

Overview of the main concerns of the Swiss NGO Coalition for the attention of the Human Rights Committee

This document provides the Human Rights Committee with an overview of the concerns outlined in greater detail in our NGO report and which we hope will be reflected in the recommendations to Switzerland:

In its message upon the accession of Switzerland to the two UN Covenants in 1991, the Federal Council emphasized that its accession did *«not have the overriding goal of extending the protection of human rights in Switzerland»*. This stance still defines official policymaking to this day and is reaffirmed in Switzerland's responses to the «list of issues»: there is no sign that Switzerland intends to do away with the fundamental shortcomings in implementation that the Human Rights Committee has criticized.

We therefore ask the Committee to recommend that Switzerland:

A. Fundamental shortcomings in implementation

1. Take specific steps to withdraw its reservations to the Covenant, in particular the reservation to article 26 of the Covenant. (Issue 1)
2. Initiate the ratification of the Optional Protocol to the Covenant of 1966 and report on these steps to the Human Rights Committee within the space of twelve months. (Issue 3)
3. Establish as soon as possible a well-financed and adequately staffed independent human rights institution according to the Paris principles (General Assembly Resolution 48/134 of 20 December 1993). (Issue 4)
4. Take measures and develop instruments, so that in spite of Switzerland's federal structure, implementation of human rights is ensured equally in all cantons and communes. (Issue 4)
5. Translate its third periodic report, its written response to the «list of issues» and, in particular, the recommendations of the Committee into all Swiss official languages, publish these in the Federal Gazette (*Bundesblatt*) and raise awareness of them amongst the public at large by further appropriate steps. (Issues 5 c and 22)

B. Incomplete protection against discrimination

6. Take specific steps towards enacting anti-discrimination legislation which provides victims with effective protection against discrimination in all areas (labour, housing, services), and in public and private spheres against discrimination on any grounds (gender, race, ethnic origin, religion, disability etc.) and report on such steps to the Human Rights Committee within the space of twelve months. (Issue 6)
7. Further intensify its efforts in education and awareness raising campaigns to combat prejudices against ethnic minorities and promote inter-ethnic dialogue and tolerance within society, in particular at the cantonal and communal level, and extend the mandate of the Federal Commission against Racism to include the power to initiate legal action and significantly increase its – and the Service for Combating Racism's – funding. (Issue 7)
8. Develop and implement an integrated gender mainstreaming strategy, including through the use of gender-budgeting processes, with effective monitoring and accountability mechanisms across all sectors and levels of government.

C. Prohibition of torture and inhumane treatment

9. Take measures to ensure that independent bodies with authority to receive and investigate effectively all complaints of excessive use of force and other abuses of power by the police are established in all cantons. The powers of such bodies should be sufficient to ensure that those responsible are brought to justice or, as appropriate, are subject to disciplinary sanctions sufficient to deter future abuses and that the victims are adequately compensated. (Issues 10 + 12)
10. Ensure that the cantons create any necessary legal prerequisites for the recruitment of police officers from minority groups and then actually implement these. (Issue 13)
11. Ensure that all cases of forcible deportation are carried out in a manner which is compatible with articles 6 and 7 of the Covenant. In particular, it should enable the presence of independent observers and renounce the use of stun guns. (Issue 13 + 14)

D. Problematic Aliens and Asylum Acts

12. Ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (GA Res. 45/158, annex, of 18 December 1990).
13. Take effective and adequate measures to guarantee the rights under the Covenant to aliens and asylum-seekers and to harmonize its domestic legislation on aliens and asylum-seekers with the Covenant.
14. Guarantee by law and ensure in practice free legal assistance to asylum-seekers (both during and after the proceedings and in the event of a non-admission decision) as well as to aliens in the event of a removal decision. (Issue 16)
15. In particular, create new regulations on the treatment of asylum-seekers with a non-admission or negative decision with due regard for human dignity in the areas of accommodation, health care and exclusion from social welfare. (Issue 17)
16. Attach prime importance to the best interests of the child in dealings with aliens over and above that attached to a removal order and abolish preparatory detention, detention for refusal to cooperate and detention pending deportation for minors. (Issue 17)
17. Ensure that the right to marriage is guaranteed for all and that family reunion is governed by rules which do not discriminate against anyone and which serve to protect family life.

E Additional concerns

18. Reinforce the protection of minors against sexual abuse by implementing a national child protection programme, by systematic data collection and guidelines for intervention by specialist child protection agencies and specially trained police officers, and by promoting open-access advice and support services. (Issue 20)
19. Take specific measures to better protect the rights of travellers and, especially in terms of stopping places and transit sites, explicitly enshrine the rights of travellers in the Federal Constitution, whilst encouraging the cantons to follow suit in their cantonal constitutions as well. (Issue 21)
20. Make access to firearms more difficult with national legislation making the possession of firearms dependent on a permit certifying the need for a firearm and introducing a national firearms register. Members of the army should no longer store their weapons at home and at the end of their service they should no longer retain a weapon. (Issue 9)