



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the fourth periodic report of Switzerland*

I. General information

1. Please provide information on the measures adopted to ensure the justiciability of economic, social and cultural rights in the State party's domestic legal order and the availability of judicial remedies for persons who report violations of the rights enshrined in the Covenant. Please provide information on the measures taken to raise awareness of the provisions of the Covenant among law enforcement personnel, lawyers and other legal professionals.
2. Please provide information on the proposed federal bill on support for the national human rights institution. In particular, please state how the institution's independence will be guaranteed, whether it will have a broad mandate for the promotion and protection of human rights, including economic, social and cultural rights, and whether provision has been made for the allocation of sufficient resources.
3. Please provide information on the obligations set forth in the State party's legislation that businesses are required to meet with regard to economic, social and cultural rights in the course of their activities, including their activities abroad, and state how they are monitored. Please also indicate the extent to which judicial remedies in the State party are available for the victims of violations committed by Swiss businesses abroad and provide specific examples. Please provide information on the current status of the people's initiative entitled "Responsible businesses – for the protection of the human being and the environment".
4. Please indicate the measures taken to meet the target of allocating 0.7 per cent of the State party's gross national income to development assistance, and the expected timelines.
5. With regard to the threat represented by climate change to the enjoyment of economic, social and cultural rights across the world, please provide information on the progress made in meeting the national targets for reducing emissions that the State party has set itself under the Paris Agreement on Climate Change, and on the contributions that it proposes to make to the Green Climate Fund.

* Adopted by the pre-sessional working group at its sixty-third session (15–19 October 2018).



II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Maximum available resources (art. 2 (1))

6. In order to assess whether the State party uses its available resources to the maximum to give effect to the Covenant rights, please provide information on the changes, over the past five years, in:

(a) The proportion of people living below the poverty line and the level of inequality, preferably defined as the ratio of the total income of the richest decile of the population to the total income of the poorest 40 per cent of the population;

(b) The proportion of public revenue that is financed through taxes;

(c) Rates of tax on company profits and on personal incomes, rates of value added tax (excluding taxes on luxury items, on tobacco and alcohol, on sugared drinks and snacks and on fuel) and the percentage of total revenue generated by the personal income tax levied on the richest decile of the population;

(d) Public expenditure as a percentage of gross domestic product and the proportion of total public expenditure that is devoted to social spending (employment, social security, food, housing, water and sanitation, health, education and culture).

7. Please provide information on the measures taken to ensure that the State party's fiscal and financial confidentiality policy does not give rise to tax fraud and acts of corruption, particularly by non-Swiss companies and wealthy individuals, which would reduce the State party's capacity and that of other States to fulfil their obligation to use their available resources to the maximum in accordance with article 2 of the Covenant.

Non-discrimination (art. 2 (2))

8. Please provide information on the obstacles faced by the State party in adopting comprehensive legislation on discrimination that will be applied uniformly throughout the Confederation. Please also provide information on the effectiveness of the legal mechanisms in place to prevent, combat and punish all forms of direct or indirect discrimination and to ensure that victims are afforded effective civil and administrative remedies. Please give examples of specific cases.

9. Please provide information on the impact of specific measures taken to combat discrimination on the grounds of sexual orientation or gender identity and to address gaps in the law in that respect.

10. Please provide information on the impact of measures taken to combat stigmatization and discrimination in respect of the Yenish, Sinti and Roma peoples, including with regard to the enjoyment of their economic, social and cultural rights. In particular, please provide information on measures taken to ensure that Yenish, Sinti and Roma persons, including those who travel, have access to health services, to education and to adequate and culturally appropriate places of residence and passage.

11. Please provide information on the implementation, results and evaluation of measures taken by the State party to ensure the social integration of foreign nationals, including asylum seekers, refugees and migrants and particularly with regard to access to work and education, and to guarantee them an adequate standard of living.

Equal rights of men and women (art. 3)

12. Please indicate how the State party intends to overcome the obstacles that prevent women from occupying a greater number of senior positions in the public administration, the justice sector, science and private enterprise.

13. Please provide information on the measures adopted by the State party to promote the equitable sharing of family responsibilities and conditions favourable to a healthy work-life balance, and on the impact of such measures.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

14. Please provide detailed information on the implementation, results and evaluation of measures taken to increase the employment rate, including among the groups particularly affected by unemployment and especially among young people, persons with disabilities and foreign nationals. Please indicate the extent to which the State party's efforts have contributed to reducing unemployment rates at the federal level and in the cantons.

Right to just and favourable conditions of work (art. 7)

15. In the light of the information provided by the State party in paragraph 120 of its fourth periodic report (E/C.12/CHE/4), please specify what measures have been adopted to ensure that minimum wages established under collective labour agreements and wages paid in sectors where there is no collective labour agreement guarantee a decent living for workers and their families.

16. Please provide information on the implementation and the results of measures to reduce the wage gap between men and women, such as the new legal provisions requiring employers in the private and public sector to carry out a regular analysis of wages. Please also provide information on the checks provided for and conducted in this regard and the punishments imposed on companies that fail to take such action. Please provide data on levels of vertical and horizontal sexist segregation in the workplace, on the measures taken to combat such segregation and on the number of involuntary part-time jobs, with particular reference to women.

17. Please provide information on the specific measures taken to bring the working conditions of migrant workers, including domestic and seasonal workers, into conformity with the provisions of article 7 of the Covenant, and on the impact of such measures. Please also provide information on the number of complaints of ill-treatment or exploitation that have been lodged, the investigations conducted and the punishments imposed.

Trade union rights (art. 8)

18. In the light of the Committee's previous recommendations (E/C.12/CHE/CO/2-3, paras. 10 and 11), please provide detailed information on the guarantees in place to ensure the effective exercise of the right to strike, in accordance with article 8 of the Covenant. Please indicate whether the State party is considering amending the law in order to allow the reinstatement of trade unionists arbitrarily dismissed on account of their trade union activities.

Right to social security (art. 9)

19. Please provide information on the methods and criteria used to ensure that social benefits are set at a level that allows recipients and their families to enjoy an adequate standard of living. Please provide information on the measures adopted to establish common standards throughout the Confederation in respect of access to social assistance. Please also provide information on the mechanisms and criteria applied with regard to punishments relating to social benefits, including unemployment benefits for young people.

Protection of the family and children (art. 10)

20. Please provide information on the specific measures that have been taken to ensure the availability, accessibility and affordability of childcare throughout the territory of the State party. Please specify to what extent the cost of childcare services precludes their use by disadvantaged groups.

21. Please provide additional information on the implementation of the regulations and practices relating to family reunification for recognized refugees, and those provisionally admitted, and explain to what extent such regulations and practices are in conformity with article 10 of the Covenant.

22. Please provide information on access to justice and on the protection and support services available to victims of domestic violence and violence against women, particularly as regards access to accommodation facilities for victims.

23. Please provide information on the implementation of the Federal Act on Compulsory Social Measures and Placements prior to 1981 and indicate how the participation of victims and affected persons is ensured. Please also indicate how the State party intends to prevent any recurrence of such cases.

24. Please indicate how the amendments to the State party's adoption legislation that relaxed the rules of adoption secrecy under certain conditions, which entered into force on 1 January 2018, will be applied to adoptions of children from third countries that took place before this date.

Right to an adequate standard of living (art. 11)

25. Please provide information on the practical results of the implementation of the National Programme to Prevent and Fight Poverty (2014–2018) and on the resources allocated to the Programme. Please give information on the measures envisaged by the State party to eradicate poverty, including among disadvantaged persons and groups, particularly persons with disabilities and foreign nationals.

26. Please provide information on the number of persons or households who are unable to access adequate food in the State party or have difficulty in doing so. Please explain how the State party ensures that everyone, particularly persons belonging to disadvantaged and marginalized groups, has access to adequate food at affordable prices. Please also provide information on the results of measures taken to promote a healthy diet and to combat obesity in the State party.

Right to physical and mental health (art. 12)

27. Please provide additional information on the measures taken to ensure that health-care services are accessible to and financially affordable for disadvantaged people, including persons with disabilities, migrants, asylum seekers and refugees.

28. Please indicate to what extent appropriate mental health services are available and accessible throughout the territory of the State party and the measures taken to implement the recommendations set out in the report entitled "Mental Health in Switzerland". Please provide information on the implementation of the Suicide Prevention Action Plan referred to in paragraph 290 of the State party's fourth periodic report, and on the measures taken and the resources allocated to ensure its effective implementation.

29. Please provide statistical data on the number of surgical operations conducted on intersex infants and children. Please indicate the measures taken to ensure the protection of the physical and mental integrity, autonomy and freedom of choice of intersex persons.

Right to education (arts. 13 and 14)

30. Please indicate the extent to which child asylum seekers placed in federal residential centres and unaccompanied children have access to education. Please also provide information on measures adopted to guarantee such access.

31. Please describe the measures taken to guarantee access to inclusive education for children with disabilities.

32. Please indicate the higher education enrolment rate and provide detailed information on the measures that have been taken to ensure that higher education is accessible and affordable, particularly for persons from disadvantaged or marginalized families.

Cultural rights (art. 15)

33. Please provide information on the measures taken at the federal and cantonal levels to facilitate access to education in Italian and Romansch, particularly outside the areas traditionally inhabited by minorities that speak these languages, and on the impact of such

measures. Please also provide information on the impact of specific measures taken to preserve the Romansch language and to promote its use.

34. Please describe the progress made in promoting the culture, history and traditions of the country's minority groups, including the Yenish, Sinti and Roma peoples. Please also provide information on the action taken by the State party to promote the various cultures of migrant communities.
