a woman or a girl experienced sexual violence. The range includes: physical violence, psychological intimidation, sexual harassment, rape, forced marriages, etc. Many women and girls are subjected to violence at the hands of their own family members throughout their lives. Moreover, in South Sudan, systematic rape - including gang-rape – and other forms of violence against women are often used as a means of warfare. Child marriage, wife inheritance and abduction are all closely linked to economic factors. Crisis and inter-communal violence, have affected the practice of child and forced marriage. South Sudanese families are increasingly marrying their daughters at young ages as a means of survival due to dire economic conditions. Economic insecurity has led to more women and girls being abducted for marriage.

One objective of Switzerland’s South Sudan Cooperation Strategy (2017-2020) foresees that victims of gender-based violence have increased access to psychological, medical and legal services (including for victims of forced marriages), which is exactly what the new UN Joint Programme on GBV wants to achieve. Therefore, SDC supports the establishment of a 'One Stop Center' at the Teaching Hospital' in Wau where comprehensive services will be offered. GBV is an issue of great concern in Wau, being a town that’s slowly recovering from the spoils of conflict. Yet there is no facility that is dedicated to providing confidential and integrated GBV-services, particularly outside the Protection of Civilian (PoC) site, despite the huge need for such services. It will also involve the establishment of two ‘Mobile Women Safe Spaces’ to do mobile outreach to IDP sites. Capacity building and awareness raising activities will as well be conducted: all of these will enhance the sustainability of the intervention, beyond this funding. The project is integrated into UNFPA’s wider response and forms part of the UNJP on GBV in South Sudan.

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

1. In **Jordan**,Switzerland supports the project of CARE International which aims at increasing institutional capacities of social and protection service providers, e.g. in the Family Protection Department (FPD), to respond to GBV. Furthermore, this integrated approach project enhances the protection of 75 vulnerable children at risk of early marriage and/or child labor, increases women’s legal space and contributes to influence community attitudes on GBV. It is estimated that 450 women, girls and boys and over 500,000 community members will benefit from the intervention. In addition, 70 staff members form middle and upper management, 80 social works, 40 staff from the FPD receive training which will enable them to identify, report and refer cases of GBV. The Conditional Cash for Education and Protection (CCEP), which is specifically designed to protect children at risk of early marriage, will provide Jordanian and Syrian children living in most vulnerable households (e.g. female-headed households) conditional cash payments of USD 100. As it is unlikely that CCEP can address deeper issues related to child marriage, such as sexual rights within marriage and social norms within their communities, the CARE project starts in parallel with an economic empowerment programme to support the families’ gradual ascension form poverty. The interventions complements the SDC funded project of International Rescue Committee (IRC) which focuses on case management and GBV cash assistance for GBV survivors among Syrian refugees and women in Jordanian host communities.

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1. <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html> [↑](#footnote-ref-1)
2. <https://www.eda.admin.ch/deza/en/home/sdc/strategy/legal-bases/message-international-cooperation-2017-2020.html> [↑](#footnote-ref-2)
3. <https://www.sem.admin.ch/dam/data/sem/publiservice/berichte/migration/migrationsbericht-2017-e.pdf> [↑](#footnote-ref-3)