

## SWITZERLAND

### The applications

#### 1. The number of applications

According to the Central Authority for Switzerland, they received 11 incoming return and 5 incoming access applications in 1999, making a total of 16 incoming applications. Additionally, they made 7 outgoing return and 4 outgoing access applications in that year. Altogether, therefore, the Central Authority for Switzerland handled 27 new applications in 1999.

#### 2. The Contracting States which made the applications

##### (a) *Incoming return applications*

###### Requesting States

	Number of Applications	Percent
France	3	27
Italy	2	18
USA	2	18
Germany	1	9
UK - England and Wales	1	9
Mexico	1	9
South Africa	1	9
<b>Total</b>	<b>11</b>	<b>100</b>

While most applications came from European States, unusually for a European State, one application came from Mexico and another from South Africa. Although 3 of the 11 applications received by Portugal came from Switzerland, there were no applications from Portugal to Switzerland.

##### (b) *Incoming access applications*

###### Requesting States

	Number of Applications	Percent
USA	2	40
Australia	1	20
Italy	1	20
Spain	1	20
<b>Total</b>	<b>5</b>	<b>100</b>

Unlike return applications, most access applications, 3 out of 5, came from non-European States. The USA and Italy were the only States which made applications both for return and for access.

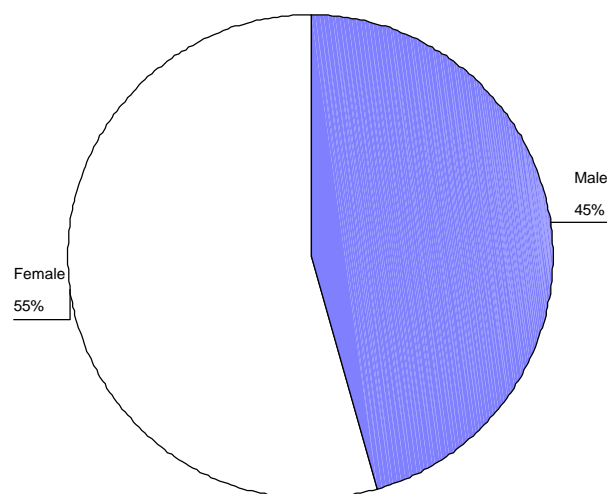
## The taking person

### 3. The gender of the taking person / respondent

#### (a) Incoming return applications

Gender of the Taking Person

	Number	Percent
Male	5	45
Female	6	55
<b>Total</b>	<b>11</b>	<b>100</b>



55% of applications involved female taking persons. This is below the global norm of 69%. It is interesting that in some other European States, including France, Italy, Spain and Portugal, the proportion of female taking persons was also below the global norm.

#### (b) Incoming access applications

All respondents in the 5 access applications were female. This is markedly different from the situation in return applications where the proportion of female taking persons was relatively low.

### 4. The nationality of the taking person / respondent

Information regarding nationality was not available from the data received from Switzerland.

## The children

### 5. The total number of children

There were 13 children involved in the 11 return applications and 5 children involved in the 5 access applications. Altogether, therefore, 18 children were involved in new incoming applications received by Switzerland in 1999.

### 6. Single children or sibling groups

#### (a) Incoming return applications

Single Child or Sibling Group

	Number	Percent
Single Child	9	82
Sibling Group	2	18
<b>Total</b>	<b>11</b>	<b>100</b>

Number of Children

	Number	Percent
1 Child	9	82
2 Children	2	18
<b>Total</b>	<b>11</b>	<b>100</b>

82% of applications to Switzerland involved single children, this is significantly higher than the global norm of 63%. The other 2 applications involved sibling groups of 2 children.

#### (b) Incoming access applications

All the applications for access involved single children.

### 7. The age of the children<sup>1</sup>

#### (a) Incoming return applications

Age of the Children

	Number	Percent
0-4 years	5	46
5-9 years	3	27
10-16 years	3	27
<b>Total</b>	<b>11</b>	<b>100</b>

<sup>1</sup> The ages of 2 of the children were not stated.

Globally, the largest proportion of children were aged between 5 and 9 years old, whereas, in applications to Switzerland, just 27% of children were in this age category. In applications to Switzerland, there were proportionally more children in both the youngest and oldest age categories, compared with the global norms. As can be seen in the table above, 46% of children were aged between 0 and 4 years old, and 27% of children were aged between 10 and 16 years old, compared with global norms of 38% and 21% respectively.

**(b) Incoming access applications**

**Age of the Children**

	Number	Percent
0-4 years	0	0
5-9 years	3	60
10-16 years	2	40
<b>Total</b>	<b>5</b>	<b>100</b>

None of the children involved in the access applications were aged under 5 years old. This reflects a global trend that access applications generally involve older children.

**8. The gender of the children**

**(a) Incoming return applications**

**Gender of the Children**

	Number	Percent
Male	6	46
Female	7	54
<b>Total</b>	<b>13</b>	<b>100</b>

Globally, 53% of the children involved in return applications were male. In applications to Switzerland, 46% of children were male.

**(b) Incoming access applications**

**Gender of the Children**

	Number	Percent
Male	3	60
Female	2	40
<b>Total</b>	<b>5</b>	<b>100</b>

Globally, 50% of the children involved in access applications were male. In applications to Switzerland, 3 of the 5 children were male.

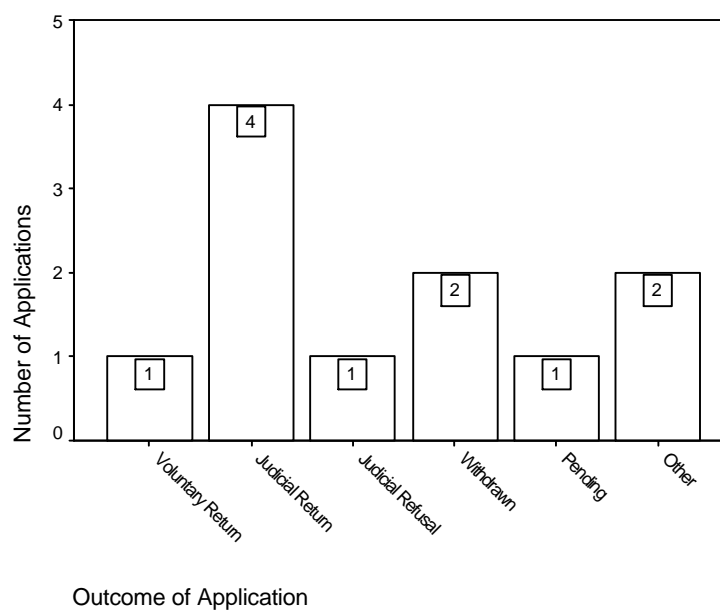
## The outcomes

### 9. Overall outcomes

#### (a) Incoming return applications

Outcome of Application

	Number	Percent
Rejection	0	0
Voluntary Return	1	9
Judicial Return	4	36
Judicial Refusal	1	9
Withdrawn	2	18
Pending	1	9
Other	2	18
<b>Total</b>	<b>11</b>	<b>100</b>



5 out of the 11 applications concluded with the return of the child, at 45% this is slightly lower than the global norm of 50%. No applications were rejected and 2 were withdrawn. There was one judicial refusal, and of the 5 cases which went to court, 4 ended in a judicial return, which at 80% is higher than the global norm of 74%. In 2 cases labelled above as 'other', access was either ordered or agreed. It is to be noted that 1 application was still pending as at 30<sup>th</sup> June 2001.

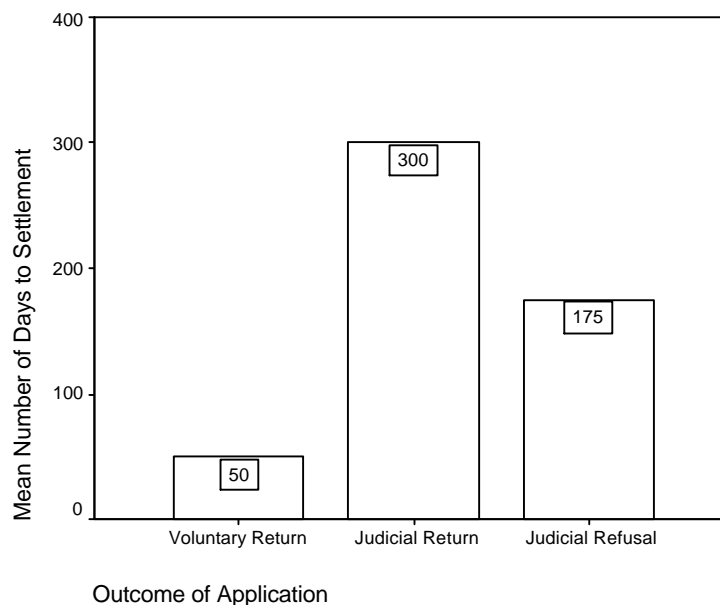
#### (b) Incoming access applications

3 applications resulted in access being judicially granted, 1 application resulted in a judicial refusal to grant access and the fifth application was still pending as at 30<sup>th</sup> June 2001.

## Speed

### 10. The time between application and outcome

#### *(a) Incoming return applications*



Globally, from application to conclusion, judicial returns took a mean of 107 days and judicial refusals 147 days. The time given above for judicial refusal refers to just 1 case, accordingly, one must be cautious in drawing conclusions. However, as regards judicial returns, at 300 days, the time taken was by far the slowest of all the Contracting States analysed. At 50 days, the voluntary return was considerably faster than the global norm of 84 days, however, this time relates to only one case. It is also to be noted that 1 application was still pending.

#### *(b) Incoming access applications*

The 4 access applications which had reached a conclusion all took over 6 months. The other application was still pending.

## 11. Appeals

#### *(a) Incoming return applications*

One case was appealed and resulted in a judicial return. The application took 302 days.