



**International covenant
on civil and
political rights**

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**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE THIRD PERIODIC REPORT
OF SWITZERLAND (CCPR/C/CHE/3)***

**Constitutional and legal framework within which
the Covenant is implemented (art. 2)**

1. Please indicate whether the State party intends in the near future to withdraw its reservations to articles 12, paragraph 1, 20, 25 (b) and 26 of the Covenant. If the answer is no, please provide more detailed reasons (paras. 350-353).
2. In 2001, the Committee reiterated its recommendation to the State party to accede to the Optional Protocol to the Covenant. Please give reasons why accession to the first Optional Protocol is no longer on the agenda (para. 354).
3. Please indicate how the Federal Court ensures that cantonal laws and acts are in keeping with the Constitution and in conformity with the Covenant when applying article 191 of the Constitution.
4. Please indicate whether the State party has adopted a national human rights plan. Please also indicate: (a) whether the State party has established a mechanism to achieve coherence and concordance of cantonal and communal policies, in order to ensure

* Paragraph numbers in brackets refer to the State party report, issued as document CCPR/C/CHE/3.

implementation of its obligations under the Covenant; and (b) whether the Confederation authorities formulate clear human rights requirements on a regular basis for the cantons and communes. In addition to the information provided in paragraph 367 of the report, please describe progress made by the State party with respect to the creation of an independent national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134).

5. Bearing in mind article 50 of the Covenant, and in view of the role of cantons and communes in the realization of the rights enshrined in the Covenant, please: (a) describe the measures taken by the State party to ensure that all cantonal and communal authorities are fully aware of the rights set out in the Covenant and of their duty to ensure respect for them; (b) provide detailed information on the level of coordination and information exchange occurring between the Confederation and cantonal authorities with regard to the Committee's recommendations; and (c) state whether the Committee's 2001 concluding observations have been translated into all official and national languages and transmitted to all the cantons and communes.

**Principle of non-discrimination and equality between
men and women (arts. 2, 3 and 26)**

6. Please also indicate whether, in follow-up to the recommendations made in 2001 by the Committee, procedures are under way for the adoption by the State party of a federal law prohibiting discrimination in all spheres, including in the private sector, in conformity with the Covenant.

7. Please: (a) provide detailed and up-to-date information on measures taken by the State party to combat the stigmatization of foreigners and to promote inter-ethnic dialogue and tolerance in society, particularly at the level of the cantons and communes; (b) state whether a global strategy to combat racism, racial discrimination and xenophobia has been drawn up; (c) provide detailed information on the measures taken by the State party to create an independent mechanism to investigate allegations of racism and xenophobia; and (d) indicate whether the State party plans to strengthen the capacity and budget of the Federal Commission against Racism.

8. According to information received by the Committee, the fact that immigrant women who are the victims of domestic violence have to prove that it would be impossible for them to be socially reintegrated in their country of origin, in addition to providing proof of the violence to which they have been subjected, in many cases leaves the victims without protection and not daring to leave their spouse for fear of losing their residence permit. Please comment on this information with reference to articles 2, 3 and 26 of the Covenant.

Right to life (art. 6)

9. Inadequate regulation of firearm possession reportedly has an impact on suicide and domestic homicide rates. Please indicate whether the State party plans to adopt federal legislation in the near future to adequately regulate the possession and use of firearms.

**Prohibition of torture and of cruel, inhuman
and degrading treatment (art. 7)**

10. Please provide examples of effective and detailed official inquiries conducted in response to allegations of torture or ill-treatment (para. 134).
11. Please give reasons why the State party does not yet possess a statistical database of complaints of excessive use of force and other abuses of power by the police (para. 384).
12. According to paragraphs 391 and 392 of the State party's report, some cantonal services have begun investigating allegations of ill-treatment by the police. Please indicate whether those investigations have resulted in prosecutions for abuse of police power and, if so, provide detailed information. Please also describe any measures undertaken by the State party to encourage all cantons and communes to create independent investigation mechanisms, such as the one established by the Canton of Geneva (para. 392), giving examples.
13. Please indicate whether the State party plans: (a) to recruit in the near future members of minorities to serve in the police; and (b) to accept the presence of independent observers during the removal of foreigners, as proposed by some non-governmental organizations.
14. According to information received by the Committee, on 17 December 2008, the National Council confirmed its decision to authorize the use of stun guns and police dogs during the forcible removal of foreigners. Please indicate how this power is exercised in accordance with the Covenant, including during the forcible removal of foreigners.

Treatment of persons deprived of their liberty (art. 10)

15. Please provide detailed information on the measures taken by the State party to improve the conditions of persons deprived of their liberty, especially to reduce overcrowding in prisons, specifically in the Champ-Dollon Prison.

**Rights of aliens and right to privacy, protection of the family
and protection of minors (arts. 13, 17, 23 and 24)**

16. Please indicate whether free legal assistance is granted to asylum-seekers, especially to those who appeal against a refusal of asylum.
17. According to information received by the Committee, some individuals, including families whose application for asylum was under reconsideration, were ordered under the new asylum legislation to leave their home and live in a special residence while awaiting a decision on their application. Please comment on this information with reference to articles 17, 23 and 24 of the Covenant. Please also indicate whether the best interests of the child are systematically taken into account in decisions concerning unaccompanied foreign minors who are undocumented, or who are refugees or seeking asylum and in decisions concerning family reunification, and, if so, provide examples.

Freedom of conscience and religion (art. 18)

18. According to information received by the Committee, the State party imposes a military service exemption tax on male citizens who do not do military service. Please comment on the compatibility of this measure with article 18 of the Covenant.

19. In the light of article 18 of the Covenant, please provide precise and detailed information on any initiative that would limit freedom of religion and, in particular, on the referendum on the construction of mosques.

Protection of minors (art. 24)

20. Please indicate whether the State party has a programme to prevent the sexual abuse of children and, if so, provide precise information. Please also indicate the measures taken by the State party to identify, prosecute and punish those responsible and to provide assistance to victims. Has a database been set up to assess the extent of the phenomenon?

Rights of minorities (art. 27)

21. In addition to the information provided in paragraph 326 of the State party's report, please describe progress achieved in making it possible for Travellers to develop the essential elements of their identity and to remedy the main difficulties with which they are faced, in particular the lack of stopping places and transit sites. What measures have been taken by the State party to strengthen mechanisms to ensure the participation of Travellers in decision-making, especially at the cantonal and communal levels?

Dissemination of information regarding the Covenant and the Optional Protocol (art. 2)

22. Please indicate the steps that the State party has taken to disseminate information in all the cantons and communes on the presentation of its third periodic report, the consideration by the Committee of that report and the previous concluding observations (CCPR/CO/73/CH) on the second periodic report (CCPR/C/CH/98/2). Please also provide information about steps taken to raise public awareness of the Covenant and its Optional Protocol among judges, public officials, police and law enforcement officers, legal advisers and lawyers, and the public at large.
