



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

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Committee on the Elimination of Racial Discrimination

**Information received from Switzerland on follow-up to the
concluding observations on its combined tenth to twelfth
periodic reports***

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* The present document is being issued without formal editing.



I. Introduction

1. On 29 November 2021, the Committee adopted the 37 paragraphs comprising its concluding observations on the combined tenth to twelfth periodic reports of Switzerland (CERD/C/CHE/CO/10-12). Paragraph 35 contains the Committee's request that Switzerland provide, within one year of the adoption of the concluding observations, information on its implementation of the recommendations contained in paragraphs 16 (a) and (b) (racist hate crimes and speech), 20 (b) (racial profiling) and 26 (a), (d) and (e) (situation of non-citizens).
2. This progress report, which has been prepared by the relevant federal departments with the participation of the cantons, fulfils that request. Switzerland reserves the right to provide the Committee with other important information regarding these issues in its next report, due on 29 December 2025, and to inform the Committee how and to what extent it has implemented those recommendations. It also reserves the right to report to the Committee on developments that have taken place in the interim.

II. Additional information

A. Additional information relating to paragraph 16 (a) and (b) (racist hate crimes and speech) of the concluding observations (CERD/C/CHE/CO/10-12)

Paragraph 16 (a)

3. Protecting the public against hate speech and extremist propaganda is a major concern for Switzerland. Standards of protection relating to this issue have been established in criminal, civil and administrative law. In 2021, the Council of States adopted postulate No. 21.3450 on legal gaps in the area of hate speech, in which the Federal Council is requested to present a report on the measures and means currently provided for in criminal and public law (e.g. telecommunications law) and in the area of preventive policing to combat public incitement to hatred (hate speech) and the importation and distribution of extremist propaganda. The Federal Council is expected to submit its report in the first half of 2023.
4. In general, combating the spread of racist online content is the responsibility of the cantons. In July 2020, the new National Cyber Security Centre of the Federal Department of Finance assumed the role of the federal centre of expertise in the area of cybersecurity. Furthermore, the Federal Office of Police retains its priority status as a "trusted flagger" on YouTube and can report content that incites hatred or violence against specific religious or racial groups. In order to improve cooperation, it is in constant contact with service providers such as Facebook and Twitter, and it helps the cantons to submit blocking and deletion requests to media outlets, social networks and Internet service providers.
5. In response to the increase in online racist hate speech, the Federal Commission against Racism launched a reporting platform – www.reportonlinracism.ch – in November 2021. This platform has two main objectives: to facilitate the reporting of online racist hate speech and to give a better overview of the nature and extent of the problem. The Federal Commission against Racism plans to publish in late 2022 an initial assessment of the reports submitted.
6. Recognizing that legal and punitive measures are not enough to combat hate speech, the Swiss authorities are also focusing their efforts on generally promoting media literacy and opinion forming and on enhancing information-sharing and awareness-raising. Since 2020, the Service for Combating Racism and other federal offices, such as the Federal Office of Communications, have been supporting specific projects to combat online hate. The activities of the Service for Combating Racism in this area are focused on the following three objectives: (1) to support stakeholders, such as advice centres, by providing financial support for combating online racism; (2) to carry out substantive work; and (3) to disseminate information and raise awareness, including among the administrative authorities. In addition, in order to improve coordination within the Federal Administration, an interdepartmental working group dedicated to combating online hate speech has been established.

7. One of the projects supported by the Swiss authorities to combat online racist hate speech is the “Stop Hate Speech” project organized by alliance F. This project, which is also supported by the Swiss Innovation Agency and the Service for Combating Racism, has resulted in the development of an algorithm for detecting and reporting hate messages on social networks and in the comment sections of news websites. Civil society must help to train the algorithm and to actively counter hate messages. The platform also provides an online support service for affected persons.

8. In 2021 and 2022, as part of the measures taken to implement the National Action Plan to Combat Radicalization and Violent Extremism, the Federal Office of Police granted financial support¹ to civil society projects that promote respect and tolerance, which are prerequisites for living together in harmony in a democratic society and for combating extremist views and online hate speech. The projects supported include the following:

(a) In 2021, a grant of 43,740 Swiss francs (SwF) was awarded to the JASS association to support its project entitled “Different types of events for promoting recognition, respect and tolerance for successful cohabitation in a democratic society”. The purpose of this project is to provide differentiated information, especially concerning social minorities, who are often subjected to hate speech;

(b) In 2022, a grant of SwF 81,940 was allocated to the JASS association to support its “Social Influencer” project, the purpose of which is to bring people with different views together so that, through their interactions, they might counteract polarization. Between five and eight social workers monitor social networks and social media comment sections and respond to hateful, derogatory and degrading comments and extremist views. They adopt a dignified attitude, show respect for all human beings, are committed to defusing tensions and are active on websites, in groups and in comment sections where hateful language is used. These social influencers spend about two hours per week online.

9. A new national action plan to combat radicalization and violent extremism is being developed and will be adopted by the end of 2022.

10. The Child and Youth Policy Switzerland information-sharing platform is a joint project run by the Federal Social Insurance Office and the Conference of Cantonal Directors of Social Services. It lists the projects carried out in Switzerland to support children and young people. The cantons can also publish documents, such as their strategies for promoting integration and children’s rights, on the platform.

11. Youth and Media is a national platform for promoting media literacy that is aimed at children, parents, teachers and other relevant professionals. Set up by the Federal Social Insurance Office on behalf of the Government, its purpose is to encourage children and young people to use digital media in a safe and responsible way. The main themes that it covers include extremism and online discrimination and hate.

12. In February 2022, the Conference of Cantonal Directors of Social Services, the Swiss Conference for Social Welfare and the Swiss Union of Cities launched the website www.contre-la-radicalisation.ch. This site is particularly intended for social workers and professionals working with youth and young adults. Its aim is to provide them with guidance on what to do if they detect any signs that a person is being radicalized. It provides extensive information and definitions related to every aspect of radicalization. It also offers guidance on preventing hateful conduct and speech.

Paragraph 16 (b)

13. The public is entitled to effective protection against hate speech and misinformation, and the rights of platform users should be better protected. A wide-ranging discussion on the social responsibility and governance of intermediaries is needed in Switzerland. For this reason, Switzerland is currently in the process of determining whether any new regulations

¹ See the incentive programme: <https://www.svs.admin.ch/en/topics/praevention-radikalisierung/impulsprogramm.html>.

are needed to better combat not only hate speech but also false information and misleading propaganda, especially on the Internet.

14. In November 2021, at the request of the Federal Council and with the involvement of the Federal Chancellery, the Federal Office of Communications drafted a report on activities carried out by platform operators (intermediaries) relating to public communication and the formation of opinion and will. The report examines how the behaviour of intermediaries and the public's use of platforms influence public communication and the shaping of opinion in Switzerland. The issues that it covers include online hate speech.

15. On 17 November 2021, the Federal Council instructed the Federal Department of the Environment, Transport, Energy and Communications to submit, by the end of 2022, a working paper on whether and how communication platforms might be regulated with a view to, inter alia, strengthening users' rights and combating non-transparent business practices.

B. Additional information relating to paragraph 20 (b) (racial profiling) of the concluding observations

16. The police forces, the Federal Customs Administration and the Federal Council are aware of the risks and consequences of racial and ethnic profiling.² In order to prevent it, they primarily focus on appropriate training and regular awareness-raising: police academies address the issue in their basic and in-service training courses, the police establish contacts with advice centres and different communities, and mediators are hired to liaise with the police. The increasing diversity of the police forces also has a preventive effect.

17. The police forces take the issue of racism very seriously and do not tolerate racist abuse, insults or slurs by their staff. If they receive indications or accusations of such behaviour, they initiate proceedings and handle the case internally. If the proceedings give rise to a suspicion of criminal misconduct, the case is referred to the Office of the Public Prosecutor for independent investigation.

18. In accordance with the Code of Criminal Procedure, any person who feels that he or she has been mistreated by the police may file a complaint either with the police or with the Office of the Public Prosecutor. If the act in question is an offence or is likely to constitute one, the complaint is officially transferred to the authority in charge of investigating such complaints, namely the Office of the Public Prosecutor, which is the independent authority generally responsible for investigating and punishing police misconduct. In addition, many cantons provide for the possibility of reporting such cases to the authority responsible for monitoring police conduct. Since this is an administrative procedure, the emphasis is on identifying shortcomings in the organization of the body concerned and not on punishing specific individuals.

19. Several cantons and cities have also set up independent mediation offices to handle complaints of all kinds. These offices do investigate complaints against the police, but they do not specialize in that area.³

20. Only Geneva has a police mediation body that is specially dedicated to handling disputes between citizens and members of the cantonal and municipal police forces. It is attached to the Department of Security, Population and Health and may take up cases referred to it by citizens, police officers, the Chief of Police, the Office of the Public Prosecutor, the Juvenile Court or non-governmental organizations. It may also make recommendations to the Chief of Police. It is a member of the Independent Police Complaints Authorities' Network, an informal network for discussion and cooperation between independent national bodies responsible for the external monitoring of security forces.

21. As racial profiling is a cantonal responsibility, Switzerland does not collect official statistical data on this subject at the federal level. The only exception concerns the statistics kept by the Federal Office for Customs and Border Security since January 2022. Complaints

² See question No. 22.7029 asked by Molina: "Structural racism in Switzerland: what is the Federal Council doing?"

³ See www.ombudsstellen.ch/fr/adresses.

relating to racial profiling are recorded by the Office under a separate category. These statistics, which are centrally managed at the federal level, offer an overview of the situation and allow for appropriate action to be taken. With this new nationwide monitoring tool, the Federal Office for Customs and Border Security can analyse complaints of racial profiling more comprehensively and reliably so as to determine whether awareness-raising measures or other forms of intervention are necessary. Analysis of the earliest available data shows that only 3 out of 105 – or 2.9 per cent – of the complaints received by the Office between 1 January and 30 June 2022 concerned racial profiling.

22. Efforts are also being made at the cantonal level to measure the extent of racial profiling: since 2020, the police mediation body in Geneva has been keeping an anonymized and detailed record of the situations reported to it. This qualitative sample can, for example, be used in in-service training to shed light on the mechanisms at work during interactions.⁴

23. Figures issued by the network of advice centres for victims of racism provide additional insight: in 2021, 40 out of a total of 630 cases in which advice was sought were related to racial profiling, compared with 30 out of 572 in 2020.

C. Additional information relating to paragraph 26 (a), (d) and (e) of the concluding observations

Paragraph 26 (a)

24. The purpose of the Plan for the Prevention of Violence in Federal Asylum Centres adopted by the steering committee of the State Secretariat for Migration⁵ is to prevent, as far as possible, the escalation of violence and violent acts. In parallel to this plan, the Secretariat has introduced an internal complaints system that has a number of different facets: regular consultation times at the Secretariat, an open-access comments box for complainants, a confidential system for reporting suspected acts of violence, and the possibility of filing appeals in connection with disciplinary measures. In addition, asylum-seekers are provided with means of communication such as wireless local area networks and telephones.

25. In all federal asylum centres, information boards and sessions are used to inform asylum-seekers about the different ways of submitting complaints.

26. As part of a pilot project, the State Secretariat for Migration is currently examining the possibility of establishing an independent external information office to which asylum-seekers could address complaints concerning accommodation, supervision and security in federal asylum centres.

Paragraph 26 (d)

27. Since 1 January 2019, in order for the right to undertake paid work to be granted to persons admitted on a temporary basis, a simple electronic statement submitted by their employer (in the case of employment) or by the person himself or herself (in the case of self-employment) has been sufficient. As soon as the statement (which is no longer subject to any fees) is sent to the competent authority, these persons have the right to engage in gainful activity anywhere in Switzerland.

28. At present, the freedom of movement of persons admitted on a temporary basis is restricted in the sense that it is difficult for them to change their canton of residence. In the context of an amendment to the Foreign Nationals and Integration Act (Federal Council dispatch No. 20.063), concerning restrictions on travel abroad and adjustments to temporary admission status, plans are in place to make it easier for persons admitted on a temporary

⁴ Of the 70 cases opened in 2021, 16 (or just over 22 per cent) related to allegations that the police had engaged in racial discrimination. Four cases reported to the police mediation body involved racial profiling. In 2020, 19 out of a total of 77 cases (25 per cent) concerned racial discrimination. Racial profiling was mentioned in eight of these cases.

⁵ Plan for the Prevention of Violence in Federal Asylum Centres, State Secretariat for Migration, April 2021, <https://www.sem.admin.ch/dam/sem/fr/data/asyl/verfahren/konzept-gewaltpraevention-baz.pdf.download.pdf/konzept-gewaltpraevention-baz-f.pdf>.

basis and engaged in gainful activity to change cantons. The parliament adopted this amendment on 17 December 2021. It is expected to enter into force in 2023. In the meantime, the guidelines issued to the cantons by the State Secretariat for Migration state that the Secretariat supports the right to change cantons for temporarily admitted foreign nationals who are gainfully employed on a long-term basis in another canton and do not receive social security benefits for themselves or their families.

Paragraph 26 (e)

29. As from 1 August 2021, the time limit for the departure of an asylum-seeker whose application has been definitively rejected and who is undergoing basic training may be extended by up to 12 months, instead of the previous maximum of 6 months. This extension prevents the person's work permit from expiring and gives him or her the opportunity to continue and complete his or her apprenticeship legally. Where justified, it is also possible to reconsider a departure deadline that expired no more than two months previously and, in exceptional cases, to extend it. If the person concerned has been living in Switzerland for at least five years since filing an asylum application and meets the conditions set out in article 14 (2) of the Asylum Act, the canton in which he or she resides may consider issuing a residence permit for hardship cases.

30. In order to ensure access to training for teenagers and young adults who are starting their compulsory education, a number of integration measures tailored to their needs, including those provided for in the Swiss Integration Agenda, are made available to them without restriction or discrimination. These are modular bundles of incentives that can provide access to the Federal Certificate of Vocational Education and Training or the Federal Diploma of Vocational Education and Training,⁶ upper secondary education or tertiary education leading to a State-recognized qualification. In addition, under the Federal Constitution, all children are guaranteed access to adequate and free basic education. Consequently, one objective of the Swiss Integration Agenda is that two thirds of refugees and persons admitted on a temporary basis between the ages of 16 and 25 years should attend a basic vocational training course five years after their arrival. This system is also open to unaccompanied migrant children, even if they do not have a residence permit.

31. In 2016, the Conference of Cantonal Directors of Social Services developed recommendations regarding support for unaccompanied minors,⁷ focusing in particular on issues relating to the legal representation of these minors and their schooling and post-compulsory education. The Conference recommends that the cantons enrol unaccompanied school-age minors in school as soon as possible, ensure that minors who are allowed to remain in the country enjoy access to education and training opportunities without discrimination and support such minors in their search for employment and apprenticeships.

⁶ Federal Certificate of Vocational Education and Training/Federal Diploma of Vocational Education and Training.

⁷ See https://ch-sodk.s3.amazonaws.com/media/files/2016.05.20_MNA-Empf_farbig_f.pdf.