

**COMMITTEE ON ELIMINATION OF RACIAL  
DISCRIMINATION STARTS  
CONSIDERATION OF REPORTS OF SWITZERLAND**

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Afternoon

**Experts Welcome Switzerland's Popular Vote  
to Join the United Nations**

The Committee on the Elimination of Racial Discrimination this afternoon started its consideration of the second and third periodic reports of Switzerland by hearing a Government official say that his country was resolutely committed to fundamental human rights.

Introducing the report, Nicolas Michel, Ambassador and Director of the Direction of International Public Law of the Federal Department of Foreign Affairs of Switzerland, said that the people and cantons of Switzerland had decided yesterday to join the United Nations. By accepting the vote on adhesion, the people of Switzerland had not only subscribed to the universal objectives and fundamental values of the United Nations but had also affirmed their stand that Switzerland had defended for a long time within the international community through its resolute commitment in favour of fundamental human rights.

Tang Chengyuan, the Committee Expert who served as country rapporteur to the report of Switzerland, said that the recommendations made by the Committee on the initial report of Switzerland had been fulfilled through various ways, including considerable Government achievements in reforming legislation and enforcing it.

Mr. Tang drew the attention of the Swiss delegation to the decision of the Emmen community denying the right to naturalization to 20 immigrants in a vote; and said that the Government had to consider the case seriously so that such an incident might not be repeated in the future.

The Swiss delegation was also made up of Michelle Galizia, Head of Service to Combat against Racism; Jean-Daniel Vigny, Minister at the Permanent Mission of Switzerland to the United Nations Office at Geneva; Arthur Mattli, Head of Section of Human Rights and Humanitarian Law at the Federal Department of Foreign Affairs; Jurg Buhler, Head of Operations, Analysis and Prevention Service, Federal Office of the Police; Michael Braun, of the Federal Office of Foreigners; Natalie Erard, State Secretary of Economy, International Affairs of Labour; Christian Scyboz, Federal Office for Refugees; Gerald Pachoud of the Political Section of Human Rights in the Department of Foreign Affairs; Carl-Alex Ridore, of the Human Rights Section in the Federal Office of Justice; and Christoph Spenle, of the Human Rights Section and Humanitarian Law of the Department of Foreign Affairs.

Also, Hans Martin Tschudi, State Counsellor, Head of Department of Justice in Basel; Christian

Coquoz, Head of the Judicial Police of Geneva and Member of the Conference of Heads of Cantonal Judicial Police; Bernard Gut, Deputy Secretary of the Department of Justice, Police and Security of Geneva; Pierre-Emmanuel Esseiva, President of the Tribunal of the Arrondissement of the Sarine, Fribourg; Thomas Facchinetti, Bureau of Delegation to Foreigners, Neuchatel; Boel Sambuc, Vice-President of the Federal Commission against Racism; and Doris Yilmaz, of the Federal Commission against Racism.

The following Committee members participated in the discussion: Patrick Thornberry, Luis Valencia Rodriguez, Regis de Gouttes, Alexandre Sicilianos, Raghavan Vasudevan Pillai, Nourredine Amir, Jose A. Lindgren Alves, Francois Lonseny Fall, Kurt Herndl, Mahmoud Aboul-Nasr, Mario Jorge Yutzis and Ion Diaconu.

At the beginning of the meeting, the Chairperson of the Committee Ion Diaconu welcomed the popular decision of the people of Switzerland to accede to the United Nations. He said that Switzerland had already been actively participating in the UN's specialized agencies and had been contributing to the work of the United Nations. Other Committee members also congratulated the decision of the Swiss people to join the United Nations.

The Chairperson also announced that since the report of Botswana had not yet been translated in all UN languages, the review of the situation in the country, which had been scheduled for Wednesday morning in the absence of a report, would be postponed to a later date. Also, Tunisia, whose situation was to have been reviewed on 13 March in the absence of a report, had promised to send a report, and therefore its consideration would also be postponed.

When the Committee reconvenes at 10 a.m. on Tuesday, 5 March, it will hear the response of Switzerland to the various questions raised by the Committee members.

### **Reports of Switzerland**

The second and third periodic reports of Switzerland (document CERD/C/351/Add.2) review the legislative and administrative measures undertaken to implement the provisions of the Convention. On 18 April 1999, the people and the cantons accepted a new Federal Constitution, whose articles constitute the essential legal foundations of the fight against racism. Article 8 says that "No one shall be subjected to discrimination on account of his or origin, race sex, age, language, social position, way of life, religious, philosophical or political convictions or disabilities". Men and women have equal rights.

It also says that since 1980, Italian and Romansch have lost ground as national languages, both in absolute and in relative terms. The percentage of German-speakers has likewise declined slightly while French is the only national language to have strengthened its position. Besides the four national languages, there are other foreign languages spoken, including Spanish, Slav, Turkish, English, Albanian, Arabic and Dutch. On 23 December 1997, Switzerland ratified the European Charter for Regional or Minority Languages of 5 November 1992, under which it made a commitment to promote the least widely spoken of its national and official languages: Italian and Romansch.

The report says that the Swiss Government considers that it has an ongoing duty to engage in the action to combat racism, anti-Semitism and xenophobia. The Government has continued to attach great importance to action to combat all forms of racism, anti-Semitism and xenophobia, and has highlighted the central role given to raising public awareness and preventive measures in this action. The Federal Council highlighted the importance of research and education in the fight against anti-

Semitism and racism.

The report notes that in May 1997, the Confederation established the Foundation entitled "Ensuring the Future of Swiss Travellers", responsible for contributing towards improving travellers' living conditions and safeguarding their culture. The main problems currently encountered by travellers in Switzerland are the shortage of permanent and temporary parking areas and the violations in cantonal regulations regarding itinerant commerce.

### **Introduction of Swiss Report**

NICOLAS MICHEL, Ambassador and Director of the Administration of International Public Law in the Department of Federal Foreign Affairs of Switzerland, said that yesterday the Swiss people and cantons had decided on the adherence of Switzerland to the United Nations. By accepting the vote on adhesion, the people of Switzerland had not only subscribed to the universal objectives and fundamental values of the United Nations, but had also affirmed their stand that Switzerland had defended for a long time within the international community through its resolute commitment in favour of fundamental human rights. Today, Switzerland closely cooperated with the United Nations, as witnessed by its very presence before the Committee.

Switzerland was proud of its cultural plurality and it had always been respectful of the principles of equality and non-discrimination, Mr. Michel went on to say. The country had ratified the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights. It had also ratified the Conventions on the Rights of the Child, on the Elimination of All Forms of Discrimination against Women and on the Prevention and Repression of the Crime of Genocide. It had also ratified different conventions on the protection of human rights with a regional character.

Mr. Michel said that with regard to Switzerland's migration policy, the issue of persons "without papers" had appeared very recently within the context of lack of workers in certain fields of economic activities such as agriculture and hotels. Foreigners without the necessary authorization to work were considered by the authorities as persons "without papers", and their presence in the country was illegal. The authorities had observed that those persons came from different walks of life; some of those foreigners had arrived in Switzerland legally. But when the duration of their visit expired, instead of leaving the country, they stayed on clandestinely. Others arrived illegally and lived, often for a number of years, without fulfilling the legal conditions for staying.

Mr. Michel said that the policy of naturalization was in the process of being amended; actually a series of legislative reforms relating to naturalization were being tabled before the Federal Chambers. The acquisition of communal nationality, which was a prerequisite to Swiss nationality, constituted a political act which was not subjected to any juridical jurisdiction. The number of parliamentary interventions relating to the controversial communal decisions had incited the Federal Council to envisage, among other things, the introduction of a law of appeal. It was also envisaged to institute a law of appeal against arbitrary or discriminatory decisions in matters relating to naturalization. According to the draft, the cantons would create a judicial authority to deal with the decisions pertaining to naturalization.

With regard to police brutality against persons of foreign origin, Mr. Michel said that concerning the procedure of lodging complaints against police harassment or abuse, the legislation of all the cantons provided to all victims legal and administrative redress.

## **Consideration of Report**

TANG CHENGYUAN, the Committee Expert who served as country rapporteur to the report of Switzerland, said that during its consideration of the initial Swiss report, the Committee had recommended that the authorities envisage constitutional reforms and that they take preventive measures. It had also recommended that studies be carried out on the treatment of complaints relating to racial discrimination and the manner in which compensation was awarded to victims. The recommendations had been fulfilled through various ways, including the Government's considerable achievements in reforming legislation and enforcing it.

Speaking on remedial measures for acts committed by law-enforcing agents, Mr. Tang said that positive developments had been made to create remedies. However, more measures had to be taken concerning discriminatory recruitment in employment and illegal dismissal of employees on racial grounds. In addition, complaints against excessive use of force by the police were investigated by the same police force. While the problem of excessive use of force by the police could happen anywhere, the situation in Switzerland had to be improved. According to some reports, border guards had caused the death of some individuals, which was a concern to the Committee. Such incidents might create a bad image for the country. Disciplinary measures had to be taken against the culprits. There should be an independent body to deal with such cases. In addition, preventive measures had to be taken within the police force.

Moreover, regarding the issue of asylum seekers, Mr. Tang said that even if those persons were illegal immigrants breaking the law of the land, they still should be treated humanely. Their cases should also be considered within the context of the 1951 Geneva Convention on Refugee Status to which Switzerland was a party. This also applied to the problems of the Roma people.

Mr. Tang said that Switzerland should be lauded for hosting more than 100,000 refugees in its territory. However the non-status of asylum seekers who stayed for a long time should be considered from the point of view of their integration and contribution to the economy of the country.

Mr. Tang drew the attention of the Swiss delegation to the decision of the Emmen community denying the right to naturalization to 20 immigrants in a vote. He said that the Government had to consider the case seriously so that such an incident was not repeated in the future.

Other members of the Committee also expressed their views on the report. An Expert said that the situation of the Roma people should be given further thought. He asked if the racial implication of "Islamophobia" was manifested within the society, asking for more information on cases of refusal by some institutions of the wearing of the headscarf by Muslim women.

Another Expert said that the revised Constitution of Switzerland recognized the principles of equality and non-discrimination; but it was said in the report that the Western European and EFTA countries were more favoured for integration than the "third world countries". However, Switzerland's consideration to withdraw its reservation on article 2 (1) (a) of the Convention might resolve the problem with that regard. Concerning the granting of nationality, the Expert said the naturalization process was the longest in the region and the country was lagging behind other European States. Discriminatory practices on grounds of national origin still subsisted during the process of naturalization.

Other Experts also said that the report did not mention any exemplary sanctions or legal measures against any police brutality, and requested the delegation to provide any such measures. Did the authorities judicially intervene against the agents involved in the forced expulsion of foreigners, which

involved abuse of the individuals? Had the objectives of the Paris Convention on the setting up of national human rights commissions been realized?

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