



UNITED NATIONS

Press Release

XXXXXXXXXX

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION CONSIDERS REPORTS OF SWITZERLAND

XXXXXXXXXX

Committee on the Elimination
of Racial Discrimination

11 August 2008

The Committee on the Elimination of Racial Discrimination has considered the fourth to sixth periodic reports of Switzerland on how that State party is fulfilling its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.

Christine Schraner Burgener, Ambassador, Assistant Director of the Directorate of Public International Law in the Federal Department of Foreign Affairs of Switzerland, introducing the report, highlighted that the increase of procedures against racism and discrimination, which had been implemented in the Criminal Code, represented an essential tool against ring-wing extremism, racism and anti-discrimination. In addition, the Aid to Victims of Offences Act of 4 October 1991 had been revised in 2007 to include protection for the victims and their families who had suffered from violent or racially discriminatory acts. That amendment would enter into force in January 2009.

Michele Galizia, Head of the Service for Combating Racism in the Federal Department of Home Affairs of Switzerland, also introducing the report, said that the most important assignment given to the Federal Commission against Racism was to critically observe and comment on the general situation in Switzerland. A central task of the Commission was also to serve a coordination role for the Service for Combating Racism, along with financial support for projects to facilitate coordination and to help civil society actors to pursue their goals in combating racism. From 2001 to 2005, 15 million Swiss francs had been allocated for projects against racism and in defence of human rights. Those funds supported projects in the fields of education, awareness-raising and prevention. More than 500 of the 1,000 projects submitted had been financed. Based on the success of those projects, the Federal Council had decided in 2005 to continue its commitment by supporting prevention and awareness-raising on a long-term basis.

In preliminary concluding remarks, Pierre-Richard Prosper, the Committee Expert serving as country Rapporteur for the report of Switzerland, noted progress made since 2002, in particular the improvements in the criminal law and with regard to police training. The Committee would request a survey from all the Cantons, which would be helpful in assessing the measures across the board taken to combat these issues. A number of issues remained

to be addressed. In particular, the Committee would expect leadership from the Government in addressing discrimination with a top-down approach, and that it be at the forefront in changing the mindsets of its citizens, to be a champion for this cause.

Questions were raised by Committee Experts on a number of issues, including rising hostility towards Blacks and Muslim community; a lack of data on ethnically motivated violence, and concerns over the inability of Switzerland to follow-up on requests for such data within a reasonable time frame; the extent and scope of competence given to Cantons, and how their sovereignty affected the State party's obligations and commitments to the Convention; the situation of the Roma and travellers, in particular, the non-inclusion of teaching in Roma languages in schools; a lack of institutions to monitor efforts to combat racism and racial discrimination; the rise and increase in police brutality and the lack of data on in that regard; and a move towards more restrictive policies for immigrants and asylum-seekers.

The Committee reviewed the report of Switzerland over two meetings and will issue its concluding observations and recommendations at the end of the session on 15 August.

Switzerland is one of the 173 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and is obligated to submit periodic reports on implementation of the provisions of the Convention. It is also one of the 53 States parties who have recognized the competence of the Committee under article 14 of the Convention to consider communications from individuals or groups of individuals claiming to be victims of a violation by States parties of any of the rights set forth in the Convention.

Switzerland's delegation, which presented the report, included representatives from the Permanent Mission of Switzerland to the United Nations Office at Geneva; the Federal Departments of Foreign Affairs, Police Justice and Home Affairs; the Police of the Canton of Zurich; the Geneva Department of Institutions; and the Population Services of Lausanne.

When the Committee reconvenes on Monday, 11 August at 3 p.m., it will begin consideration of the seventeenth and eighteenth periodic reports of Sweden.

Report of Switzerland

The fourth, fifth and the sixth periodic reports of the Swiss Confederation, submitted in one document (CERD/C/CHE/6), notes that, as of the end of 2004, permanent residents in Switzerland numbered 7,415,102, of whom 20.6 per cent did not have Swiss nationality. The number of permanently resident foreigners was 23,756 (1.6 per cent), and the proportion of persons holding short-term residence permits (maximum validity: 12 months) rose by 57 per cent, whereas the proportion of foreigners with longer-term permits was virtually unchanged. In 2004, the number of new applications for asylum declined more heavily in Switzerland than elsewhere in Europe. At the end of 2004, there were 79,374 people living in Switzerland under asylum-related residence permits: 30.6 per cent of them had refugee status; 29.5 per cent had been temporarily admitted to the country; and 17.9 per cent were awaiting enforcement of a final decision.

With regard to Switzerland's policies on racial discrimination, on 30 September 2004 members of Parliament formally requested the Federal Council to state whether it considered radical Islamism a threat to Switzerland. In its reply, the Federal Council emphasized a clear distinction between Islam and Islamism, between religion and ideology, and stated that it did not consider that Islam generally incited to violence or was not peaceful. Moreover, changes to the Ordinance on the Integration of Foreigners came into force on 1 February 2006, with an aim to improve the integration of foreigners. The legislature refers expressly to the importance of foreigners' taking their share of responsibility. They are called on to respect the law and democratic principles and to make efforts to integrate. Those efforts include learning a national language and demonstrating willingness to participate in economic life and acquire a skill. Swiss authorities are empowered to require persons from third countries who will be serving as religious leaders or teaching their native language or culture to undergo language and integration training before entering Switzerland. In addition, each Canton is required to set up an office to deal with integration matters. Furthermore, pursuant to the new Federal Act on Foreign Nationals, they can benefit from family reunification three years after the decision on provisional admission. The revised version of the Ordinance also contains incentives to integrate in that the degree of integration is taken into account in the decision (which may, in certain circumstances, be an early decision) to grant a permanent residence permit or order removal or expulsion.

Presentation of Report and Responses by the Delegation to Written Questions Submitted in Advance

CHRISTINE SCHRANER BURGNER, Ambassador, Assistant Director of the Directorate of Public International Law in the Federal Department of Foreign Affairs of Switzerland, introducing the report and responding to questions submitted in advance by the Committee, said that all human beings, regardless of their race, colour of their skin, or ethnic origin had the right to freedom and dignity. Switzerland had always respected the principles of equality and non-discrimination. In January 2006, Mr. Doudou Diène, the Special Rapporteur on Contemporary Forms of Racism, had visited Switzerland and the Commissioner for Human Rights from the Council of Europe had also paid a visit to Switzerland since its last report. In addition, on 8 May 2008, Switzerland had been one of the first countries to answer questions from the Human Rights Council in the context of its Universal Periodic Review process, in which a number of issues on discrimination and human rights were addressed. The periodic reports of Switzerland being considered today had been published on the Internet, and reflected the situation in Switzerland as of 2006.

With regard to the Federal structure and the implementation of the Convention in Switzerland, Ms. Schraner Burgener said that Switzerland was part of the monist tradition, which meant that as soon as international laws or international instruments were approved or adopted they were directly applicable in the State, and thus there was no need for special laws to be adopted into the legal framework of the State. Those norms were binding whether in the legislative executive or the judiciary spheres. Switzerland had a strong federalist system as well, where all the Cantons enjoyed full sovereignty in the exercise of fundamental freedoms, such as in education, law enforcement and health care. The sectoral approach ensured protection

of various forms of discrimination to various groups of people.

Ms. Schraner Burgener highlighted that the increase of procedures against racism and discrimination, which had been implemented in article 261 of the Criminal Code on racial discrimination, represented an essential tool against ring-wing extremism, racism and anti-discrimination. There had been enhanced jurisprudence since that article came into effect. Whereas Switzerland did not have a legal principle to declare organizations criminal, it had a principle to ban them. As for assistance to victims of discrimination, the Aid to Victims of Offences Act of 4 October 1991 had been revised in 2007 to include protection for the victims and their families who had suffered from violent or racially discriminatory acts. That amendment would enter into force in January 2009.

On prevention and education measures, adopting laws were not enough to combat racially motivated tendencies in society. Prejudices concerning skin colour and culture needed to be combated, noted Ms. Schraner Burgener.

Concerning procedures for naturalization and citizenship, the Federal Constitution protected persons against discrimination based on their origin. According to the Federal Tribunal the Cantons had to be competent to decide cases at the Cantonal level. Reacting to those decisions, several Cantons had adopted their procedures for naturalization in that regard. A number of parliamentary initiatives had been submitted in both houses of Parliament on the subject, and a law on nationality had been passed which enshrined the right of recourse for those whose cases were rejected.

On combating police brutality, Ms. Schraner Burgener said that the police forces were under the competence of the Cantons. Some Cantons deliberately recruited minorities for the police force, which had proven to greatly assist in conflicts that were culturally sensitive. In-depth and ongoing training was the basis of the police activities. Human rights represented an essential component in all police schools in Switzerland. Information exchange meetings and reform courses had also been conducted regularly.

The Federal Commission against Racism was not officially organized under the Paris Principles; however, it carried out work as a national agency, Ms. Schraner Burgener said. In the Universal Periodic Review, Switzerland had declared that it was prepared to create a national human rights institution in charge of the promotion of all human rights, which was presently being discussed with the Government.

Regarding Switzerland's immigration and integration policy, Ms. Schraner Burgener said that the "three circles" model for the classification of foreigners had been abandoned and replaced by a binary model. That system distinguished between nationals of the European Union and nationals of other States, was based on treaties concluded with the States in question and was consistent with the Convention. The aim of the new legislation on aliens' integration was to create a framework that favoured equality and equal opportunity in public life. That equality would be manifested in the areas of schools, training and the employment markets.

With regard to the situation of the Travellers (Roma and Yenish), the State attached great importance to assisting the fate of that group, Ms. Schraner Burgener observed. The Government had allocated a total of 750,000 Swiss

francs for the years 2007 to 2011 for national measures and projects, currently under way, which would, for instance, improve their living conditions.

On the prohibition of discrimination in the private sector, a number of provisions had been adopted to guarantee fundamental rights as laid out in the Federal Constitution. On the implementation and programme of action of the Durban Conference, Switzerland had been committed to efforts to multiply its instruments in fighting to eliminate discrimination and raise awareness of those problems. Criminal measures had an impact, but political and social measures were needed for a long-term impact in this regard, Ms. Schraner Burgener concluded.

MICHELE GALIZIA, Head of the Service for Combating Racism in the Federal Department of Home Affairs of Switzerland, also introducing the report and responding to questions submitted in advance, said that Switzerland's mandate required the Service for Combating Racism to actively promote antiracist measures inside and outside the Administration and to stand up for its citizens wherever necessary. At the same time, the Service was part of the Administration; its opinions reflected the official point of view.

The practical aspects of the differentiated and broadly supported policies against racism in Switzerland were covered under the two institutions at the federal level: the Federal Commission against Racism and Federal Service for Combating Racism, which together, were responsible for combating racism in Switzerland, Mr. Galizia said. The Federal Commissioner against Racism was mandated to observe the application of anti-racist legislation. It also had an Ombudsman function. The most important assignment given to the Commission by the Federal Council was to critically observe and comment on the general situation in Switzerland. Attacks by politicians against that critical role had been regularly rejected by the Federal Council. For example, in 2007, in answering a question in Parliament, the Federal Council had stated: "It was the duty of an extra-Parliamentary commission to deal with a subject, to elaborate a well-established opinion and to put it up for discussion. These commissions had been allowed to express their opinions without being censured. They could not be limited to serving a given policy".

A central task of the Commission was also to serve a coordination role for the Service for Combating Racism, along with financial support for projects to facilitate coordination and to help civil society actors to pursue their goals in combating racism. From 2001 to 2005, 15 million Swiss francs had been allocated to a five-year fund for projects against racism and in defence of human rights. Those funds supported projects in the fields of education, awareness-raising and prevention. More than 500 of the 1,000 projects submitted had been financed. Furthermore, based on the success of those projects, the Federal Council had decided in 2005 to continue its commitment by supporting prevention and awareness-raising on a long-term basis.

Mr. Galizia noted that the Commission against Racism and the Service for Combating Racism had different but complementary roles and tasks. Some ways in which the two institutions had collaborated was in the elaboration of specific modules against discrimination for the education of police corps; networking and supporting know-how transfer among the counselling centres for victims of racism; and in elaborating a legal guidebook for victims of racism.

Oral Questions by Experts

PIERRE-RICHARD PROSPER, the Committee Expert serving as country Rapporteur for the report of Switzerland, noted that in Switzerland's system of Government the Confederation recognized the sovereignty of the Cantons to the full extent that each Canton had their own courts, law enforcement administrations and other such institutions that would normally be left to the Federal Government. That structure had led to differences and inconsistencies, which had been expressed by the delegation and was evident throughout the report. It was positive that the referendum provided the people with a voice in how their country was governed. However, the Supreme Court could not contest the outcome of any referendum and, as such, he wondered what the result would be if a Canton's referendum was contrary to international law?

With regard to the Constitution, was it applicable equally to all citizens, documented or undocumented? It was noted that Switzerland had stated that article 261 bis of the Criminal Code criminalized discrimination, however, was that enough? Further, was there injunctive relief against abusers? Also, for individuals engaged in those behaviours, would the Federal Government deny funding or approval for them to continue conducting their activities?

Mr. Prosper welcomed the number of measures taken, including improvements in the integration of schools and the Service for Combating Racism, but it was clear that more work needed and more steps had to be taken. A concern remained regarding the Switzerland's maintenance of reservations on article 4 (prohibition of propaganda or organizations that spread racial hatred).

Hostility towards blacks and people of the Muslim community continued to be an issue despite the Committee's having drawn Switzerland's attention to that problem over six years ago, Mr. Prosper stressed. The situation of the Roma as well remained an issue that had not yet been addressed adequately by Switzerland.

On the Committee's requested for data on ethnically motivated violence, Mr. Prosper duly noted the delegation's promise to provide that data by 2010. However, that data had been promised back in 2006, and had not been submitted. Perhaps Switzerland could consider some shortcuts or other ways of providing at least some indications to the Committee sooner. Why in fact did it take four years to come up with such data?

Mr. Prosper was also concerned to know if it was technically possible for one Canton to reject an a file involving an asylum or nationality request based on a set of facts, while another Canton accepted that same file? It was important to know this in order for the Committee to identify any inconsistencies in the application of the law that could lead to discrimination.

The measures taken to implement the Durban Declaration were welcomed. However, the Switzerland had failed to fully apply the provisions of the Convention, which remained a major concern for the Committee. Perhaps national action by the State was hampered by the Federal system, in which the Cantons enjoyed a good deal of autonomy. However, the Federal Government was responsible for implementing its international commitments

throughout its territory, and it was therefore urged to take whatever steps were necessary to drive consensus throughout the Cantons, Mr. Prosper underscored.

Committee Experts raised questions on, amongst others, how did the State party treat organizations that were involved in racist activities and disseminated racist ideals? Why had there been no individual communications on Switzerland? Could the State party publicize this procedure? What was the definition of travellers, Roma, Sinti and Yenish? What were the delegations views on the future of integration policies in the State and the direction it had taken? Was international law respected in the context of individual requests for nationality? Did the State party believe that racial profiling was used?

Concerns and questions were then raised by other Committee Experts on a number of topics, among others, the situation of the Roma and Travellers, in particular a lack of teaching of their languages in schools; the lack of institutions for oversight and combating racism and racial discrimination; the rise and increase of police brutality and the lack of data on in that regard; a lack of federal control regarding recruitment of minorities into law enforcement bodies, which were under the purview of the Cantons; the shared burden of proof on victims in discrimination cases; and more restrictive policies for immigrants and asylum-seekers, as reflected in the new immigration policy. Many Experts noted that since Switzerland's last review in 2002 not only had the situation with regard to discrimination not improved, but it had in fact become worse. Several Experts also complained that they had personally suffered discrimination at the hands of the Swiss Authorities.

Other issues raised were concerns on practices of racial profiling; information on the evaluation and impact of recommendations made by Doudou Diène, the Special Rapporteur on Contemporary Forms of Racism, following his visit in January of 2006; and how Switzerland was handling a rise in extremism neo-Nazi groups, which was affecting a number of European States.

An Expert noted that, while Switzerland said it condemned Apartheid, it was not a signatory to the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid, and further comment was invited. Further comment was also invited on the difficulties Switzerland was apparently encountering in establishing an independent national human rights body.

Response by Delegation to Oral Questions

In response to those oral questions, the delegation said that in a direct democracy any legislative, budgetary, or administrative change required the voice of the people to be realized. All Cantons had an office that addressed questions of integration and was financed by the Confederation.

With regard to the full application of the Convention in Switzerland, given that it was a federalist State, the delegation said that the system excluded any lacunae, and included cooperation among the Cantons on a voluntary basis. Application of international conventions came under the responsibility of the Federal Government. The Cantons were involved in dialogue and decision-making taken by the Confederation in the application of international

conventions. Indeed, the Cantons brought about new and innovative measures, which had been applied in a rapid and effective manner to all citizens concerned. The Confederation and Cantons were both obliged to comply with international conventions, and under article 49 of the federal Constitution, federal law, including international treaties, took precedence over Cantonal law if Cantonal laws ran counter to it.

Switzerland did not have a constitutional court that looked at federal laws in line with the Constitution, the delegation added. The Federal Council determined whether a bill was in conformity with the Constitution.

With regard to federal oversight of law enforcement, a Federal law, which had been adopted on 20 March 2008 and which had entered into force on 1 January 2009, outlined the constraints upon and competence of the police in the Confederation which also applied to any Cantonal authorities. That included in relation to the use of force by the police or police measures in the areas of asylum and the rights of foreigners.

With regard to measures taken by the Confederation in combating racism against minorities, in particular Afro-descendants and Muslims, the delegation said that Switzerland was seen as a peaceful and multicultural society. But Swiss society had to learn through its own painful experience to deal with potentially disruptive conflicts and to find and maintain an often-unstable equilibrium. Xenophobia was acknowledged as part of that process. Swiss society and authorities were continuously struggling to overcome the ever-new forms in which this xenophobic phenomenon presented itself.

In understanding xenophobia in Switzerland, some historical background was needed. The fact that Switzerland was an immigration society had only become widely accepted in the last few years, the delegation explained. From the end of the nineteenth century up to the 1970s, Italian migrants were the preferred victims of xenophobic movements, whether by nationalist or leftist syndicates. Today, Italians were viewed as the most loved of foreigners in the State. The role of victims of xenophobia had been taken over by Tamils in the 1980s, by people from the former Yugoslavia in the 1990s, and by Blacks and Muslims lately. Those groups experienced direct and indirect discrimination that was unacceptable. Swiss authorities at all levels regularly and clearly condemned that situation and supported a large number of measures both for integration and against discrimination. Research projects were funded and independent commissions such as the Commission against Racism or the Federal Commission on Migration were mandated to continuously monitor the situation. Both had published reports and studies on the situation of Blacks and Muslims.

Up to the 1980s, Afro-descendants in the State were most often diplomats, students and members of Christian churches, the delegation noted. Only in the past 10 to 15 years had more people from sub-Saharan Africa from all social strata entered Switzerland. Some had entered the State legally, others illegally, and some had pursued criminal activities. That explained, but did not excuse, negative attitudes in the Swiss population. On the other hand, the lack of social and economic integration was not the only cause for discrimination alone, but also had to do with the fact that Africans in a greater number had only been in the State for a few years. The Service for Combating Racism supported projects from these communities. The Swiss

Government insisted on networking, collaboration with other organizations and groups, and on integration in the implementation of the services' projects. The State strove for the co-existence of communities living side by side. In addition, the State aimed to combat all tendencies to geographical and social ghettoization of minorities or immigrants by demanding and supporting integration.

The aims just cited were relevant in the case of Muslims living in the State, the delegation highlighted. Switzerland did not regard religion as an exclusive attribute to categorize people. Only fundamentalists on all sides, political as well as religious, benefited from reducing a person to his or her religious affiliation. Rather, each person was marked by personal, social, cultural and religious influences. Some 350,000 to 400,000 people in Switzerland had declared themselves to be Muslim. The members of that group were not homogenized, but had a diverse way of life, with only 15 to 20 per cent of Muslims in Switzerland stating that they practised their religion and only a few per cent considering themselves as strict, orthodox believers. That was a reason why the State's integration activities had been centred more on the social and cultural and less on the religious background. Members of from the Muslim countries in the Federal Commission on Migration, for example, did not represent Islam. On the other hand, since religion was a factor in racism and discrimination, Muslims were represented in the Federal Commission against Racism.

The delegation said that authorities at all levels repeatedly and consistently warned against religious intolerance. The competent authorities at communal and cantonal level were very active in finding solutions for practical issues such as adequate burial grounds and prayer rooms. That process was often accompanied by aggressive propaganda in the public discussion. It was stressed that federalism was complicated but it was not a unidirectional system. It was not only the Federal Government who guided the Cantons. More often, it worked the other way around. Cantons were often more active and more innovative in the field of integration and antiracism than the Federal Government. They often pushed for reforms. Also the Cantons provided a fertile experimental field: what was tested in one Canton had been verified and adapted in another before being taken to the federal level.

On concerns about the increase in right-wing extremist organizations, the delegation said that the Swiss Authorities took that issue very seriously. There were a total of 30 right-wing extremist groups in Switzerland, and it had been found that concerts were characteristic of these groups' gatherings. In response to this rising form of discrimination, the Federal Council in 2003 had launched a National Research Programme entitled "Right-wing extremism: causes and counter-measures", which undertook a scientific study of the origins of the phenomenon, recommended possible measures to eliminate it, and offered the possibility of funding pilot projects and drawing up a procedure and outline conditions for carrying out regular, long-term surveys of racist and xenophobic attitudes within the population. A total of 13 projects were funded with a total of 4 million Swiss francs allocated. The results of the programme had been published and were distributed to many recipients by the Service for Combating Racism at the end of 2007. As a result of the programme, incidents of right-wing extremist activities had been reduced.

The delegation recognized that extremists in Europe had a large number of

contacts abroad, and posed a very serious danger for democracy principles and the rule of law.

Regarding the exact nature of itinerant peoples in Switzerland, the delegation said that when the State referred to itinerant or formerly itinerant peoples the word "Travellers" was used. Apart from a few families of Manush (the French term for Sinti), all Swiss Travellers were Jenisch. Jenisch were an autochthonous group of people known as such since the eighteenth and nineteenth centuries. Their ancestors lived in the alpine area, from present day Austria, to Southern Germany to Italy and Switzerland. Today the Jenisch were recognized as a minority in Switzerland only. Like all itinerant people, Jenisch were forced by the States to settle down in the eighteenth century onward. Their traditional economic activities were related to the peasant economy, with urbanization and industrialization increasingly pushing them to the fringes of society. As the Jenisch became dependent on social welfare, they were easily put under pressure: they were forced to live a sedentary way of life, were assigned jobs, their children were forced to go to school, and families were often disbanded.

The most infamous such programme was called "Kinder der Landstrasse" (Children of the Road). From 1926 to 1972, that programme alone forcibly took away about 600 children from their parents, placing them in institutions or giving them to peasants as a cheap labour force, the delegation added. The Federal Council officially apologized for those crimes in 1986 and allocated 11 million Swiss francs as a symbolic indemnification for the victims. The Federal Government also subsidized two foundations to support the Jenisch and the itinerant way of life allocating 750,000 Swiss francs from 2007 to 2011. The 30,000 to 35,000 Travellers referred to in reports of the State referred to people who were Jenisch in origin.

Switzerland recognized the Travellers (Jenisch and Manush) as a minority on the basis of their way of life with the signing of the Convention for the Protection of National Minorities of the Council of Europe, and thus recognized their specific demands regarding transit camps, work permits and schools, the delegation underlined. In addition Switzerland had signed the European Charter for Regional or Minority Languages, which recognized the Jenisch language as a minority language in the State.

Roma were also living in Switzerland and constituted seasonal workers from the former Yugoslavia, followed by people from Kosovo fleeing the Balkan wars. All of them had been living a sedentary way of life for generations. They mostly did not declare themselves as Roma since they were – rightly or wrongly – afraid of negative consequences. The Swiss Roma organization represented 30,000 to 50,000 sedentary Roma living in Switzerland.

With regard to the concerns raised by Committee Experts on the State granting asylum or refugee status for individuals who were victims of female genital mutilation, the delegation said that Switzerland generally accepted requests for asylum or refugee status from victims of female genital mutilation who came from States that did not ban or condemn such acts as prosecutable under law. However, in cases where individuals were seeking asylum from a State that had established laws and measures to combat such acts, those applications were generally not accepted.

Further Oral Questions Posed by Experts

In a second round of questions by Experts, among others, it was asked what measures Switzerland had taken to implement the Convention's definition of racial discrimination; whether any special measures (affirmative action) had been taken to ensure the adequate development and protection of certain racial groups or individuals belonging to them; whether measures had been undertaken to ensure adequate support of foreigners in finding employment; and whether steps had been taken to reverse the burden of proof, in civil and criminal law, for discrimination cases.

Replies by the Delegation

In response, the delegation said that written responses would be provided at a later date. However, it should be noted that the principle of the non-discrimination was implemented throughout the State. The questions and comments raised by the Committee were seen as a helpful step forward in what remained to be done and would be considered in ongoing efforts.

Preliminary Concluding Observations

PIERRE-RICHARD PROSPER, the Committee Expert serving as country Rapporteur for the report of Switzerland, thanked the delegation for the thorough answers provided to the Committee. The Committee had learned a lot more about the Swiss system, as well as the intentions and motivations of the Government. It was clear from the discussion that Switzerland was an evolving society and that there were other societies going through the same challenges. Progress made since 2002 was noted, in particular the improvements in the criminal law and with regard to police training.

Mr. Prosper said that the Committee would request a survey from all the Cantons, which would be helpful in assessing the measures across the board taken to combat these issues. The Committee was not in the position to give specific solutions, but rather could give specific observations and guidelines. It was recognized that a number of issues remained to be addressed. In particular, the Committee would expect leadership from the Government in addressing discrimination with a top-down approach, and that it be at the forefront in changing the mindsets of its citizens, to be a champion for this cause. The Government should lead and take on the duties, commitments and obligations of the Convention.

For use of the information media; not an official record