



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the fourth periodic report of Switzerland*

The Human Rights Committee, at its ninety-seventh session (A/65/40 (Vol. I), para. 40), established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to this list of issues will constitute its report under article 40 of the Covenant.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide detailed information on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the consideration of the previous periodic report. Please also provide information on any cases in which the Covenant has been invoked before national courts and on measures taken to raise awareness of the Covenant among judges, lawyers and prosecutors.
2. Please provide any additional information on new measures taken to implement the Committee's most recent recommendations (CCPR/C/CHE/CO/3) and on the impact of these measures. Please also provide information on the measures taken to involve civil society in the implementation of the Committee's most recent recommendations and in the preparation of the replies to this list of issues. Please also report on the steps taken to disseminate the contents of the Committee's most recent recommendations.

* Adopted by the Committee at its 112th session (7–31 October 2014).



Specific information on the implementation of articles 1 to 27 of the Covenant, including measures adopted in response to the Committee's most recent concluding recommendations

Constitutional and legal framework for the implementation of the Covenant (art. 2)

3. Please describe the measures taken by the State party to ensure that the authorities in all cantons and municipalities are aware of the Covenant rights and of their duty to ensure respect for those rights, including in cantonal courts (para. 6).
4. With regard to the Committee's most recent concluding observations (para. 7), please provide information on the steps taken to establish an independent national human rights institution, in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles, General Assembly resolution 48/134, of 20 December 1993, annex).

Non-discrimination and equality (arts. 2, paras. 1, 3, 26 and 27)

5. Please indicate what measures the State party has adopted to guarantee the effective implementation of legislation and policies on gender equality and to ensure women's participation in different spheres of public life. What concrete steps has the State party taken to combat discrimination against women in the area of employment and, in particular, to close the wage gap between men and women in both the public and private sectors?
6. Please provide information on the implementation of the Federal Act on elimination of inequalities affecting persons with disabilities (also known as the "Disabled Persons Equality Act") of 13 December 2002. Please indicate whether the State party has put in place awareness-raising programmes to inform persons with disabilities about their rights and how to claim them and, if so, any evaluation of the impact of those programmes.
7. In the light of the Committee's most recent concluding observations (para. 10) and the information provided by the State party on the follow-up to those observations, please indicate what specific measures have been taken to strengthen the mandate of the Federal Commission against Racism by granting it the power to investigate all cases of racial discrimination and incitement to national, racial or religious hatred. Please comment on reports of an increase in racist and xenophobic discourse in the political arena and the media. Please indicate whether the State party has conducted campaigns to raise public awareness about racist and xenophobic behaviour. Please also indicate what legislative and regulatory reforms have been introduced to improve the legal framework to combat all forms of racism and racial discrimination in the country. What steps has the State party taken to eliminate and combat all forms of racism and discrimination in law enforcement activities, including racial profiling?
8. Please describe the legislative or administrative measures taken, including any recent court decisions, to protect against discrimination on the grounds of sexual orientation or gender identity.

Protection of women against violence (arts. 3 and 7)

9. In the light of the Committee's most recent concluding observations (para. 11), please provide updated information on the legislative, administrative and other measures taken to eliminate all forms of violence against women, including domestic violence. In this regard, please describe the measures taken and the processes in place to address the problems facing women migrants who are victims of domestic violence, and in particular the issue of their status under the legislation on residence permits. Please also provide updated information on the support services available to victims of domestic violence in the

State party. Please provide statistical data covering the reporting period on the number of complaints of different types of violence against women and the number of convictions, including the penalties imposed and the compensation awarded to the victims. Please include information on the application of article 124 of the Criminal Code, which prohibits genital mutilation in Switzerland.

The right to life and the prohibition of torture and of cruel, inhuman or degrading treatment (arts. 6 and 7)

10. In the light of the Committee's most recent concluding observations (para. 14) and the information provided by the State party on the follow-up to the observations, please comment on reports of an increase in recent years in allegations of police brutality or excessive use of force against foreigners, including asylum seekers and migrants, and particularly those of African descent, especially in the Cantons of Geneva and Vaud. Please indicate the number of complaints of torture and ill-treatment by law enforcement officials and prison staff received and provide information on the investigations and prosecutions carried out and on the convictions obtained, the sanctions imposed and the compensation awarded. Please indicate the percentage of complaints lodged by foreign nationals, including by asylum seekers when placed in prisons or administrative detention centres or during deportation. Please describe the steps taken to establish an independent external oversight mechanism to investigate complaints of unlawful acts committed by law enforcement officials. Please provide information on the steps taken to ensure that the legislative framework by regulating the prosecution of perpetrators of torture is in line with the relevant international standards.

11. In the light of the Committee's most recent concluding observations (paras. 15 and 16), please comment on reports of excessive use of force during the return of rejected asylum seekers. Please indicate what steps the State party has taken to ensure that law enforcement officials act in accordance with articles 6 and 7 of the Covenant when forcibly removing foreigners. Please indicate whether adequate systems are in place to monitor law enforcement activities and prevent violations against foreign nationals. Please provide information on the possible use of tranquillizers or sedatives during removal or repatriation operations. Please also provide information on any investigations and disciplinary or criminal proceedings initiated, and on the compensation awarded, in the following cases:

(a) The death, on 17 March 2010, of Joseph Ndukaku Chiakwa, a Nigerian national, during the deportation of a group of persons at Zurich airport;

(b) The brutal treatment by Zurich cantonal police officers of a Nigerian national during the deportation of 19 Nigerians on 7 July 2011.

Treatment of asylum seekers (arts. 2, 9, 12, 13, 14, 24 and 26)

12. In the light of the Committee's most recent concluding observations (para. 18), please indicate the measures taken to ensure that all asylum seekers and persons awaiting repatriation placed in detention have access to free legal assistance and to their consular authorities. Please indicate what measures have been taken to review the legal limit for administrative detention and to ensure that the practice is employed only in exceptional circumstances. Please also describe the measures taken by the State party to ensure that unaccompanied minors are detained separately from adults.

13. According to the information available to the Committee, a number of municipalities have banned asylum seekers from certain areas and have issued orders restricting the movement of holders of "F" (temporary admission) permits between cantons. Please give the reasons for such restrictions and comment on the compatibility of the practice with articles 2, 12 and 26 of the Covenant.

Liberty and security of person and the treatment of persons deprived of their liberty (arts. 9 and 10)

14. Taking into account the Committee's most recent concluding observations (para. 17); please describe the measures taken and progress achieved in improving the material conditions of detention and please describe in particular the measures taken to reduce prison overcrowding. Please also provide updated information, in particular statistical data, disaggregated by sex, age and ethnicity or nationality, on the number of persons in pretrial detention and prisoners serving sentences, as well as the occupancy rate of all places of detention, including administrative detention centres.

15. Please provide information on the number of persons deprived of liberty in psychiatric hospitals and other institutions for persons with psychosocial disabilities, as well as the occupancy rate for each of the establishments. Please also indicate the number of detainees with psychiatric problems in ordinary or high-security prisons and describe the efforts made to improve their conditions of detention, particularly with regard to access to specialized treatment. Please indicate what the situation is with respect to alternative forms of treatment, such as community-based rehabilitation services and other forms of outpatient treatment programmes.

Prohibition of slavery and forced labour (art. 8)

16. Please provide updated information on the legal framework in place to prevent and combat human trafficking. Please indicate what steps the State party has taken to ensure that trafficking victims have access to effective remedies and reparation. Please describe any measures taken to improve assistance and protection for trafficking victims. Please describe the results of the National Action Plan to Combat Trafficking in Persons 2012–2014, adopted on 1 October 2012. Please indicate whether the State party has assessed the effectiveness of the measures taken to raise public awareness about human trafficking. Please also provide information, disaggregated by year starting in 2009, on complaints of trafficking and on any related investigations, prosecutions and convictions, including the sentences handed down to the perpetrators.

Right to marry (art. 23)

17. In paragraph 21 of its most recent concluding observations, the Committee expressed concern at the amendment of article 98 (4) of the Civil Code, which stipulates that non-Swiss fiancés must prove that they hold legal residence in Switzerland as a part of the preparatory procedures. Please explain what measures, if any, have been taken to bring this provision into line with the Covenant.

18. Please provide information on the extent of forced marriage in the State party and on the steps taken to combat that practice.

Freedom of religion and combating incitement to discrimination, hostility and intolerance (arts. 18, 20 and 27)

19. In the light of the Committee's most recent concluding observations (para. 8), please describe the measures the State party has taken to ensure respect for freedom of religion and to combat intolerance based on religion. In November 2009, a new article 72 (3) was introduced into the Federal Constitution, which provides as follows: "The construction of minarets is prohibited". Please explain the reasons for this ban and how it is compatible with articles 18 and 20, paragraph 2, of the Covenant.

20. With regard to the Committee's most recent recommendations (para. 9), please provide information on investigations, prosecutions and convictions relating to acts of violence against minority religious communities.

Rights of the child (arts. 7 and 24)

21. Please describe the legislative measures taken to prohibit the corporal punishment of children. Please also indicate whether the State party has conducted awareness-raising campaigns on the negative effects of violence against children, especially corporal punishment.

22. Please comment on the reports of premature surgery and other medical treatment to which intersex children are subjected. Please indicate the number of intersex children who have undergone sex assignment surgery during the reporting period.

Rights of persons belonging to minorities (art. 27)

23. Please provide updated information on the measures taken to address the lack of stopping places and transit sites for Travellers. Please indicate any progress made in strengthening mechanisms for consultation with Travellers at the intercantonal level.

24. Please provide information on how the Federal Act on national languages and understanding among the linguistic communities (known as the “Languages Act”) is applied in practice.

Miscellaneous

25. In the light of the Committee’s most recent concluding observations (para. 4), please indicate whether the State party intends to withdraw its reservations to articles 12, paragraph 1, 20, 25 (b) and 26 of the Covenant in the near future.

26. In 2009 the Committee reiterated, in its most recent concluding observations adopted (para. 5), the recommendation it had made in 2001 urging the State party to accede to the Optional Protocol to the Covenant (CCPR/CO/73/CH, para. 5). Please indicate whether the State party plans to accede to the Optional Protocol in order to enhance human rights protection for persons subject to its jurisdiction.
