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paragraph 5 of the annex to Human Rights Council
resolution 16/21**

Switzerland

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1994) ICESCR (1992) ICCPR (1992) ICCPR-OP 2 (1994) CEDAW (1997) CAT (1986) CRC (1997) OP-CRC-AC (2002) OP-CRC-SC (2006)	OP-CAT (2009) CPED (signed 2011)	ICRMW CRPD
<i>Reservations, declarations and/or understandings</i>	ICERD (Reservations: arts. 4 and 2, para. 1 (a), 1994) ICCPR (Reservations: arts. 12, para. 1, 20, para. 1, 25 (b) and 26, 1992) CEDAW (Reservations: arts. 15, para. 2, and 16, para. 1(g) and (h), 1997) CRC (Reservations: arts.10, para. 1, 37 (c) and 40, para. 1; General declaration: art. 40, para. 3, 1997)		
<i>Complaint procedures, inquiry and urgent action³</i>	ICERD, art. 14 (2003) ICCPR, art. 41 (1997) CAT, arts. 20, 21 and 22 (1986)	ICCPR, art. 41 (2010) (for a further period of five years) OP-CEDAW, arts. 1 and 8 (2008)	ICCPR-OP 1, art. 1 OP-ICESCR, arts. 1, 10 and 11 OP-CRPD, arts. 1 and 6 ICRMW, arts. 76 and 77 OP-CRC-IC, arts. 5, 12 and 13 CPED, arts. 30-33

Other main relevant international instruments

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
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<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide	UNESCO Convention against Discrimination in Education
	Rome Statute of the International Criminal Court	Convention of 1961 on the Reduction of Statelessness
	Palermo Protocol ⁴	ILO Convention No. 169 ⁸
	Conventions on refugees and stateless persons ⁵ , except the 1961 Convention	ILO Convention No. 189 ⁹
	Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	
	ILO fundamental conventions ⁷	

1. The Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee against Torture (CAT) encouraged ratification of ICRMW.¹⁰
2. The Human Rights Committee (HR Committee) and CAT recommended that Switzerland accede to ICCPR-OP 1.¹¹
3. CEDAW and CAT recommended ratification of CRPD and OP-CRPD.¹²
4. The Committee on Economic, Social and Cultural Rights (CESCR) and CAT encouraged the ratification of OP-ICESCR.¹³
5. CERD invited Switzerland to withdraw its reservation to articles 2, paragraph 1 (a), and 4, and to ratify the amendment to article 8, paragraph 6 of ICERD.¹⁴
6. HR Committee welcomed Switzerland's withdrawal of reservations to articles 10, paragraph 2 (b), 14, paragraphs 1, 3 (d) and (f) and 5, but was concerned about the remaining reservations to articles 12, paragraph 1, 20, paragraph 1, 25 (b) and 26 of ICCPR.¹⁵ The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that Switzerland's reservation to article 26 of ICCPR limited the applicability of this anti-discrimination provision as an independently actionable right. It further noted that the transposition of ICESCR provisions into national legislation had only been partial, so that some rights enshrined in the treaty cannot be invoked directly.¹⁶
7. While taking note of Switzerland's intention to withdraw reservations to article 15, paragraph 2, and article 16, paragraph 1 (g) and (h), of CEDAW, the Committee urged it to indicate a timetable for such withdrawal.¹⁷
8. UNHCR recommended that Switzerland accede to the 1961 Convention on the Reduction of Statelessness.¹⁸
9. UNHCR further recommended that Switzerland withdraw reservations to article 10, paragraph 1, of the Convention on the Rights of the Child, which ensures family reunification; as well as to article 37 (c), which ensures that children in detention are kept separate from adults; and article 40, concerning criminal procedures relating to young offenders.¹⁹

B. Constitutional and legislative framework

10. HR Committee welcomed the revision of the Constitution to reinforce guarantees regarding access to justice and the independence of the judiciary.²⁰

11. CESCR recommended that Switzerland agree on comprehensive legislation to give effect to all economic, social and cultural rights uniformly between the Federal Government and the cantons; harmonize cantonal laws and practices to ensure equal enjoyment of such rights throughout the Confederation; and guarantee effective judicial remedies for the violations of the rights enshrined therein.²¹

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions²²

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle</i>
Federal Commission against Racism (FCR)	B (1998)	C (2010)
Commission Fédérale pour les questions féminines (CFQF)	C	C (2009)

12. HR Committee, CERD, CAT and CESCR invited Switzerland to establish a national human rights institution in compliance with the Paris Principles, with a broad human rights mandate, adequate financial and human resources and a role in the coordination of human rights policies and the implementation of recommendations from treaty bodies.²³

13. HR Committee regretted that the Federal Commission against Racism (FCR) did not have a mandate to initiate legal action on complaints of racial discrimination and incitement to racial or religious hatred, and recommended reinforcement of its mandate or the creation of an independent mechanism with competence to initiate such action.²⁴ CERD recommended that the resources of FCR be strengthened.²⁵

14. CAT and the Subcommittee on Prevention of Torture (SPT) welcomed the establishment of a National Commission for the Prevention of Torture, which began its work on 1 January 2010, following ratification of OP-CAT.²⁶

15. CEDAW recommended the establishment of gender equality offices in all cantons and a coordination mechanism at the federal level.²⁷

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies²⁸

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2002	---	August 2008	Seventh to eighth reports overdue since 2010
CESCR	December 1998	2008	November 2010	Fourth report due in 2015
HR Committee	October 2001	2007	October 2009	Fourth report due in 2015
CEDAW	January 2003	2008	July 2009	Fourth to fifth reports due in 2014
CAT	May 2005	2008	May 2010	Seventh report due in 2014
CRC	May 2002	--	--	Second and third reports overdue since 2007 Initial OP-CRC-SC report received in 2011 and pending consideration

2. Responses to specific follow-up requests by treaty bodies

Concluding observations			
<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
HR Committee	2010	Racial discrimination; excessive use of force, ill-treatment or other abuses by the police; rights of asylum seekers	2010 and 2011
CAT	2011	Use of force by the police; principle of non-refoulement; forced repatriation; corporal punishment	2011
CEDAW	2011	Violence against women and girls; discrimination against women of ethnic and minority communities and migrant women	
CERD	2009	Racial discrimination; independent national human rights institution; naturalization; right to private life.	

Views

<i>Treaty body</i>	<i>Number of views</i>	<i>Status</i>
CAT	3	Awaiting information on the steps taken by the State party on the decisions adopted by CAT.

B. Cooperation with special procedures²⁹

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	Yes	Yes
<i>Visits undertaken</i>	Racism (January 2006)	--
<i>Visits agreed to in principle</i>		Extreme Poverty
<i>Visits requested</i>		
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, three communications were sent. The Government replied to all three communications.	
<i>Follow-up reports and missions</i>		

C. Cooperation with the Office of the High Commissioner for Human Rights

16. Switzerland is host to OHCHR's headquarters in Geneva and regularly makes voluntary contributions to support the work of the Office.

17. In May 2011, Switzerland submitted a mid-term report on the implementation of recommendations it had received during the first cycle of the universal periodic review (UPR).

III. Implementation of international human rights obligations**A. Equality and non-discrimination**

18. CERD noted lack of progress in combating racist and xenophobic attitudes and was concerned at the hostility due to a negative perception of foreigners and certain minorities by part of the population, which had resulted in popular initiatives questioning the principle of non-discrimination.³⁰ CERD was also concerned at the role played by some political associations and parties in the rise of racism and xenophobia. It recommended enacting legislation to prohibit any organization which promotes or incites racism and racial discrimination.³¹ In 2010, a joint communication was sent to Switzerland by three special procedures mandate holders to raise concern about a questionnaire distributed primarily to Swiss citizens by a political party within the framework of a popular consultation on policy concerning asylum and foreigners. While acknowledging that political debates in a democracy should touch on all issues of concern to the population, the mandate holders expressed concern that certain language used in the questionnaire could contribute to the spread of racist ideas and xenophobia in Swiss society.³² In response, the Government affirmed that the said consultation was an enquiry by a political party and not a Government initiative. It outlined its principled position on questions of migration and integration policy as well as measures taken to combat racism and xenophobia.³³

19. CERD expressed concern at the use of racial profiling and recommended that existing national security measures be reviewed to ensure that individuals are not targeted on the grounds of race or ethnicity.³⁴

20. CERD also remained concerned at the lack of civil and administrative legislation and policies to prevent and combat racial discrimination, noting that only 10 cantons, out of 26, had enacted anti-discrimination laws.³⁵ CESCR recommended the adoption of a comprehensive anti-discrimination law enforced uniformly throughout the Confederation.³⁶

21. CERD invited Switzerland to adopt, at all levels of Government, a national plan and legislation against racial discrimination, xenophobia and other forms of intolerance,³⁷ as well as a clear and comprehensive definition of racial discrimination.³⁸ It also recommended intensified efforts in education and awareness-raising to combat prejudices against ethnic minorities and promote inter-ethnic dialogue and tolerance, particularly at the cantonal and communal levels.³⁹ HR Committee and CESCR made similar recommendations.⁴⁰

22. In 2009, the Special Rapporteur on freedom of religion or belief stated that a ban on the construction of minarets enacted in Switzerland constituted discrimination against members of the Muslim community.⁴¹ The High Commissioner similarly described the ban as discriminatory and deeply divisive.⁴²

23. CEDAW commended Switzerland for adopting a wide range of legislative measures, policies and programmes to strengthen gender equality and women's rights, including the introduction of maternity leave with pay, as well as legal provisions and programmes to combat violence against and trafficking in women.⁴³

24. However, CEDAW was concerned about women of ethnic, minority and migrant communities who were more vulnerable to poverty, violence and discrimination. It called on Switzerland to eliminate discrimination against them; and increase their awareness of, and access to education, health and social services, training and employment.⁴⁴

25. With regard to women in rural areas, CEDAW was concerned that laws governing inheritance of property often prevented widows from inheriting farms in the event of their husband's death. It urged Switzerland to give attention to the economic empowerment of rural women and ensure their access to and control over land, credit facilities and training opportunities.⁴⁵

26. Noting that the use of a quota had been rejected by the Federal Supreme Court, CEDAW was concerned about the under-representation of women in leadership and decision-making positions in public office, political parties, the diplomatic service and the judiciary. It urged Switzerland to increase the representation of women, including through temporary special measures.⁴⁶

27. CEDAW was concerned that the law on property distribution on divorce did not address gender-based economic disparities between spouses.⁴⁷

B. Right to life, liberty and security of the person

28. CAT noted an increase of alleged excessive use of force or other mistreatment by the police, particularly during arrest, detention and questioning of suspects, mainly against asylum seekers, migrants and persons of African origin.⁴⁸

29. CAT was concerned about inadequate conditions in prisons, particularly in the French-speaking cantons, and urged Switzerland to resolve the overcrowding in the Champ-Dollon Prison, use alternative and non-custodial sentences and reduce pretrial detention periods, ensure the application of legislation and procedures concerning access to

health care by all prisoners, especially those with psychiatric problems, and ensure that minors and adults are separated. HR Committee made similar observations.⁴⁹

30. CAT remained concerned by detention conditions of dangerous or sexual offenders considered to be non-reformable and imprisoned for life. It urged a review of the conditions in which such prisoners are held.⁵⁰

31. CAT was concerned that Swiss legislation lacked a definition of torture covering all elements of the Convention and recommended that Switzerland include such definition in the Criminal Code.⁵¹

32. HR Committee, CAT and CEDAW were concerned about violence against women, including domestic violence; and the absence of comprehensive legislation as well as the lack of a specific provision in the Criminal Code to address such violence. They were also concerned that due to provisions in the new Federal Law on Foreign Nationals, foreign women victims of domestic violence may be prevented from leaving abusive relationships and from seeking assistance for fear of losing their residency permit. HR Committee recommended that Switzerland ensure that victims have access to immediate means of redress and protection, and that it review legislation on residence permits with a view to avoiding the effect that application of the law might have, in practice, of forcing women to remain in abusive relationships.⁵²

33. CEDAW and CAT were concerned that trafficking in persons, particularly women and children, still persisted and urged Switzerland to adopt a strategy to combat this phenomenon by increasing cooperation with countries of origin, protect victims by allocating additional resources and services in all cantons and prosecute and punish perpetrators.⁵³

34. CAT was concerned by the disappearance of unaccompanied minors who risk becoming victims of human trafficking or other forms of exploitation. It urged Switzerland to improve their protection.⁵⁴

35. In view of the fact that under Convention No. 182 on the worst forms of child labour, the use of a child under 18 years of age for prostitution is considered one of the worst forms of child labour, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) urged the Government to take the necessary measures to amend the Penal Code in such a way that the use of a child between 16 and 18 years of age for prostitution is prohibited.⁵⁵

36. HR Committee was concerned at the high rate of firearms-related suicides in Switzerland and urged it to restrict the conditions of access to firearms, cease the storage of service firearms in the homes of those who served in the armed forces, and create a national registry of privately owned firearms.⁵⁶

37. While taking note of Federal Tribunal jurisprudence confirming the ban on corporal punishment, CAT recommended that corporal punishment be specifically prohibited in the national legislation. CAT also called on Switzerland to carry out public-awareness campaigns on the negative effects of violence against children, especially corporal punishment.⁵⁷

C. Administration of justice and the rule of law

38. HR Committee welcomed the adoption of the Federal Criminal Code of Procedure, the Swiss Code of Juvenile Criminal Procedure, the revision of the Federal Law on Compensation for Victims of Offences and the Act on the Use of Force and Police Measures.⁵⁸

39. CAT noted that only a minority of complaints of violence or mistreatment by the police had resulted in prosecutions or charges and that only a few had led to compensation being offered to victims or their families.⁵⁹ HR Committee recommended that all cantons create an independent mechanism with authority to receive and effectively investigate all complaints of excessive use of force, ill-treatment or other abuses by the police.⁶⁰

D. Right to privacy, marriage and family life

40. HR Committee noted with concern the modification of the Civil Code of 12 June 2009 prohibiting marriage or partnership with a person who does not have regular residence status in Switzerland. It urged Switzerland to make the legislation consistent with the Covenant.⁶¹ CERD noted with concern the inadequate protection of the right to marry for foreigners who are not from European Union States and encouraged Switzerland to ensure that immigration policies and laws do not intentionally or unintentionally discriminate.⁶² CESCR recommended guaranteeing in the legislation the right to marriage by everyone.⁶³

41. UNHCR noted that although revisions to the Aliens Act, which had entered into force in 2008, had brought some improvements to the right to family reunification for asylum seekers and persons granted “provisional admission”, the conditions for family reunification stipulate, inter alia, a three-year waiting period, an adequate level of income and a suitable place of accommodation.⁶⁴

E. Freedom of movement

42. UNHCR noted that asylum seekers and persons granted “provisional admission” were generally not permitted to move from the canton to which they were assigned. UNHCR recommended the lifting of restrictions on movement for all persons of concern to UNHCR, including persons displaced by conflict and generalized violence.⁶⁵

F. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

43. In 2009, the Special Rapporteur on freedom of religion or belief regretted the outcome of the vote on the initiative to prohibit the construction of minarets in Switzerland, noting that a ban on minarets amounted to an undue restriction of the freedom to manifest one’s religion.⁶⁶ HR Committee made similar observations.⁶⁷

44. HR Committee was concerned at the rise of anti-Semitic incidents and reports that the police had not investigated them. It recommended investigation of all threats of violence against minority religious communities.⁶⁸

45. UNHCR noted that freedom of speech was valued very highly and interpreted broadly in Switzerland. However, a number of controversial public campaigns and general public discourse had the potential to negatively affect the integration of persons in need of international protection. Some campaigns had been linked to popular initiatives and referenda, including the campaign on automatic expulsion of foreign criminals, the campaign to ban further construction of minarets, and the more recent campaign to “stop mass immigration”.⁶⁹

46. In 2012, the Special Rapporteur on the rights to freedom of peaceful assembly and of association underscored that some proposed changes to the law on demonstrations in the canton of Geneva, including the imposition of fines of up to 100,000 Swiss francs for anyone who demonstrates without requesting an authorisation to do so, would unduly

restrict the rights to freedom of peaceful assembly and expression.⁷⁰ In 2012, a joint communication by three special procedures mandate holders was addressed to the Government on that issue.⁷¹ In response, the Government emphasized the importance it placed on freedom of peaceful assembly. At the same time, it highlighted the autonomy enjoyed by the cantons in their spheres of competence within the federal system, while mentioning the possibility of having recourse to the Federal Tribunal to claim an infringement of constitutional or international law.⁷²

G. Right to work and to just and favourable conditions of work

47. CESCR was concerned about high unemployment rates among migrants, women and young people, especially those of foreign origin, and recommended that their integration in the labour market be promoted, including through the development of vocational training and apprenticeship for young people of foreign origin.⁷³ UNHCR recommended that Switzerland ensure more equal access to the labour market also for asylum seekers and persons with provisional admission, and to lift the additional taxation for such persons.⁷⁴

48. CEDAW and CESCR remained concerned about the disproportionate representation of women in the low-wage service sector, the widened wage gap between men and women and the predominance of women in temporary and part-time work. Both committees recommended the adoption of measures to reduce inequality in the labour market and to allow women and men to reconcile family and professional responsibilities, including by providing more childcare facilities and paid paternity leave.⁷⁵

49. CESCR noted with concern instances in which trade unionists have been given criminal sentences because of their involvement in a strike or trade union campaign. It recommended a review of the right to strike in practice.⁷⁶ CESCR also recommended that Switzerland consider amending its legislation to allow the reinstatement of trade unionists who are arbitrarily dismissed for trade-union activities.⁷⁷

H. Right to social security and to an adequate standard of living

50. In 2011, Switzerland was ranked 11th among States in the UNDP Human Development Index, with an average life expectancy of over 82 years at birth.⁷⁸

51. Nevertheless, CESCR recommended reinforced measures in the new National Strategy to Combat Poverty to benefit disadvantaged and marginalized individuals and groups.⁷⁹

52. CESCR also recommended the adoption of safeguards to ensure that the revised Law on Unemployment Insurance did not have a negative effect on the standard of living of beneficiaries.⁸⁰ CESCR further recommended that Switzerland provide social aid, instead of emergency aid, as the last social safety net for everyone living in its territory, and that it set common standards for access and entitlement to social aid.⁸¹

I. Right to education

53. CESCR was concerned about insufficient preschool education facilities and places in childcare. It encouraged the harmonization of access standards so as to ensure that all children have the same opportunities to benefit from childcare and preschool education.⁸²

54. CEDAW encouraged the development of measures to diversify women's academic and professional choices through awareness-raising, training and counseling programmes, ensuring equal access and preventing hidden or indirect discrimination against women.⁸³

55. UNHCR noted that asylum seekers and persons with "provisional admission" often had difficulty accessing tertiary education and apprenticeships. Difficulties in accessing basic education have also been reported. This was often the result of perceived insecurity of the status of the persons concerned.⁸⁴

J. Minorities

56. CERD remained concerned about discrimination against Travellers, including Yenish, Sinti and Roma, the lack of measures to protect their language and culture, and racial stereotyping. It recommended that Switzerland improve their situation regarding housing, education and cultural rights and adopt a national coordinating policy aimed at protecting their rights.⁸⁵ CESCR noted the lack of a policy to protect the culture and way of life of the Roma, Sinti and Yenish.⁸⁶

57. HR Committee and CERD recommended measures to ensure that minorities are adequately represented in the police forces.⁸⁷

K. Migrants, refugees and asylum-seekers

58. UNHCR noted that due to Switzerland's federal system, persons in need of international protection often experienced different reception and integration conditions, depending on the canton to which they have been assigned.⁸⁸

59. UNHCR recommended that Switzerland ensure that refugees who receive asylum, refugees *sur place* and persons fleeing conflict and generalized violence in principle enjoy the same rights on an equal basis, noting that the needs of persons who have received "provisional admission" on protection grounds are just as compelling as those of recognized refugees who have been granted asylum.⁸⁹

60. UNHCR recommended that the detention of asylum seekers and refugees be used only as a last resort, for as short a period as possible. Switzerland should ensure that judicial safeguards are in place to prevent arbitrary and/or indefinite detention. If detained, asylum seekers should be entitled to minimum procedural guarantees, including the possibility of contacting and being contacted by the local UNHCR office. Detention should in no way constitute an obstacle to the ability of asylum seekers to pursue their application.¹⁴ CAT made similar observations.⁹⁰

61. CAT recommended the amendment of the Asylum Act and the Federal Act on Foreign Nationals to ensure that expulsion proceedings complied with CAT provisions against *non-refoulement*; and to allow appeals against, and the suspension of, expulsion orders.⁹¹ CAT was particularly concerned about the rapid procedure for refusal of entry into the country at airports. It urged a modification of this procedure with a view to providing more time for thorough consideration.⁹² HR Committee was also concerned about expulsions occurring regardless of the stated inability of the expelled persons' countries of origin to grant them protection against non-State actors.⁹³

62. CAT was concerned about a people's initiative under discussion in Parliament, calling for foreigners to be deprived of their residence permit, regardless of their status, if they were convicted of certain crimes or if they had improperly claimed social security or welfare benefits. It noted that the application of such an initiative could violate the principle of *non-refoulement*.⁹⁴ Similar concern was expressed in a joint communication by two

special procedures mandate holders.⁹⁵ In response, the Government stated that the Ministry of Justice was working on a draft law that would take into account Switzerland's obligations under international law as well as the outcome of the said popular initiative. Noting that the percentage of foreigners in the total population was close to 22 per cent, the Government stated that the large majority of foreigners were well integrated and that their important contribution to the economic, social and cultural life was appreciated.⁹⁶

63. CAT was concerned by allegations of police violence and mistreatment when foreigners were forcibly returned, particularly by air.⁹⁷ CAT highlighted the death in 2010 of a Nigerian citizen who was being forcibly repatriated by air. It was concerned by the failure to respond to claims for compensation from the family and urged an independent and impartial inquiry.⁹⁸ CAT recommended that the presence of human rights observers and independent physicians be allowed during forcible repatriation, so as to provide for their participation in the drafting of orders on the use of coercive measures by police escorts, and training the police and other officials responsible for forcible repatriation.⁹⁹ HR Committee made similar recommendations.¹⁰⁰ CESCR expressed concern that some asylum-seekers were forced to stay in underground nuclear bunkers for an indefinite duration while their claims were being considered, and about the lack of appropriate facilities for families and/or unaccompanied/separated children.¹⁰¹

64. CESCR requested information about measures to protect undocumented persons from exploitation and abuse and from becoming victims of human trafficking.¹⁰²

65. While welcoming the new legislation on naturalization, CERD remained concerned that the cantons and communes might introduce stricter conditions than the Confederation and adopt inconsistent standards and decisions. It encouraged the adoption of measures to ensure that applications for naturalization are not rejected on discriminatory grounds.¹⁰³ UNHCR made similar observations and drew attention to the particular vulnerability of persons under the mandate of UNHCR, who were less likely to avail themselves of existing remedies.¹⁰⁴

L. Right to development

66. CESCR recommended that Switzerland undertake an impact assessment on the possible consequences of its foreign trade policies and investment agreements on the enjoyment of economic, social and cultural rights by the population of the partner country.¹⁰⁵

67. CESCR encouraged Switzerland to increase the level of its contribution of official development assistance, which in 2010 stood at 0.47 per cent of GDP, to the international standard of 0.7 per cent.¹⁰⁶

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. See also the United Nations compilation on Switzerland from the previous cycle (A/HRC/WG.6/2/CHE/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR

ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; CPED, art. 31; Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; OP-CRC-IC, art. 13; Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; OP-CRC-IC, art. 12; Urgent action: CPED, art. 30.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol; 1954 Convention relating to the Status of Stateless Persons; 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization (ILO) Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

⁹ ILO Convention No. 189 concerning Decent Work for Domestic Workers.

¹⁰ CERD/C/CHE/CO/6, para. 20, CEDAW/C/CHE/CO/3, para. 49; CAT/C/CHE/CO/6, para. 25.

¹¹ CCPR/C/CHE/CO/3, para. 5; CAT/C/CHE/CO/6, para. 25.

- ¹² CEDAW/C/CHE/CO/3, para. 49; CAT/C/CHE/CO/6, para. 25.
- ¹³ E/C.12/CHE/CO/2-3, para. 32; CAT/C/CHE/CO/6, para. 25.
- ¹⁴ CERD/C/CHE/CO/6, paras. 13, 15 and 22.
- ¹⁵ CCPR/C/CHE/CO/3, paras. 3-4.
- ¹⁶ UNHCR submission to the UPR, p. 5.
- ¹⁷ CEDAW/C/CHE/CO/3, paras. 11-12.
- ¹⁸ UNHCR submission to the UPR, p. 7.
- ¹⁹ Ibid., p. 6.
- ²⁰ CCPR/C/CHE/CO/3, para. 3 (c); see also CAT/C/CHE/CO/6, para. 4.
- ²¹ E/C.12/CHE/CO/2-3, para. 5.
- ²² According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with the Paris Principles); B: Non-Voting Member (not fully in compliance with the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).
- ²³ CCPR/C/CHE/CO/3, para. 7; CERD/C/CHE/CO/6, para. 10; CAT/C/CHE/CO/6, para. 7; E/C.12/CHE/CO/2-3, para. 6; see also CEDAW/C/CHE/CO/3, para. 45.
- ²⁴ CCPR/C/CHE/CO/3, para. 10.
- ²⁵ CERD/C/CHE/CO/6, para. 10.
- ²⁶ CAT/C/46/2, para. 21, CAT/C/CHE/CO/6, para. 4.
- ²⁷ CEDAW/C/CHE/CO/3, para. 22.
- ²⁸ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| SPT | Subcommittee on Prevention of Torture |
- ²⁹ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ³⁰ CERD/C/CHE/CO/6, para. 7.
- ³¹ Ibid., para. 15.
- ³² Allegation letter of 13 August 2010 transmitted jointly by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the human rights of migrants, see A/HRC/16/53/Add.1, paras. 367-373.
- ³³ Reply from the Government of 8 September 2010, see A/HRC/16/53/Add.1, paras. 374-382.
- ³⁴ CERD/C/CHE/CO/6, para. 14.
- ³⁵ Ibid., para. 9.
- ³⁶ E/C.12/CHE/CO/2-3, para. 7.
- ³⁷ CERD/C/CHE/CO/6, para. 9.
- ³⁸ Ibid., para. 11.
- ³⁹ Ibid., para. 7.
- ⁴⁰ CCPR/C/CHE/CO/3, para. 10; E/C.12/CHE/CO/2-3, para. 31.
- ⁴¹ Press Statement of 30 November 2009.
- ⁴² OHCHR press release of 1 December 2009.
- ⁴³ CEDAW/C/CHE/CO/3, para. 6.
- ⁴⁴ Ibid., paras. 43-44.
- ⁴⁵ Ibid., paras. 39-40.
- ⁴⁶ Ibid., paras. 33-34.
- ⁴⁷ Ibid., paras. 41-42.
- ⁴⁸ CAT/C/CHE/CO/6, para. 8; see also CERD/C/CHE/CO/6, para. 16; CCPR/C/CHE/CO/3, para. 14.
- ⁴⁹ CCPR/C/CHE/CO/3, para. 17; CAT/C/CHE/CO/6, para. 17.
- ⁵⁰ CAT/C/CHE/CO/6, para. 18.
- ⁵¹ Ibid., para. 5.

- 52 CCPR/C/CHE/CO/3, para. 11; CAT/C/CHE/CO/6, paras. 20-21; CEDAW/C/CHE/CO/3, paras. 27, 28 and 43.
- 53 CEDAW/C/CHE/CO/3, paras. 29-30; CAT/C/CHE/CO/6, para. 22.
- 54 CAT/C/CHE/CO/6, para. 24.
- 55 ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning Worst Form of Child Labour Convention, 1999 (No. 182), 2011, Geneva, available at http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:1729502978810720::NO:13100:P13100_COMMENT_ID:2700592:NO.
- 56 CCPR/C/CHE/CO/3, para. 12.
- 57 CAT/C/CHE/CO/6, para. 23.
- 58 CCPR/C/CHE/CO/3, para. 3; see also CAT/C/CHE/CO/6, para. 4.
- 59 CAT/C/CHE/CO/6, para. 19.
- 60 CCPR/C/CHE/CO/3, para. 14 ; see also CERD/C/CHE/CO/6, para. 16; CAT/C/CHE/CO/6, paras. 8 and 19.
- 61 CCPR/C/CHE/CO/3, para. 21.
- 62 CERD/C/CHE/CO/6, para. 13.
- 63 E/C.12/CHE/CO/2-3, para. 28.
- 64 UNHCR submission to the UPR, p. 3.
- 65 Ibid., p. 3.
- 66 Press Statement of 30 November 2009.
- 67 CCPR/C/CHE/CO/3, para. 8.
- 68 Ibid., para. 9.
- 69 UNHCR submission to the UPR, p. 5.
- 70 OHCHR press release, 9 March 2012.
- 71 Allegation letter of 5 March 2012 transmitted jointly by the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on the right to peaceful assembly and association and the Special Rapporteur on the situation of human rights defenders, see A/HRC/20/30, p. 66.
- 72 Reply from Government of 3 May 2012, see A/HRC/20/30, p. 66.
- 73 E/C.12/CHE/CO/2-3, para. 9.
- 74 UNHCR submission to the UPR, p. 4.
- 75 CEDAW/C/CHE/CO/3, paras. 35, 37-38; E/C.12/CHE/CO/2-3, para. 8.
- 76 E/C.12/CHE/CO/2-3, para. 10.
- 77 Ibid., para. 11.
- 78 See UNDP, International Human Development Indicators, Switzerland: <http://hdrstats.undp.org/en/countries/profiles/CHE.html>.
- 79 E/C.12/CHE/CO/2-3, para. 17.
- 80 Ibid., para. 26.
- 81 Ibid., para. 12.
- 82 Ibid., para. 22.
- 83 CEDAW/C/CHE/CO/3, paras. 35-36.
- 84 UNHCR submission to the UPR, p. 4.
- 85 CERD/C/CHE/CO/6, para. 19.
- 86 E/C.12/CHE/CO/2-3, para. 23.
- 87 CCPR/C/CHE/CO/3, para. 14; CERD/C/CHE/CO/6, para. 16.
- 88 UNHCR submission to the UPR, p. 1.
- 89 Ibid., p. 1.
- 90 CAT/C/CHE/CO/6, para. 13.
- 91 Ibid., para. 10.
- 92 Ibid., para. 12.
- 93 CCPR/C/CHE/CO/3, para. 16.
- 94 CAT/C/CHE/CO/6, para. 11.
- 95 Allegation letter of 9 December 2010 transmitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance and the Special Rapporteur on the human rights of migrants, see A/HRC/17/40/Add.1, paras. 116-119.
- 96 Reply from the Government of 15 February 2011, see A/HRC/17/40/Add.1, paras. 120-132.
- 97 CAT/C/CHE/CO/6, para. 15.

- ⁹⁸ CCPR/C/CHE/CO/3, para. 15.
⁹⁹ CAT/C/CHE/CO/6, para. 15.
¹⁰⁰ CCPR/C/CHE/CO/3, para. 15.
¹⁰¹ E/C.12/CHE/CO/2-3, para. 18.
¹⁰² Ibid., para. 29.
¹⁰³ CERD/C/CHE/CO/6, para. 18.
¹⁰⁴ UNHCR submission to the UPR, pp. 5-6.
¹⁰⁵ E/C.12/CHE/CO/2-3, para. 24.
¹⁰⁶ Ibid., para. 25.
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