



Switzerland

Ratified the European Convention on Human Rights in 1974

National Judge: Giorgio Malinverni

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Antoine Favre (1963-1974), Denise Bindschedler-Robert (1975-1991), Luzius Wildhaber (1991-2006)

The Court dealt with 349 applications concerning Switzerland in 2012, of which 341 were declared inadmissible or struck out. It delivered 8 judgments (concerning 8 applications), 3 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2010	2011	2012
Applications allocated to a judicial formation	367	357	328
Communicated to the Government	30	13	23
Applications decided:	316	141	349
- Declared inadmissible or struck out (Single Judge)	297	125	326
- Declared inadmissible or struck out (Committee)	1	0	3
- Declared inadmissible or struck out (Chamber)	7	5	12
- Decided by judgment	11	11	8
Interim measures:	38	67	57
- Granted	0	7	5
- Refused (including out of scope)	38	60	52

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 23/01/2013	including joined
Total pending applications*	1158
Applications pending before a judicial formation:	990
Single Judge	748
Committee (3 Judges)	2
Chamber (7 Judges)	240
Grand Chamber (17 Judges)	0

*including applications for which completed application forms have not yet been received

Switzerland and ...

Its contribution to the Court's budget

For 2013 the Court's budget amounted to approximately 67 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2013 contribution of Switzerland to the Council of Europe's (EUR 244 million) budget was EUR **5 252 970**.

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **675** Registry staff members of whom **2** are Swiss.

Noteworthy cases, judgments delivered

Grand Chamber

[Stoll v. Switzerland](#)

10.12.2007

The case concerned the applicant's conviction for publishing a "strategy paper" drawn up by an ambassador on negotiations between parties including the World Jewish Congress and Swiss banks, concerning compensation due to Holocaust victims.

No violation of Article 10 (freedom of expression)

[Verein gegen Tierfabriken \(no. 2\) v. Switzerland](#)

30.06.2009

The case concerned the Swiss authorities' continued prohibition on broadcasting a television commercial despite the finding by the European Court of Human Rights of a violation of freedom of expression (judgment of 28 June 2001).

Violation of Article 10 (freedom of expression)

[Neulinger and Shuruk v. Switzerland](#)

06.07.2010

In this case, the applicant complained about the Swiss authorities' decision that the return of her child to Israel could be envisaged and was in the child's interests.

Violation of Article 8 (right to respect for private and family life) if the return order were enforced

Enforcing the order for the return of a child who had been wrongfully removed by his mother would not be in his interests and would be in breach of the Convention.

[Mouvement raëlien suisse v. Switzerland \(n°16354/06\)](#)

13.07.2012

The case concerned the authorities' refusal to allow the association *Mouvement raëlien suisse* (Swiss Raelian Movement) to put up posters featuring extraterrestrials and a flying saucer on the ground that it engaged in activities that were considered immoral. The Court found that the refusal had met a "pressing social need" and that the authorities had not overstepped the broad margin of appreciation given to them in

view of the non-political dimension of the poster campaign. The restriction was, moreover, limited to the display of posters on public facilities, allowing the association to use other means of expression.

No violation of Article 10 (freedom of expression)

[Nada v. Switzerland](#)

12.09.2012

The case concerned restrictions on the applicant's cross-border movement and the inclusion of his name to a list annexed to a federal Ordinance, in the context of the implementation by Switzerland of United Nations Security Council counter-terrorism resolutions.

Violation of Article 8 (right to respect for private and family life);

violation of Article 8 taken together with Article 13 (right to an effective remedy)

Noteworthy cases, judgments delivered

Chamber

[Scavuzzo-Hager and Others v. Switzerland](#)

07.02.2006

The case concerned the death of a young drug addict who, when arrested by two cantonal police officers, was in a state of extreme intoxication and lost consciousness. He died two days later in Bellinzona Hospital.

Violation of Article 2 (right to life) (*first finding against Switzerland under this Article*)

[Jäggi v. Switzerland](#)

13.07.2006

The case concerned the Swiss authorities' refusal to allow the applicant, whose father was unknown at the time of his birth, to obtain a DNA analysis of his putative biological father's remains.

Violation of Article 8 (right to respect for private and family life)

[Emonet and Others v. Switzerland](#)

13.12.2007

The case concerned the undesired termination of the parent-child relationship between an adult and her biological mother

as a result of her adoption by the mother's partner.

[Violation of Article 8 \(right to respect for private and family life\)](#)

Hadri-Vionnet v. Switzerland

14.2.2008

The case concerned the conditions in which the municipal authorities conducted the burial of the applicant's stillborn child without consulting her on the matter.

[Violation of Article 8 \(right to respect for private and family life\)](#)

Schlumpf v. Switzerland

9.1.2009

The case concerned the applicant's health insurers' refusal to pay the costs of her sex-change operation.

[Violation of Article 8 \(right to respect for private and family life\)](#)

Glor v. Switzerland

30.04.2009

The case concerned the requirement for the applicant, a diabetes sufferer, to pay the military-service exemption tax although he had been declared unfit for service by an army doctor.

[Violation of Article 14 \(prohibition of discrimination\), in conjunction with Article 8 \(right to respect for private and family life\)](#)

Schwizgebel v. Switzerland

10.06.2010

Concerned the unsuccessful application by an unmarried woman aged 47 to foster a child with a view to adopting it. She complained that the Swiss authorities discriminated against her on the basis of her age.

[No violation of Article 14 \(prohibition of discrimination\) in conjunction with Article 8 \(right to respect for private and family life\)](#)

Haas v. Switzerland

20.01.2011

Suffering from a serious bipolar affective disorder, the applicant considers that he is unable to live in a dignified manner and has attempted suicide on two occasions. He complained of the conditions that must be met – and which he does not meet – to obtain a substance, the administration of which in a sufficient quantity would end his life.

[No violation of Article 8 \(right to respect for private and family life\)](#)

Adamov v. Switzerland

21.06.2011

The case concerned the detention in Switzerland of a former Russian energy minister, who was arrested while in Bern visiting his daughter and on business, and was eventually extradited to Russia.

[No violation of Article 5 § 1 \(right to liberty and security\)](#)

Khelili v. Switzerland (n° 16188/07)

18.10.2011

The case concerned the classification of a French woman as a "prostitute" in the computer database of the Geneva police for five years.

[Violation of Article 8 \(right to respect for private and family life\)](#)

Association Rhino and others v. Switzerland (n°48848/07)

11.10.2011

The case concerned the dissolution of a squatters' association whose aims had been found to be unlawful. It the first violation of the freedom of association by Switzerland.

[Violation of Article 11 \(freedom of association\)](#)

Emre v. Switzerland (n° 2) (n°5056/10)

11.10.2011

The case concerned a Turkish national's complaint about a ten-year exclusion order to which he was made subject by the Swiss authorities

[A violation of Article 8 \(right to respect for private and family life\) taken in conjunction with Article 46 \(binding force and execution of judgments\)](#)

Cases concerning freedom of expression

Dammann v. Switzerland

25.04.2006

The case concerned a journalist's conviction for "incitement to disclose an official secret" after attempting to obtain information from the public prosecutor's office by telephone concerning a spectacular robbery.

[Violation of Article 10 \(freedom of expression\)](#)

Monnat v. Switzerland

21.09.2006

The case concerned the sanctions imposed on a journalist and the restrictions on the sale of a television report produced by him, following a judgment in which the Swiss Federal Court upheld viewers' complaints about the broadcasting of the report, which concerned Switzerland's role during the Second World War.

Violation of Article 10 (freedom of expression)

Foglia v. Switzerland

13.12.2007

The case concerned a judicial decision against a lawyer on account of statements he had made to the press in connection with pending criminal proceedings (concerning the alleged embezzlement of significant amounts by the former president of Lugano Football Club, who had been found dead in Lake Lugano).

Violation of Article 10 (freedom of expression)

Gsell v. Switzerland

08.10.2009

The case concerned a journalist who was denied access to the World Economic Forum in Davos.

Violation of Article 10 (freedom of expression)

Schweizerische Radio- und Fernsehgesellschaft SRG v. Switzerland (n°34124/06)

21.06.2012

The case concerned the refusal to allow a television station to carry out a televised interview inside a prison with a prisoner serving a sentence for murder. The applicant company had intended to broadcast the interview in one of the longest-running programmes on Swiss television. The Court found in particular that the authorities had failed to justify their refusal, even though the interview was of particular general interest, and had failed to establish that the ban on filming met a "pressing social need".

Violation of Article 10 (freedom of expression)

Cases concerning international child abduction

Bianchi v. Switzerland

22.06.2006

The case concerned the abduction of a child from his Italian father by his Swiss mother. The Lucerne cantonal authorities bore at least some of the responsibility for the situation.

Violation of Article 8 (right to respect for private and family life)

Carlson v. Switzerland

06.11.2008

The case concerned procedural errors committed by a Swiss court in proceedings to secure the return of a child from Switzerland (where he was living with his Swiss mother) to the United States (his American father's country of residence).

Violation of Article 8 (right to respect for private and family life)

Inadmissible

Complaints concerning the ban on the construction of minarets

Association Ligue des Musulmans de Suisse and Others v. Switzerland (66274/09) and Ouardiri v. Switzerland (65840/09)

Declared inadmissible 28.06.2011

The applicants, a former spokesman for the Geneva Mosque in the first case and three associations and a foundation in the second, complained that the constitutional amendment in Switzerland prohibiting the building of minarets was incompatible with the Convention. The Court declared their applications inadmissible, on the ground that they could not claim to be the "victims" of a violation of the Convention.

A further three applications are still pending

Noteworthy pending cases

Al-Dulimi and Montana Management Inc. v. Switzerland

Communicated to the Swiss Government in March 2009

The case concerns the confiscation of the applicants' assets by the Swiss authorities on the basis of resolutions passed by the United Nations Security Council in

connection with the fight against Al-Qaeda and the Taliban. The applicants allege a violation of Article 6 § 1 (right to a fair hearing).

Perinçek v. Switzerland (n° 27510/08)

Communicated in September 2010

At several conferences in Switzerland in 2005, the applicant, a Turkish citizen, denied publicly that genocide against the Armenian people had been perpetrated by the Ottoman Empire in 1915 or during the following years. Convicted of racial

discrimination, he complains in particular that the Swiss courts violated his freedom of expression under Article 10.

Gross v. Switzerland (n° 67810/10)

Communicated in January 2012

The case concerns a possible right to assisted suicide (see also *Haas v. Switzerland* above).

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