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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15(A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Switzerland**

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. METHODOLOGY AND CONSULTATION**

1. This report has been prepared on the basis of a set of official documents, including the periodic reports presented by Switzerland to the United Nations treaty bodies, the recommendations made by those bodies, reports to the monitoring bodies of the Council of Europe and internal reports of the Federal Government.<sup>1</sup>
2. The draft report was prepared in consultation with the cantonal authorities and extraparlimentary federal commissions on migration issues, on women's issues, on youth, and against racism. The draft report was also submitted to civil society so that it could take a position on its content and convey its views to the federal authorities (see annex, p. 20).
3. This report follows the general guidelines for the preparation of information under the universal periodic review adopted by the Human Rights Council.<sup>2</sup> Chapter 1 corresponds to point A of the guidelines (methodology); chapter 2 corresponds to point B (background of the country and normative framework); chapter 3 combines points C, D and E (promotion and protection on the ground; assessment of achievements and challenges; priorities to be met in order to overcome those challenges). Point F (request for technical assistance) outlines Switzerland's willingness, when implementing recommendations made by the Council, to take account of the experiences and best practices of other States in specific areas. Point G (presentation of follow-up to the previous review) does not apply. Chapter 4 contains concluding remarks.
4. The reference framework for this report is the Universal Declaration of Human Rights and it follows the order of rights and freedoms listed therein. The report examines the extent to which Switzerland has met the international obligations it has undertaken.

## **II. NORMATIVE FRAMEWORK<sup>3</sup>**

5. Switzerland is a federal State. The division of powers between central government and the cantons complies with the principle of subsidiarity: the cantons are "sovereign" insofar as their sovereignty is not limited by the Federal Constitution and they exercise all the rights that are not delegated to the Confederation (Constitution, art. 3). In other words, only the powers attributed to it by the Constitution are vested in the Confederation. The principle of subsidiarity also applies in the allocation and performance of the State's tasks (Constitution, art. 5). The federal structure makes for a complex overlapping of the powers of the Confederation and the cantons.<sup>4</sup>
6. The Federal Constitution contains a series of enforceable rights (arts. 7-34). The cantons have their own constitutions and, therefore, their own sets of fundamental freedoms at the cantonal level. The Federal Tribunal (supreme judicial authority of the Confederation) allows them no autonomous scope, however, other than in cases where such protection goes beyond that offered by federal constitutional law.
7. Switzerland is a State with a monistic tradition; an international treaty ratified by the Federal Council (the Executive, consisting of seven members) is part of the legal system from the date of its entry into force in Switzerland, without any need to incorporate it into domestic law by adopting a special law.
8. In the area of human rights, Switzerland has ratified numerous regional and international treaties.<sup>5</sup> It has submitted several reports to the competent bodies, and pays attention to their recommendations. Full cooperation with the treaty monitoring bodies was one of the voluntary commitments made in March 2006 when Switzerland applied for membership of the Human Rights

Council. The federal authorities are currently considering the possibility of signing two international treaties, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities. It has always been Switzerland's practice not to sign an international instrument until it is sure of being able to ratify and implement it. As soon as it has sufficient information on their impact in federal and cantonal law, the Federal Council will decide whether to sign these two instruments.

9. Regarding reservations to human rights treaties, Switzerland regularly looks into the possibility of withdrawing its reservations and takes appropriate action. In 2007 Switzerland withdrew several reservations to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, in accordance with the voluntary commitments it made in March 2006 in its application for membership of the Human Rights Council.

10. Switzerland has recognized the jurisdiction of the European Court of Human Rights to receive individual complaints. The States parties to the European Convention on Human Rights undertake to abide by the final judgements of the Court in any cases to which they are parties. Execution of the Court's judgements entails the State taking individual measures to ensure that the injured party obtains redress, and general measures to prevent further similar violations of the Convention. Until December 2007, the Court had found a violation of the Convention in 53 judgements out of 75 concerning Switzerland, and Switzerland has executed them all without exception. In automatically adjusting their legal positions and their interpretation of Swiss law in individual cases to the requirements of the Convention as derived from the European Court's judgements, the courts make those judgements directly applicable in domestic law.

11. In accordance with its voluntary commitments, Switzerland cooperates fully with the special procedures of the Human Rights Council, maintaining the standing invitation made in April 2002 to all special procedures, and making the necessary arrangements for their visits.

12. In Switzerland there is no national human rights institution. On the other hand, there are various official advisory bodies at the federal and cantonal levels, whose responsibilities relate to the protection of human rights in specific areas. They include the following extraparliamentary federal commissions: the Federal Commission on Migration Issues, the Federal Commission on Women's Issues, the Federal Youth Commission, the Federal Commission against Racism and the Federal Commission for the Coordination of Family Issues. These commissions have advisory status. Then there are the Federal Office for Equality between Women and Men, an office for persons with disabilities and the Service for Combating Racism, all of which are administrative services. These agencies are not empowered to take direct action before the courts or against the perpetrators of human rights violations. At the cantonal and municipal levels, there has in recent years been a slow but steady increase in the number of "ombudspersons", who are responsible among other things for investigating the problems and demands that arise between the public and the Government or State.

13. Respect for and protection of human rights is the responsibility of all public authorities, be they municipal, cantonal or federal, and in particular of the courts and police. Regarding legal remedies, more specifically, ensuring that decisions and other measures taken by the federal and cantonal authorities comply with fundamental rights is the responsibility of all the courts, federal and cantonal. Before the Federal Court, the legal avenues available to persons alleging violations of their fundamental rights are the unified appeal and the subsidiary constitutional appeal. A unified appeal may be filed for violations of federal law, including the Federal Constitution, international law and cantonal constitutional rights. A subsidiary constitutional appeal may be filed against

cantonal decisions not subject to unified appeal. As its name suggests, this can be filed for a violation of constitutional rights, including the rights guaranteed by international human rights conventions.

14. The Swiss political system may be termed a “semi-direct democracy” which means that the legislative texts adopted as a result of parliamentary debates are not final because the Constitution recognizes the right of popular referendum. Thus if, within 100 days of the adoption of a law by the Federal Parliament, 50,000 valid signatures are collected from voters who would like the new law to be approved by the people, the law must be voted on by the people and cannot enter into force unless a majority of the citizens voting so decide. The same applies where requested by eight cantons. Thus in principle a law may enter into force only after the 100-day referendum period. In addition to federal laws and urgent federal legislation whose validity exceeds one year, the optional referendum procedure is also applicable to international treaties not subject to denunciation and concluded *sine die*, or providing for membership of an international organization, or containing important provisions establishing legal rules or whose implementation requires the adoption of federal legislation. Constitutional amendments, emergency decrees derogating from the Constitution and membership in collective security organizations or supranational communities are subject in all cases to the dual consent of the people and the cantons (compulsory referendum).

### **III. PROMOTION AND PROTECTION OF HUMAN RIGHTS**

#### **A. Equality, non-discrimination (Universal Declaration of Human Rights, arts. 1, 2 and 7) and subjects of specific rights**

##### **1. Gender**

15. According to the 2005 census women account for 51 per cent of Switzerland’s 7.5 million inhabitants. Article 8 of the Federal Constitution stipulates the equality of all before the law and specifies that women and men have equal rights. The law ensures *de jure* and *de facto* equality, in particular with regard to the family, education and work, and pay must be equal for tasks of the same value. In particular, the Equality Act, which entered into force in 1996 and was amended in 2004, is intended to promote real equality between women and men, and applies to all areas of working life. The positive effect of the Equality Act on gender equality has been mainly to highlight problems such as wage disparities and sexual harassment. The new Divorce Act improves the economic position of divorced women in that they receive half of any amounts accumulated in occupational provident schemes. In addition, bodily harm, sexual coercion or rape between spouses or partners are now prosecuted *ex officio* rather than following a complaint.

16. Switzerland is a party to the Convention on the Elimination of All Forms of Discrimination against Women and ILO Conventions Nos. 100 (Equal Remuneration) and 111 (Discrimination). Since signing the Optional Protocol in February 2007, Switzerland has been considering its ratification. This procedure is in keeping with the voluntary commitments made in Switzerland’s application for membership of the Human Rights Council.

17. At the federal level, two government agencies work for the achievement of full equality between women and men. The Federal Office for Equality between Women and Men gives the following issues priority: equality before the law, equal opportunities at work, equal pay, international cooperation and combating violence against women. The Office also advises the authorities, businesses, organizations and individuals and is the federal administration’s expert body on equality. It provides financial support to projects and consulting services that contribute to the achievement of equality between women and men in professional life. There is also the Federal

Commission on Women's Issues, which is mandated to advise the Federal Council on equality issues. It is regularly called upon to rule on topical issues and is consulted on concerning draft federal legislation in this area. It prepares recommendations on issues relating to equality and is also involved in public relations.

18. An evaluation of the Federal Council's implementation of the Equality Act, published in February 2006, shows that judicial proceedings dealing with sex discrimination involve equal pay problems (6 cases out of 10), sexual harassment in the workplace (2 cases in 10) and discriminatory dismissal (the remaining 2 cases). The survey also noted that the entry into force of the Equality Act has had a positive effect, providing the victims of discrimination with the tools they need to defend their rights. On the basis of this assessment, particular emphasis has been placed on information and awareness-raising campaigns on the issues of discrimination against women.

19. Although the legal provisions have been revised to ensure equality between women and men at all levels, the daily reality is still very far from de facto equality, even more so for vulnerable women such as immigrant women. While progress has been made in education and training, differences remain in the world of work. In addition to wage differences averaging almost 20 per cent in the private sector, women also have the double burden of work and family duties. According to a comparative study carried out in 2004 by the Organisation for Economic Co-operation and Development (OECD) on the balance between work and family life,<sup>6</sup> action is required at three levels: providing extra facilities for children; encouraging more family friendly working conditions in businesses; and removing parents' disincentives to work.

20. As far as women's representation in politics and public service is concerned, the proportion of women has been rising steadily since the introduction of voting rights for women at the federal level in 1971. At the last federal elections in October 2007, the percentage of women elected to office was 27 per cent (compared with 25 per cent for the 2003 elections and 22 per cent in 1999). Since 13 December 2007, the Federal Council (Executive, consisting of seven members) has included three women for the first time in its history.

## **2. Children**

21. Article 11 of the Federal Constitution gives special protection to children and young people, encourages their development and enables them to exercise their rights, while article 67 of the Constitution provides that the Confederation and the cantons must accommodate the development and protection needs of children and young people in terms of training, culture and extracurricular activities. In addition, article 116 of the Constitution stipulates that the Confederation must take into account the needs of the family. This protection is translated into legislation by numerous provisions, such as those of the Civil Code (family, marriage, divorce, filiation, adoption, measures to protect children, guardianship and placement of children), in the obligation to attend school, in vocational training, in promoting extracurricular youth activities, and in protection from abuse. In addition, criminal law on offences against sexual integrity includes a range of norms designed to protect the harmonious development of children until they have attained the maturity required for responsible consent to sexual acts. The Criminal Code punishes the perpetrators of physical and sexual abuse against children.

22. In 2006, Switzerland ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in accordance with the voluntary commitments made in March 2006 in its application for membership of the Human Rights Council. It has also signed the Council of Europe Convention on Cybercrime, and ratified ILO Conventions Nos. 138, on minimum age, and 182, on the worst forms of child labour.

23. In the specific area of child protection, several federal agencies share jurisdiction and responsibilities: the Federal Office for Police Matters and the Federal Office for Social Insurance respectively have primary jurisdiction in combating child crime and preventing violence and abuse. The Office for Social Insurance performs a coordinating function in the area of child protection. It provides information on assistance and training opportunities, for example, and supports child abuse prevention projects (such as prevention and information campaigns) and research. In accordance with the federal structure and the principle of subsidiarity, child protection is essentially a cantonal responsibility and the application of the principle of “the child’s best interests” by all the authorities concerned thus calls for an ongoing effort. The Office for Social Insurance promotes the rights of the child and encourages the implementation of the Convention on the Rights of the Child at the domestic level. It has funds for that purpose. The Confederation also provides financial support to specialist NGOs that set up activities and projects in Switzerland or special events highlighting children’s aspirations and rights and encouraging their participation (for example, on Universal Children’s Day (20 November) or on the national day for parental training).

24. The protection of children with respect to human trafficking has been strengthened in various ways in the Criminal Code (a broader definition of the offence, stiffer sentences when an offence involves children, and extension of the provisions to cover isolated acts). In October 2006, Switzerland ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In addition, the Criminal Code now recognizes the competence of the authorities to pursue and prosecute sexual offences that have been committed against minors abroad by anyone now in Switzerland and not extradited, thus abolishing the requirement of dual criminal liability. Acquiring, obtaining or possessing pornographic material representing children is punishable by a custodial sentence or a fine. In addition, a Coordination Unit against the Trafficking of Persons and Smuggling of Migrants has been established at the Federal Office for Police Matters.

25. In the wake of various serious cases of sexual abuse of children, child pornography and paedophilia, originating or broadcast on the Internet, the federal authorities created the Swiss Coordination Unit for Cyber Crime Control (CYCOS). Among other things this serves as a contact point for people wishing to report suspicious Internet sites. It is also responsible for detecting illegal content on the Internet and carries out in-depth analyses in the field of cybercrime. In 2005, with the support of the Confederation and the cantons, a national three-year campaign against crime on the Internet (pornography and paedophilia) was launched nationwide. That same year, NGOs also launched a three-year campaign against child sexual abuse, with the support of the Confederation. In May 2007, they created a national alliance against child sexual abuse, in order to improve prevention and detection and take action on cases. Also in May 2007, this Alliance for the prevention of sexual violence against children and adolescents launched an information platform on the Internet for those directly or indirectly involved, a project supported by the Confederation. With regard to sex tourism, thanks in particular to a financial contribution from the Federal Government, the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism was launched in Switzerland by the NGO ECPAT Switzerland. So far, two of the largest Swiss tourism companies have adopted the Code of Conduct and made a commitment to protect children and combat sex tourism involving minors.

26. The foundations for protecting and promoting children’s rights have been laid. Nevertheless, efforts are still needed to translate certain provisions of the law, such as the child’s right to be heard during divorce proceedings, into practice.

### **3. Persons with disabilities**

27. The prohibition of all forms of discrimination on the grounds of a corporal, mental or physical disability is specifically established in the Federal Constitution (art. 8, para. 2). Parliament is responsible for taking measures to eliminate inequalities affecting people with disabilities, and this intention has been translated into the Law on Equality for Persons with disabilities, according to which disability cannot be treated solely as a problem of individual health but is also influenced by social context. Its aim is to change discriminatory social conditions, and to prevent, reduce or eliminate inequalities affecting people with disabilities. The law aims to remove obstacles that hamper access to buildings, facilities, services, training and further education, along with public transport. Similarly, the autonomy and integration of people with disabilities are to be encouraged. In order to facilitate the realization of their rights, people who suffer inequality within the meaning of the Law on Equality for Persons with Disabilities may go before the competent civil or administrative courts to request the elimination of the inequality.

28. In order to achieve these objectives, the Federal Office for Equality for Persons with Disabilities was created and began work in early 2004. This is the Federal Government's focal point for all issues relating to equality for people with disabilities. Its tasks are primarily to provide information on equality for people with disabilities and on implementation of their right to equality, but they also include carrying out or initiating scientific studies and, above all, programmes and projects designed to promote the integration of persons with disabilities; CHF 2 million (US\$ 1.7 million) are allocated annually to support projects nationwide.

29. The Confederation is also mandated by the Federal Constitution to promote the integration of people who are incapacitated (reduction or loss of earning capacity). This is done through the application of the Disability Insurance Act, which provides for rehabilitation measures and financial compensation to guarantee an adequate income and help the person live an independent life.

30. The Federal Council considers it desirable for Switzerland to sign and ratify the Convention on the Rights of Persons with Disabilities, and is conducting the necessary enquiries to that effect.

### **4. Migrants**

31. At 20 per cent (1.5 million people) Switzerland has one of the highest rates of foreign population in Europe. Around two thirds of this population is from the European Union, 14 per cent from the Balkans and Turkey, 6 per cent from the former Soviet republics, 6 per cent from Asia, 4 per cent from the Americas and 3 per cent is of African origin. The number of foreigners has been rising over the last decade. Foreign workers account for barely one third of long-term immigrants. Four out of 10 people enter Switzerland for the purpose of family reunification and foreigners entering Switzerland under the asylum legislation represent slightly over 6 per cent of the total.

32. Free movement between Switzerland and the States of the European Union (EU) and the European Free Trade Association (EFTA) has been effective since 2002 (under a transitional arrangement until 2014). Nationals of non-member States of EU or EFTA are subject to restrictions. Only skilled workers and specialists, in limited numbers, are allowed on to the labour market. They can obtain a permit provided that no worker with the required profile can be recruited in Switzerland or in EU/EFTA and that the admission criteria are met. The new Foreign Nationals Act, which is aimed at non-EU/EFTA nationals, sets forth for the first time the principles and objectives of the integration of foreigners and establishes the necessary instruments for coordination. The situation of foreigners with long-standing legal residence has improved: they can change jobs or place of residence more easily and the conditions for family reunification have been eased.

Integration efforts are also encouraged through incentive schemes. The new Act also provides for stiffer penalties in order to enforce foreigners law. More effective measures have been adopted to counter crime and abuse in the area of foreigners law.

33. Integration is the central plank of the new federal Foreign Nationals Act. The Act aims to encourage peaceful coexistence in keeping with the values of the Constitution and the principles of tolerance. It incorporates the objectives previously set out in the ordinance on the integration of foreigners; the duties of the Federal Office for Migration, the Federal Commission for Foreigners (as from 1 January 2008, the Federal Commission on Migration Issues), and the cantonal and communal authorities; and what is expected of foreigners; and also takes into account the degree of integration in decisions to approve settlement in Switzerland. Other existing conditions, such as the requirement for a common residence, the family's economic independence and the availability of suitable accommodation, remain applicable. But the law also provides for exceptions that allow these conditions to be waived in special situations (for example, the requirement for a common residence, Foreign Nationals Act, paras. 49 and 50). The Act also facilitates occupational mobility for foreign workers from third countries (para. 38, para. 2).

34. The Act also lays a duty of information on the Federal Government, the cantons and the municipalities. This is a dual mission: firstly, foreign nationals must be informed of their rights and obligations, living and working conditions in Switzerland, and the integration measures available to them; secondly, the general public must be informed of the foreigners' special circumstances. This is especially important for combating the stigmatization of foreigners. In this regard, some cantons are models of best practice in integration, protection and even participation in public life. According to a study conducted in 2004, some 90,000 people live in Switzerland without permission (undocumented), but the study also showed that the presence of undocumented migrants is due less to asylum policy (rejected asylum-seekers who have gone into hiding) than to the situation on the labour market, where there is a demand for workers prepared to work in the underground economy. This is one of the reasons why the federal authorities have launched a nationwide awareness-raising and information campaign on combating illegal employment. The campaign coincides with the introduction of the new Act on Measures for Combating Illegal Employment and the relevant ordinance, both of which entered into force on 1 January 2008.

35. The high proportion of foreign residents is also due to the restrictive practice regarding naturalization. The cumulative conditions for ordinary naturalization are 12 years of residence in Switzerland (years spent in Switzerland between the ages of 10 and 20 years count double), integration into the Swiss community, adaptation to Swiss lifestyle and customs, respect for the legal system, and the absence of risk to the internal and external security of the Confederation. The concept of "fast-track naturalization" is also recognized in Switzerland; it is offered in particular to foreign spouses of Swiss nationals, although not to registered homosexual partners (who may, however, become naturalized in the ordinary way and benefit from favourable residence conditions), and to children with a Swiss parent who do not yet have Swiss nationality. In a referendum held in 2004, the people rejected fast-track naturalization for young second-generation immigrants and Swiss nationality at birth for third-generation foreigners. The regular process of naturalization, as practised in certain cantons, has given rise to discussions of principle on the conditions it should meet to comply fully with the principles of the rule of law. The Federal Court held that, while the cantons had jurisdiction to determine what body was responsible for naturalization, the principles of the rule of law, such as the prohibition of all discrimination and the duty to justify decisions, had to be respected. However, a people's initiative on "democratic naturalization" has been admitted and will be put to the vote on 1 June 2008. The initiative calls for municipalities to be free to decide what body should be competent to grant municipal citizenship;



its decision would be final. An amendment to the Act on the Acquisition and Loss of Swiss Nationality was adopted by the Swiss Parliament in late 2007, and constitutes an indirect counter-proposal to the people's initiative.

36. In February 2008, the organizers of a people's initiative on the expulsion of foreign criminals filed the signatures required to call for a constitutional amendment. The proposed amendment calls for foreigners to be deprived of their residence permit if they are convicted of murder, rape or other serious sexual offences, or of other acts of violence such as armed robbery, trafficking in human beings, drug trafficking or breaking and entering, or if they have improperly claimed social security or welfare benefits. The Federal Parliament will decide on its compatibility with the peremptory norms of international law (Constitution, art. 139).

## **5. Racism**

37. Switzerland is a party to the International Convention on the Elimination of All Forms of Racial Discrimination and recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints. Until the end of November 2007, the Committee had received no individual complaint against Switzerland. The constitutional provision prohibiting all discrimination on grounds of origin, race, language or religious belief (Constitution, art. 8) is reflected in article 261 bis of the Criminal Code and article 171 (c) of the Military Criminal Code (racial discrimination). The law punishes anyone who publicly incites hatred or discrimination against people because of their race, ethnicity or religion, violates human dignity, refuses to provide a public service or propagates a racist ideology. This provision implies that freedom of expression is not absolute and may be subject to constraint, especially when it comes to protecting the dignity and honour of others. The Confederation also takes preventive measures, such as information and education campaigns.

38. The fight against racism is an ongoing task for the Government, which has created two institutions for this purpose, namely the Service for Combating Racism in 2001 and the Federal Commission against Racism in 1995. The former is the Federal Government's focal point for all matters relating to the fight against racism, anti-Semitism and xenophobia. It plays an important role in specialized support (training and publication) and networking. It awards grants to specifically anti-racist projects. Each year CHF 0.9 million (US\$ 0.78 million) is allocated to support projects covering the entire country. The Federal Commission against Racism is involved in awareness-raising and public relations activities through campaigns, public events, publications and newspaper articles.<sup>7</sup> On its website, which is accessible to the public, the Commission publishes a compilation of case law on article 261 bis of the Criminal Code.<sup>8</sup> This includes a depersonalized summary of every court ruling since 1995 and users can search for specific cases and obtain an overview of current case law relating to article 261 bis of the Criminal Code. While it can monitor the application of the criminal law against racism, the Commission is not empowered to initiate legal action to combat racial hatred or discrimination. The cantonal and municipal integration authorities, in partnership with federal agencies, also have a role to play in combating discrimination and racism.

39. Article 261 bis of the Criminal Code, on racial discrimination, has been and still is the subject of political attacks aimed at weakening or even abolishing it. In a multicultural society, laws are not enough to combat racist tendencies. It is equally important to work to bring cultures and beliefs closer together and to try to eliminate prejudices against people of colour or with a different religion. Under the new Foreign Nationals Act integration is understood to mean equal opportunities and this means indiscriminate access for all sectors of society.

40. Switzerland has ratified the Council of Europe's Framework Convention for the Protection of National Minorities, and this forms the basis for its policy on advancement of national minorities and reinforces prevention and efforts to combat all forms of discrimination. The Committee of Ministers of the Council of Europe has noted that Switzerland's institutional framework allows linguistic minorities to preserve and develop the essential elements of their identity, in particular their language and culture. Switzerland has availed itself of the discretion given to contracting parties to interpret and determine for themselves the scope of the Framework Convention. In Switzerland, national minorities are groups of individuals whose members are Swiss nationals, have long-standing, firm and lasting ties with Switzerland and are guided by the will to safeguard together what constitutes their common identity. Thus any group using the national minority languages, namely French, Italian and Romansch, and German in French-speaking cantons, Travellers and members of the Jewish community, are protected as national minorities.

41. As to the national linguistic minorities, the Confederation has enacted a raft of legislation aimed at safeguarding and promoting Italian and Romansch, under the constitutional provisions on language (Constitution, art. 70). This is also one of the objectives of the Languages Act adopted on 5 October 2007. Thus the Confederation gives financial support to the Cantons of Graubünden and Ticino for general measures to safeguard and promote the Romansch and Italian languages and cultures. Official publications must be published simultaneously in the three official languages, German, French and Italian. Particularly important texts, as determined by the Federal Chancellery in consultation with the State chancellery of the Graubünden, are also published in Romansch.

42. In ratifying the Framework Convention for the Protection of National Minorities, Switzerland recognized Travellers as a national minority. In its declaration of ratification of the European Charter for Regional or Minority Languages, the Confederation recognized Jenisch as a language without land within Switzerland. The Confederation has stated its intention, in cooperation with the cantons, to take steps to improve Travellers' lives and preserve their way of life, including through the creation of adequate permanent and transit sites.

43. Protection for persons belonging to other groups, including non-citizens, is already partly in place, given the protection of fundamental rights guaranteed by the Federal and cantonal constitutions and the international treaties to which Switzerland is a party. Persons or groups not constituting national minorities within the meaning of the Swiss declaration, including immigrants and Swiss nationals belonging to the "new minorities" resulting from immigration, are covered by the principle of non-discrimination as provided under article 8, paragraph 2, of the Federal Constitution. This provision prohibits in particular all discrimination based on origin or race.

## **7. Sexual orientation and gender identity**

44. Article 8 of the Federal Constitution contains a non-discrimination clause prohibiting discrimination on grounds of lifestyle. This term is usually interpreted as covering homosexuality. The Partnership Act, which came into force on 1 January 2007, introduced partnership registration, whereby same-sex couples can have their relationship recognized in law; registered partners have the same status as married couples. However, people in a registered partnership are not allowed to adopt children or to use medically assisted reproduction. At present, Switzerland has no law specifically punishing homophobic, biphobic or transphobic acts.

**B. Life, prohibition of slavery, torture (Universal Declaration of Human Rights, arts. 3-5)**

45. The right to life and the prohibition of the death penalty are established in a provision of the Constitution (art. 10). This right is complemented by a constitutional guarantee giving anyone in distressed circumstances the right to receive assistance and the means needed to lead a dignified life (article 12; see also section H below, “Adequate standard of living”). With regard to the death penalty, Switzerland is a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty, and to the relevant regional instruments of the Council of Europe (Protocols Nos. 6 and 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty).

46. Though the prohibition of slavery is not formally established in the Federal Constitution, the fact that Switzerland is a party to the International Covenant on Civil and Political Rights and to ILO Conventions Nos. 29, on forced labour, and 105, on the abolition of forced labour, obliges it to prohibit all forms of slavery and servitude in its territory. In accordance with international standards, the Criminal Code allows courts to order hours of community work in place of a custodial sentence, which does not amount to forced labour.

47. The new forms of slavery, and more specifically sexual exploitation, are to be found in Switzerland. The federal authorities estimate that there are 1,500 to 3,000 victims of human trafficking in Switzerland. The victims of prostitution rings come mainly from Eastern and South-Eastern Europe, the Baltic States, Latin America and South-East Asia. Combating this problem is a declared objective of the Federal Council, and it is in this spirit that Switzerland has ratified the two protocols supplementing the United Nations Convention against Transnational Organized Crime, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography, and ILO Convention No. 182 on the worst forms of child labour.

48. At the domestic level a number of mechanisms and instruments have been developed and implemented. A Coordination Unit against the Trafficking of Persons and Smuggling of Migrants, attached to the federal police, has been operational since 2003 (see para. 24 above). It coordinates action in the areas of prevention, criminal prosecution and victim protection. It acts as a platform for information, coordination and analysis and is the contact point for international cooperation. Several cantons have set up mechanisms for consultation between the criminal prosecution authorities, migrant services and victim counselling centres. Swiss law provides that anyone suffering a direct violation of their physical, sexual or psychological integrity has the right to assistance and advice. Victims of human trafficking may seek assistance from State or private counselling centres. Residence status is also a decisive factor in what protection is afforded to victims. The law allows foreigners to be granted a residence permit in extremely serious individual cases. It is also possible for them to get help to return to their own country.

49. Article 10 of the Federal Constitution prohibits any use of torture or other cruel, inhuman or degrading treatment or punishment. However, criminal law gives no specific definition of torture covering all the points contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. As a party to that Convention, Switzerland has recognized the competence of the Committee against Torture to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation of the provisions of the Convention. Out of around 60 communications against Switzerland, the Committee has found a potential breach of article 3 of the Convention in 6 cases of refoulement of rejected asylum-seekers.

50. In December 2006 the Federal Council made a proposal to Parliament on ratification of the Optional Protocol to the Convention against Torture and its implementation in Switzerland through the creation of a new federal commission for the prevention of torture. Parliament is expected to take a decision by the end of this year.

51. In its recent visits to Switzerland, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment established by the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment found nothing to suggest the infliction of torture or of severe ill-treatment in the establishments visited. Cases of police brutality were recorded, but the number of allegations is negligible compared to the number of arrests. There is no justification for such cases and, to address the problem, which is increasing, various cantons have in recent years introduced mediation services or independent police complaints bodies, a decision welcomed by the European Committee for the Prevention of Torture. Lastly, police cadets and police escorts are given special training on the issue of ill-treatment and the principle of proportionality.

### **C. Administration of justice and fair trial (Universal Declaration of Human Rights, arts. 6-11)**

52. Procedural guarantees are contained in the Federal Constitution. Among the general safeguards is parties' right to have their case tried within a reasonable time, the right to be heard, the right of people of limited means to free legal assistance, the right of every person to have their case brought before an independent and impartial tribunal and for judicial proceedings to be public. As to guarantees more specifically relating to criminal procedure, the Constitution guarantees the rights of the accused in respect of deprivation of liberty and pretrial detention. In addition, the principle of presumption of innocence and the accused's right to be informed in detail of the charges against them are also established in the Federal Constitution. All these safeguards are applied in normal cases in the various judicial circuits and very few complaints of violations are filed with international bodies. The new Code of Criminal Procedure recently adopted by the Federal Assembly is intended to replace the 26 cantonal codes of criminal procedure and the existing Federal Act on Criminal Procedure. With criminal procedural law no longer so disorganized, it is easier to observe the principles of equality before the law and legal certainty, and to combat crime more effectively. The judiciary will continue, in principle, to be a cantonal responsibility. However, the harmonization of criminal procedure included a shift to a single criminal prosecution procedure.

53. The principle of *nulla poena sine lege* is reflected in article 1 of the Criminal Code, which provides that "no one may be punished if they have not committed an act expressly punishable by law". The prominence it is accorded by the legislature shows the importance attached to absolute respect for this principle.

54. The separation of the legislative, executive and judicial powers ensures the independence of the judiciary and thus guarantees to citizens that judicial matters will be dealt with without any State influence tainting the judicial process. Another important aspect of the independence of the judiciary is the freedom of lawyers, whose profession is not dependent on the executive branch.

### **D. Right to seek asylum (Universal Declaration of Human Rights, art. 14)**

55. Switzerland is a party to the Convention relating to the Status of Refugees and its 1967 Protocol. At the present time, nearly 80,000 people living in Switzerland have a residence permit issued in connection with asylum, and one third of those have refugee status. The number of

asylum-seekers has declined steadily in recent years (10,500 applications in 2006; 26,700 in 2002). The proportion of asylum authorizations, on the other hand, is increasing (19.5 per cent in 2006; 6.7 per cent in 2003). A partial revision of the Asylum Act was approved by popular referendum on 24 September 2006. This new restrictive legislation introduces many changes, one of the most important being the broadening of grounds for dismissal to include failure to submit travel and identity documents within 48 hours of applying for asylum: only valid travel and identity documents will be considered acceptable. The maximum period of detention pending expulsion is extended from 9 to 18 months and detention for non-compliance (18 months maximum) has been introduced. Compulsory residence or a ban on entering a specific place may also be imposed in case of non-compliance with notice to leave. The revised law also introduces a fee for case review or a second application. Asylum-seekers, persons provisionally admitted or in need of protection, and recognized refugees are entitled to welfare when they are in need, but anyone subject to an enforceable removal order (in principle anyone whose application for asylum has been rejected or dismissed) may be excluded from the welfare scheme. They will, however, be entitled to emergency relief, and the cantons are free to decide how they will provide the resources necessary to lead a dignified life (Constitution, art. 12). An asylum-seeker awaiting a decision is allowed to take gainful employment three months after filing an application, in accordance with the relevant legislation. In addition, the revised Asylum Act, while prohibiting communication to the State of origin or provenance of an applicant's personal data if such communication would endanger the applicant or their family, nevertheless states that the authority organizing the departure of an applicant rejected at first instance may contact their State of origin in order to obtain the necessary travel documents.

**E. Freedom of thought, conscience and religion, of expression, and of assembly and association (Universal Declaration of Human Rights, arts. 18-20)**

56. Article 15 of the Federal Constitution guarantees freedom of conscience and conviction. That freedom is reflected, inter alia, in the prohibition on State interference in religious affairs and in the religious neutrality of the State in education.

57. The Swiss denominational landscape has been transformed over the last 15 years, especially following the migration from the Balkans and the consequent increase in the number of Muslims living in Switzerland (4.3 per cent of the population). The major monotheistic religions now bear a special responsibility for social and religious harmony in Switzerland. As a result, senior Christian, Jewish and Muslim leaders created the Swiss Council of Religions in 2006. This is a private body that seeks to promote mutual understanding between religious communities and act as an interlocutor with the Confederation. It concerns itself with current religious and social policy issues: religious buildings, the use of religious symbols in public, clerical training and the integration of children in public schools.

58. On 1 May 2007, a campaign was launched to collect signatures for a referendum proposal to ban the construction of minarets. If it is successful, the Federal Assembly will decide on its compatibility with, in particular, the peremptory norms of international law (Constitution, art. 139). The initiative reflects the positions of a group of citizens, not those of the Government, which will need to take an official position should it succeed.

59. Freedom of speech is also guaranteed by the Federal Constitution, in particular articles 16, 17, 20 and 21. Everyone has the right to express their opinion and, conversely, to be informed by the source of their choice. This freedom of expression and information takes the form, in journalistic terms, of over 400 daily and weekly press titles, with a total circulation of more than 18.2 million, and each household receives 1.5 current affairs publications (newspaper or magazine) every day.

60. Freedom of peaceful assembly and association are established in articles 22 and 23 of the Constitution. Labour rights (Constitution, art. 28) protect workers, employers and their associations, which have the right to form federations to defend their interests.

61. Constraints on these freedoms are permitted under the Federal Constitution and the International Covenant on Civil and Political Rights, where they have a legal basis. While ensuring that the essential substance of fundamental rights remains inviolate, any restriction of a fundamental right must be warranted by some public interest or the protection of a fundamental right of others, and must be proportionate to the end sought.

#### **F. Participation in political life and right to vote (Universal Declaration of Human Rights, art. 21)**

62. Article 34 of the Federal Constitution guarantees political rights as fundamental rights. This guarantee protects the free formation of opinion by citizens and the faithful and reliable expression of their will. All Swiss citizens aged 18 years or over who have not been deprived of legal capacity for reasons of mental illness have political rights in federal matters. These rights include the right to take part in elections to the National Council (People's Chamber) and in federal votes, and to launch and sign people's initiatives and calls for referendums.

63. The Constitution recognizes the right to launch a people's initiative to propose a full or partial amendment of the Constitution (arts. 138 and 139). To do this, 100,000 signatures of citizens entitled to vote, collected within 18 months of the formal publication of the proposal, may request partial revision of the Constitution in the form of a prepared draft. If a people's initiative does not meet the requirements of unity of form and of subject matter or breaches the peremptory norms of international law, the Federal Parliament will declare it null and void in whole or in part. The initiative is put to a vote of the people and the cantons. The Federal Parliament recommends acceptance or rejection, and may put forward a counter-proposal.

64. Each canton has its own constitution and laws. At the cantonal level, citizens' political rights are more extensive than at the federal level since the Government is directly elected by the people and, in addition to the constitutional initiative - the only kind of initiative allowed under federal law - many cantons also provide for a right of legislative initiative allowing a specified number of citizens to submit draft legislation to the vote of the people. Legislative power in the cantons is generally exercised by a unicameral parliament elected on the basis of proportional representation. Some cantons, however, still operate a system of direct democracy whereby legislative power is exercised by assembly of the people. Executive and administrative power, on the other hand, is held by a Council of State, elected by the people for a specified period and organized according to the same principles as the Federal Council: the President changes each year and collegiality is the rule. In certain cantons, foreigners have the right to vote at the municipal level, and in some cases may stand for election.

#### **G. Work (Universal Declaration of Human Rights, art. 23)**

65. The Federal Constitution explicitly recognizes economic freedom (art. 27). The State must guarantee the freedom of choice of occupation, free access to economic activity and the freedom to carry out such activity. An individual right to work in the sense of a claim to a positive benefit provided by the State is not recognized. However, the Federal Constitution includes, as one of its social goals, a policy commitment on the part of the Confederation and the cantons to make it possible for anyone capable of working to sustain themselves by work carried out under fair conditions.

66. Switzerland has a high rate of economic activity and a highly skilled work force. After a difficult economic period with a national unemployment rate of 3.9 per cent in 2004, since 2005 the economic recovery has led to a decrease in the numbers of unemployed (national unemployment was 2.7 per cent in November 2007). There are nevertheless regional and social differences in access to work. Young people (15-24), women, foreigners, older people (50 +) and persons with disabilities have greater difficulty than the population on average in entering or returning to the labour market. Young people are affected by an unemployment rate that can be double the national average in difficult economic times: lack of initial experience is often given as a reason for not hiring them. If a young job seeker is also of foreign origin, they are statistically more likely to be unemployed than a young Swiss. Women have more difficulty than men in obtaining positions of responsibility, work part-time more often than men and have an average wage that is about 20 per cent lower than that of their male colleagues doing the same work. The pay gap between the sexes continues to narrow, however. Foreigners account for one quarter of workers in Switzerland, with marked differences depending on economic sector. They are more likely than Swiss to be found doing routine tasks and require no previous special training. Their situation on the labour market is thus more insecure and their average wage is lower than that of Swiss citizens. Workers aged over 50 are at less risk of unemployment than the average, but once they leave the cycle of production they have less chance to re-enter it than a younger person.

67. Despite these differences, the situation on the Swiss labour market is excellent, thanks to a highly flexible labour market policy. This builds on three basic principles of Swiss labour law, namely no general minimum wage, flexible rules on termination of employment and limited regulation of working hours. In these areas the law gives the social partners a great deal of the responsibility for negotiating collective agreements to meet the specific needs of the various economic areas and sectors of industry.

68. The federal authority responsible for labour market policy tries to curb unemployment with the cooperation of the social partners and local authorities. Unemployment legislation guarantees unemployed people appropriate compensation for loss of income and encourages prompt, sustainable re-entry to the labour market. There is special legislation to protect those working in employment and service-contracting agencies. Additional apprenticeships have been made available to young people, as well as work experience placements and six-month motivation schemes for young people leaving compulsory education. To narrow the private sector wage gap, the Confederation has taken steps under the Federal Act on Equality between Women and Men: it has financed several projects focusing on equal pay, including one to develop a certification process for companies that give equal pay to women and men and another to inform women about legal and health issues relating to pregnancy, maternity and gainful employment. Various integration measures have been put in place to improve the employability of foreign residents (e.g., language skills) and optimize the job-placement instruments used at the cantonal and federal levels. These are accompanied by measures to counter discrimination and eliminate prejudice.

69. Health and safety are important aspects of labour market policy. The fourth European Working Conditions Survey shows that 91 per cent of Swiss workers are satisfied or very satisfied with their working conditions.<sup>9</sup> The survey also shows that there is room for improvement: 19 per cent of those surveyed said they had been absent from work during the last 12 months for health reasons, and 31 per cent said work affects their health. The regime for the protection of workers is set, in public law, by the Labour Act (workplace health) and the Accident Insurance Act (workplace safety). Federal and cantonal labour inspectors monitor the implementation of worker-protection provisions.

## **H. Adequate standard of living (Universal Declaration of Human Rights, art. 25)**

70. Income levels in Switzerland, in terms of per capita GDP, are among the highest in the world. However, inequalities in income and wealth are very pronounced. The poverty rate is around 8.5 per cent of people living below the poverty line (i.e., for a family of four, CHF 4,600 per month, or around US\$ 4,000). There are variations depending on social category, and poverty particularly affects young people, large families, foreigners, people in insecure employment and the long-term unemployed, while women on average are more severely affected than men. This difference is explained by the fact that women are more likely to head single-parent families, mostly do low-paid work and are more often unemployed. On the other hand, there is better protection against poverty in old age through the social insurance system. There are also big geographical disparities and the same nominal income will be affected in different ways depending on the cost of living and tax system of a given locality. Moreover, the spread of the “working poor” phenomenon, which affects around 4.2 per cent of workers and more than half a million people, further accentuates social and economic differences.

71. The Federal Constitution provides that anyone who is in distressed circumstances and unable to support themselves has the right to receive assistance and the means needed to lead a dignified life (see paragraph 45 above). Such aid will guarantee only the minimum essential for a decent existence and to prevent begging, which is not dignified for human beings. Social welfare is the responsibility of the cantons and in principle there is no individual right to any given welfare benefit. In recent years the overall objective of social policy has been integration or reintegration into the world of work, which simultaneously prevents a drift into undignified social situations. An anti-poverty strategy is being developed with the support of the various public and private stakeholders.

72. A joint OECD/WHO study of the Swiss health system concluded that the Swiss enjoy “good health and universal access to care”, adding that “the cost of these achievements is very high”<sup>10</sup> - an estimated CHF 51.7 billion or 11.5 per cent of GDP. While 60 per cent of these costs is jointly covered by private and social insurance, one third is paid by households, and for a growing number of these compulsory health insurance premiums put a serious strain on the monthly budget. However, low-income households are assisted through a premium-subsidy scheme (one third of the population). The main challenge for the authorities is therefore to contain the costs of the health-care system while maintaining access for the entire population to quality care, and investing more in preventive health and health promotion programmes.

73. Life expectancy at birth has increased steadily and now stands at 78.7 for men and 83.9 for women. The most common causes of death are heart disease, followed by cancer and respiratory diseases.

## **I. Education (Universal Declaration of Human Rights, art. 26)**

74. The right to free, adequate basic education is established in the Federal Constitution (art. 19). This is a justiciable right and obliges society to provide a positive benefit. The cantons are responsible for education and have an obligation to provide basic education free of charge in public schools. While the Constitution does not confer a general right to education, its social goals (art. 41) provide that the Confederation and the cantons shall strive to ensure that children, young people and people of working age shall benefit from initial education and appropriate further education. The Confederation is responsible for aspects that need to be regulated in a uniform manner, such as legislation on vocational training. Specifically the various vocational training programmes are now governed by a single regime.



75. The results of the 2000 PISA survey (OECD Programme for International Student Assessment) showed that young people from disadvantaged social groups or of foreign origin encounter more difficulties than the average in the course of their schooling. In response to this finding, and other weaknesses in the school system brought to light by PISA 2000, the competent authorities have taken a series of measures aimed at expanding preschool and out-of-school provision, encouraging the development of language skills and maintaining the quality of compulsory education, among other things. The latest PISA survey (2006) yielded better results, showing that the measures taken are a move in the right direction.

76. Although access to vocational training and school education at primary and secondary level is formally guaranteed to all, the reality is more varied. Differences can be observed in terms of gender and social and national origin. While there are now equal numbers of women and men in the post-compulsory school system, the proportion of women aged between 25 and 64 who do not have further education remains significantly higher than for men (23 per cent, as against 13 per cent for men). Children of foreign origin encounter more difficulties on average in school than Swiss children or children of mixed marriages. The school is a very important vector for integration and immigrant children are admitted immediately regardless of their residency status and whether or not their parents are documented. However, once they have completed compulsory schooling, it is harder for them to find apprenticeships (only 56 per cent, as against 83 per cent for Swiss).

77. The cantons are working on many fronts to combat racism and xenophobia in education. Human rights education is done using a cross-cutting approach, through various academic disciplines. Human rights are covered systematically in the new curricula that are being developed.

#### **IV. CONCLUDING REMARKS**

78. Switzerland attaches great importance to the values underlying the implementation of fundamental rights. It has a vibrant democratic system that is close to the concerns of citizens and in which the enjoyment of civil and political rights is guaranteed. The freedom of opinion and expression, freedom of conscience and freedom of the press have become realities of everyday life. This democratic system guarantees political freedoms and makes it possible to keep a close eye on the actions of elected authorities, and thus on their policy commitments in terms of economic and social rights.

79. In this regard, the overall situation is satisfactory compared with other European countries: low unemployment, a quality health system, a high level of education and training and a social insurance system giving good protection. This positive assessment notwithstanding, it has to be said that insecurity is on the rise: the growing number of working poor, the risk of single-parent families and large families falling into poverty, job insecurity, the barriers to economic and social integration of young people of foreign origin and the increasing difficulties of low-income families in finding adequate housing in urban centres, are problems that are reaching a scale previously unknown in Switzerland. The authorities tend to solve them by measures to improve access to work, education, low-cost housing and social welfare.

80. Like any other modern society, Switzerland is having to cope with burgeoning diversity in all areas, while the dynamics associated with globalization can create a climate of social and community tension that could be exploited politically. The authorities believe that constructive, participatory social dialogue opens the way to integration of all stakeholders, particularly those who are at risk of social marginalization; in this way the indissociability, indivisibility and

interdependence of fundamental rights will be guaranteed. A vibrant democracy requires the participation of all its citizens, who must themselves enjoy optimum political, social and economic conditions in order to participate fully in the *res publica*.

### **Consultation with civil society**

81. More than a hundred non-governmental organizations, trade unions, economic associations and religious communities were consulted on the draft of this report. A day of discussion was held in late February 2008, bringing together some 40 representatives of civil society and the Federal Government. The aim of this meeting was to establish an open, wide-ranging dialogue on the realization of human rights in Switzerland. The Federal Government maintains regular contacts with NGOs, but only on a sectoral basis. This first discussion on the report for the universal periodic review should help in adopting a less compartmentalized approach.

82. Three major concerns, as expressed by the representatives of civil society, emerged from the meeting: the absence of any national human rights institution in conformity with the Paris Principles; the absence of a federal law against all forms of discrimination; and Switzerland's position on the justiciability of economic, social and cultural rights. This list is of course not exhaustive.

83. For many years, civil society has called for the establishment of a national human rights institution in conformity with the Paris Principles. Such an institution should have jurisdiction and powers such as to permit it, among other things and either on request or proprio motu, to provide advisory opinions on any matter relating to the relevant legislation; to formulate recommendations regarding the implementation of new legislation; encourage ratification of or accession to a given international instrument; and to be involved, where appropriate, in the formulation of national action plans and human rights teaching and research programmes. Moreover, it should also liaise between the federal and cantonal authorities called upon to implement the undertakings made at the international level.

84. Although article 8, paragraph 2, of the Federal Constitution states that no one shall be subjected to discrimination on account of their origin, race, sex, age, language, social position, way of life, religious, philosophical or political convictions, or any physical, mental or psychological disability, this is implemented in law only on a sectoral basis, either as a criminal matter (cases of racial discrimination), or as a matter of labour equality (Equality Act) or of the protection of persons with disabilities. What is missing to date is comprehensive legislation designed to combat discrimination of all kinds at the federal level.

85. The argument is that the fact that economic, social and cultural rights are established in the Constitution as social goals rather than rights and freedoms weakens them and makes them second class rights. The position taken by Switzerland in the negotiations on an optional protocol to the International Covenant on Economic, Social and Cultural Rights, namely that each State should be allowed to decide what rights can be covered by procedures under the protocol, is criticized by the NGOs. The NGOs maintain that Switzerland's failure to ratify the European Social Charter (Revised) and its Additional Protocol Providing for a System of Collective Complaints, shows that it lacks the political will to make economic, social and cultural rights fully-fledged rights in themselves.

*Notes*

- <sup>1</sup> Troisième rapport périodique au Comité des droits de l'homme des Nations Unies  
Quatrième, cinquième et sixième rapports périodiques au Comité pour la discrimination raciale  
Quatrième rapport périodique au Comité contre la torture  
Projet de deuxième et troisième rapports sur la mise en œuvre du Pacte international relatif aux Droits Economiques, Sociaux et Culturels  
Projet de troisième rapport au Comité pour l'élimination de la discrimination à l'égard des femmes  
Rapport initial sur la mise en œuvre de la Convention relative aux droits de l'enfant  
Projet de deuxième rapport sur la mise en œuvre du Protocole facultatif à la Convention relative aux droits de l'enfant concernant l'implication d'enfants dans les conflits armés  
Deuxième rapport sur la mise en œuvre de la Convention-cadre du Conseil de l'Europe pour la protection des minorités nationales  
Rapport à l'OIT sur les mesures prises pour faire porter effet aux dispositions de la Convention (n°100) sur l'égalité de rémunération  
Rapport du Conseil fédéral sur la situation des gens du voyage en Suisse  
Probleme des Integration von Ausländerinnen und Ausländer in der Schweiz, Office fédéral des migrations, Département Fédéral de Justice et Police  
Etude de l'OCDE et de l'OMS sur le système de santé suisse
- <sup>2</sup> Décision 6/102, du 27 septembre 2007.
- <sup>3</sup> Pour une vision plus détaillée du cadre juridique suisse de protection des droits de l'homme, voir le Document de base faisant partie intégrante des rapports présentés par les Etats parties ainsi que les rapports périodiques présentés par la Suisse.
- <sup>4</sup> Pour un exposé plus détaillé concernant les diverses compétences, voir le Document de base faisant partie intégrante des rapports présentés par les Etats parties, HRI/CORE/1/Add.29/Rev.1, 22 février 2001, pp. 7-17.
- <sup>5</sup> La liste des traités ratifiés par la Suisse peut être trouvée sur le site : <http://www.admin.ch/ch/f/rs/0.10.html>.
- <sup>6</sup> Bébés et employeurs - comment réconcilier travail et vie de famille, OCDE, 2004.
- <sup>7</sup> "Les Noirs en Suisse" (2004); "La majorité et la minorité musulmane en Suisse" (2006); "La discrimination dans le cadre des naturalisations" (2007).
- <sup>8</sup> [www.ekr-cfr.ch/ekr/db/start/index.html](http://www.ekr-cfr.ch/ekr/db/start/index.html).
- <sup>9</sup> European Working Conditions Report: full descriptive report, [www.eurofund.eu.int](http://www.eurofund.eu.int).
- <sup>10</sup> Examens de l'OCDE des systèmes de santé: Suisse, OCDE, Paris, 2006.

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