



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

101st session

20 April–8 May 2020

Item 6 of the provisional agenda

**Consideration of reports, comments and information submitted  
by States parties under article 9 of the Convention**

### List of themes in relation to the combined tenth to twelfth periodic reports of Switzerland

#### Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### Statistics

2. Comprehensive and up-to-date statistical data on the demographic composition of the population, including on migrants, refugees, asylum seekers and stateless persons. Establishment of a data-collection system based on ethnic diversity indicators (CERD/C/CHE/CO/7-9, para. 9).

#### The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4 and 6)

3. Application of the Convention by the national courts, including examples of its application by the Federal Supreme Court (CERD/C/CHE/10-12, para. 32). Adoption of a definition of direct and indirect racial discrimination, in accordance with article 1 of the Convention, and of overarching provisions in civil and administrative law prohibiting direct and indirect racial discrimination (CERD/C/CHE/CO/7-9, paras. 6 (a) and (b)).

4. Application of article 261 bis of the Criminal Code on racial discrimination (CERD/C/CHE/CO/7-9, para. 7). Measures to strengthen protection and ensure access to effective remedies against any act of racial discrimination in all areas of public and private life. Number of complaints lodged alleging racial discrimination, investigations carried out, convictions and penalties imposed, and reparations granted to victims.

5. Application of racist motivation as an aggravating circumstance for all offences covered by the Criminal Code. Examples of cases in which racist motivation was taken into account during sentencing (CERD/C/CHE/CO/7-9, para. 6 (c)).

6. Consideration given to withdrawing the reservations to articles 2 (1) (a) and 4 of the Convention. Information on the nature and scope of those reservations and on how they are applied in domestic law (CERD/C/CHE/CO/7-9, para. 11).



7. Recent developments relating to the creation of a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Functions, activities and financial and human resources allocated to the Federal Commission against Racism and the Federal Commission on Migration (CERD/C/CHE/CO/7-9, para. 10).

8. Measures to raise awareness of legislation on racial discrimination, in particular among persons of foreign origin, and measures to facilitate their access to justice and to all available remedies. Training programmes and awareness-raising campaigns for legal professionals, including members of the judiciary, on the national legislation and international norms prohibiting racial discrimination (CERD/C/CHE/CO/7-9, para. 7).

9. Specific measures taken to combat hate speech, including in the political sphere, in the media and on the Internet. Complaints lodged and investigations carried out regarding individuals and groups allegedly inciting or promoting racial discrimination and racist hate speech in the media, including on the Internet, and penalties imposed.

10. Specific measures to prevent and combat racial profiling and the excessive use of force against Yenish, Sinti/Manush and Roma persons, persons of African descent and persons of foreign origin. Specific mechanisms responsible for investigating complaints relating to police violence, the number of investigations conducted into possible racist motives underlying such violence by police officers and the results of any such investigations (CERD/C/CHE/CO/7-9, para. 14).

#### **Situation of national minorities and Roma (arts. 2 to 7)**

11. Results of measures taken to combat racial discrimination against Yenish, Sinti/Manush and Roma persons. Implementation of the plan of action to improve living conditions for travellers and promote the culture of Yenish, Sinti/Manush and Roma persons in Switzerland. Results of measures implemented to promote the enjoyment of economic, social and cultural rights by members of those communities, including women.

12. Situation regarding racial discrimination against non-Swiss Roma persons and specific measures taken to improve their living conditions. Differences between treatment of Swiss and non-Swiss travellers.

#### **Situation of non-citizens, in particular migrants, asylum seekers and refugees (arts. 2, 5 and 7)**

13. Specific measures taken to combat discrimination against non-citizens. Application of the Foreign Nationals Act of 16 December 2016 (CERD/C/CHE/10-12, para. 14), implementation of the Swiss Integration Agenda and other measures to facilitate the integration of persons with an immigrant background, including persons granted temporary admission, asylum seekers, refugees and other migrants, the resources allocated and the results so far achieved (CERD/C/CHE/CO/7-9, para. 17).

14. Additional information on the application of the revised Swiss Citizenship Act, which entered into force on 1 January 2018 (CERD/C/CHE/10-12, para. 69). Details of the remedies available in the event that an application for naturalization is rejected on discriminatory grounds (CERD/C/CHE/CO/7-9, para. 13).

#### **Education to combat prejudices and promote understanding (art. 7)**

15. Impact of measures to raise public awareness of racial discrimination and promote tolerance with a view to combating prejudice and racial stereotypes. Measures to develop a comprehensive national plan to combat racial discrimination. Promotion of human rights and understanding among different groups through school and professional training programmes (CERD/C/CHE/CO/7-9, para. 18).