



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2840th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 17 November 2021, at 10 a.m.

Chair: Ms. Li

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The meeting was called to order at 10.05 a.m.

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

Combined tenth to twelfth periodic reports of Switzerland (continued)
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1. *At the invitation of the Chair, the delegation of Switzerland joined the meeting.*
2. **Mr. Diaby** (Country Rapporteur) said that he would welcome additional information on the effects of the coronavirus disease (COVID-19) pandemic on national linguistic minorities, Jewish communities and Travellers in the State party. He wished to know which of the criteria contained in the interpretative declaration made by Switzerland in 1998, upon ratification of the Council of Europe Framework Convention for the Protection of National Minorities, had not been fulfilled by Roma persons in Switzerland, resulting in the refusal to recognize them as a national minority and to give the Romani language the status of a non-territorial minority language. He wondered what measures the State party had taken to promote and protect the rights of members of the Roma community, particularly to their own way of life, their culture and their language. It would be useful to learn about the results of the implementation of the plan of action to improve living conditions for Travellers and promote the culture of the Yenish, Sinti/Manush and Roma communities in Switzerland, as well as any other measures taken by the Swiss authorities to combat discrimination against them. The Committee was particularly interested to learn about the outcomes of efforts to promote their enjoyment of economic, social and cultural rights, especially in the case of the women of those communities. What guarantees were in place to ensure that suitable basic education, including mobile education, was available to all minorities, free of charge?
3. He said that the Committee would appreciate additional information on the measures taken to improve living conditions for members of the Roma community who did not have Swiss nationality and on the different treatment received by Swiss and non-Swiss Travellers. The Committee had received reports of a Roma child in the Canton of Geneva who had been placed under State guardianship after his mother had suffered an epileptic fit, as she had been unable to renew her prescription for the medication that she required, and another report of a group of 35 men, women and children who had been sleeping under a bridge in Geneva, subsisting by begging and eating in community kitchens, and whose request for the authorities to provide a mobile toilet had been denied. He would welcome the delegation's comments on those cases. Information on the new law on begging, particularly on any guarantees or support that had been extended to persons who had resorted to begging, would be useful. In the light of the concerns that had been brought to the Committee's attention regarding the number, quality and accessibility of Travellers' permanent sites, he asked what measures the State party had taken to ensure that all cantonal authorities provided such sites in sufficient numbers to meet the needs of nomadic members of the affected communities who did not hold Swiss citizenship. Had the relevant Swiss and non-Swiss Travellers' communities been involved in finding a solution to that problem?
4. Drawing attention to reports indicating that there had been a significant increase in the number of cases of discriminatory acts based on nationality, skin colour and religion, particularly against young people and persons of working age, he asked what specific measures had been taken to combat discrimination against non-citizens.
5. He said that the Committee had received reports that the right of residence of nationals of non-European Union States was often called into question if they applied for social assistance, as a result of uneven implementation of the Federal Act on Foreign Nationals and Integration in the different cantons. He wished to know what steps had been taken to amend the Act or to ensure that its implementation did not discriminate against those individuals. In particular, he wondered whether steps had been taken to disassociate the right to maintain a residence permit from the right to apply for social assistance, particularly during the COVID-19 pandemic, including for non-citizens who had lived in Switzerland for more than 15 years.
6. It would be useful to learn what measures had been adopted to ensure that being a victim of domestic violence was recognized as grounds for renewing a residence permit following a separation, without the victim having to demonstrate that the violence had reached a specific level. Without such measures, victims of domestic violence, especially women, were likely to be compelled to remain in violent situations, out of fear of deportation.

Had any measures been taken to ensure that civil servants and judges received ongoing training about domestic violence so that such situations were better addressed during residence permit renewal procedures at both the federal and cantonal levels?

7. He said he would welcome updated information on the implementation of the Swiss integration agenda and other measures to facilitate the integration of persons with an immigrant background, including persons who were granted temporary admission, asylum seekers, refugees and other migrants, the resources allocated and the results so far achieved.

8. The Committee had received reports indicating that, despite the legal provisions in the State party establishing that all children had the right to basic education, in practice, unaccompanied minors were sometimes refused enrolment in school. He asked what measures had been taken to guarantee that all children, including unaccompanied minors, had access to education in law and in practice, without any discrimination.

9. Reports indicated that asylum seekers and other foreigners continued to be held in prisons, and that in some cantons, unaccompanied minors and children held with their parents were still being kept in administrative detention. He would therefore like to know what steps had been taken to implement the decision the Federal Supreme Court had reached in March 2020 that detention for purposes related to immigration must take place in specialized establishments. He would also like to know what alternatives to detention were being used and what steps were being taken to ensure that asylum seekers, refugees and migrants were detained only as a measure of last resort, and that they had the possibility to appeal against a decision of detention. He asked whether the State party had appropriate procedures in place to receive asylum-seeking, refugee and migrant children and what measures had been adopted to ensure that such children were not placed in detention. What steps had been taken to guarantee the rights of asylum seekers to receive relevant information, to have access to a lawyer and to be heard in a fair and equitable trial?

10. Drawing attention to reports of racism, ill-treatment and limited access to medical care in federal centres for asylum seekers, he asked what measures had been taken to protect non-citizens in those centres against acts of violence, torture and inhuman and degrading treatment; to ensure that victims of such acts were, in practice, informed of their rights and guaranteed the right to file a complaint; and to guarantee asylum seekers' right to freedom of movement, without discrimination, including the right to have access to public places and facilities and to leave shelters. The Committee had received reports that curfews were imposed by certain shelters.

11. He wished to know what steps had been taken in the wake of the decision of the Swiss parliament on 15 September 2020 to allow the State Secretariat for Migration to access the mobile telecommunication data of asylum seekers if that was the only way of verifying a person's identity. How did the State plan to ensure that the right to privacy of migrants, which was protected by both international law and the State party's Constitution, was not violated?

12. He said that the Committee would appreciate an update on the application of the revised Federal Act on Swiss Citizenship, which had entered into force on 1 January 2018. He requested additional information on the appeal procedure available to persons whose application for naturalization had been rejected on discriminatory grounds. He would also welcome detailed information on the impact of the simplified naturalization procedure for young third-generation immigrants that had been endorsed by a popular vote on 12 February 2017. Furthermore, he wished to know what measures had been taken to identify asylum seekers who were victims of human trafficking and to ensure that they had access to all the protection and support measures to which victims of crime were entitled.

13. He would welcome information on the legal regime applicable to stateless persons in Switzerland and on whether the State party had adopted specific legislation on support mechanisms for such persons. It would be useful to know how many stateless persons or persons at risk of statelessness were estimated to be in the State party. He asked whether the Government was considering ratifying the Convention on the Reduction of Statelessness. He said that he would welcome information on measures that had been taken or were being considered to prevent statelessness and to ensure that stateless persons and persons at risk of statelessness, particularly stateless children born in Switzerland, were protected. What steps had been taken to ensure their access to economic, social and cultural rights, including the rights to education and health care?

14. **Ms. Stavrinaki** (Country Task Force) said that the Committee had received several reports indicating that the police and law enforcement authorities had recourse to practices that constituted racial profiling, as defined in the Committee's general recommendation No. 36 (2020). Such incidents had allegedly included unaccompanied minors being taken from asylum seeker reception centres to police stations during the COVID-19 pandemic and doused with cold water, ostensibly for health reasons. She asked whether racial profiling was explicitly prohibited at the federal or cantonal level, apart from in the Canton of Zurich, where such a prohibition reportedly already existed. She said that she would like to know whether the State party had analysed the impact of the prohibition in Zurich, and if there were any plans to adopt legislation or regulations and operational measures to prevent, combat and punish racial profiling throughout the country. She wondered whether all police officers received training on the prohibition of racial profiling and, if not, whether there were plans to include it in the police training curriculum. It would be useful to learn whether independent experts conducted periodic audits of counter-terrorism legislation to update counter-terrorism policy and practice, taking into account the possible links between efforts to combat terrorism and ethnic profiling. She wished to know whether the State party's law enforcement authorities ever used algorithmic profiling in their work and, if so, what measures had been taken or were planned to avoid the resulting discriminatory impact.

15. She noted that the Federal Act on the Use of DNA Profiles in Criminal Proceedings and for the Identification of Unknown and Missing Persons now provided for DNA phenotyping, which would inevitably result in the creation of a database linking criminal activity to biogeographical origin. She asked whether the State party's authorities planned to set up independent monitoring bodies to supervise the use of such technology in order to ensure that the implementation of that Act did not compromise the right to be free from racial discrimination.

16. Highlighting the lack of independent mechanisms to receive and investigate complaints concerning police misconduct in each canton and the lack of a federal database of such complaints, she asked what steps had been taken to ensure that victims of police misconduct received clear information on how to file a complaint with the Office of the Attorney General. She said that she wondered whether guarantees were in place to ensure that those responsible for investigating such complaints were totally independent and impartial.

17. **Mr. Guissé** (Country Task Force), highlighting numerous reports of acts of police violence and discrimination against persons of African descent, said he would like to know what measures had been taken or were planned to ensure that police officers found guilty of such acts were duly penalized, and whether the State party planned to set up an independent mechanism to investigate reports of police misconduct.

18. He would like to know whether there were plans to improve cooperation between the State authorities and the State party's anti-racism entities. While incidents of hate speech had reportedly increased during the COVID-19 pandemic, the Canton of Geneva had adopted some good practices in response to the pandemic and the Black Lives Matter movement, including meetings between the authorities and associations of persons of African descent. He commended the cantonal authorities on those initiatives and said that he hoped they would inspire other cantons to take similar action. He asked whether there had been any analysis conducted of the effects of the pandemic and the Black Lives Matter movement in terms of discrimination and what steps the State party planned to take to address them. He said that he also wished to know how the State party would commemorate the International Decade for People of African Descent.

19. **Ms. Shepherd** said that she wished to congratulate the State party on its policy of teaching Jewish children about the Holocaust. She asked whether the school curriculum also required children of African descent to learn about the Holocaust and Jewish children to learn about the roots of anti-black racism. It was important for all children, especially those of African descent, to learn about transatlantic trafficking in enslaved Africans and the historical background behind the contemporary treatment of people of African descent.

20. **Ms. Chung** said that the revised Federal Act on Swiss Citizenship of 1 January 2018 appeared to have introduced a degree of discrimination against foreign children who were not citizens of European Union member States. Regardless of whether they had been born or educated in Switzerland, under that Act, they were now effectively deprived of the right to

apply for naturalization. According to information received by the Committee, once those children reached the age at which they were no longer considered dependent on their parents they were at risk of expulsion and could be required to leave the State party for a country in which they had never resided. She asked whether the Government planned to revise that Act to bring it into line with the State party's obligations under the Convention. If not, she wished to know what alternative measures would be taken to address that form of institutionalized discrimination.

21. **Mr. Albuquerque e Silva** said that, according to the results of a survey published by the Federal Statistical Office in July 2021, one third of the Swiss population felt uncomfortable in the presence of people perceived to be different; one fifth had mentioned Muslims in particular. Preventing people from feeling uncomfortable around others was not the purpose of the Convention, but the Committee nonetheless paid close attention to indications of unconscious bias that might lead to acts of racial discrimination and violence. The survey results showed that violence against foreigners was growing. Since the first such survey had been conducted, in 2016, the proportion of the population that had experienced discrimination, and specifically violence, had risen by about a third. He would welcome the delegation's comments on the results of the survey.

22. **Ms. Izsák-Ndiaye** said that it was important to recall the diversity of the Roma community, which had existed for many hundreds of years and consisted of tens of thousands of members. Referring to the case of *Lăcătuș v. Switzerland*, in which the European Court of Human Rights had found a violation by Switzerland of article 8 of the European Convention on Human Rights, which addressed the right to respect for private and family life, she said that beggars constituted one of the most visible groups among the community and that their situation was clearly a cause for serious concern because of their obviously desperate circumstances.

23. In 2020, in the Canton of Geneva, the police had reportedly issued 3,723 fines for begging, totalling nearly 500,000 Swiss francs (SwF). She understood that, since the European Court's ruling, the Swiss authorities, and especially those in the Canton of Geneva, had begun discussing a new framework of action concerning begging. An update on those discussions would be appreciated. It would be particularly interesting to know how the authorities planned to address the lack of social housing available to people begging on the street and the situation of children who were taken into State care if an assessment of their family situation showed that their parents were unable to care for them.

24. The Committee had also seen reports of property confiscation, ethnic profiling and aggression, and even of cases where police officers escorted beggars over the border to France. She would like to know if there were any oversight mechanisms in place to track such activity and how the authorities monitored the situation of especially vulnerable communities. She would welcome further information on the steps taken by Switzerland to ensure that immigration control and enforcement activities were kept separate from the provision of social services so that migrants in irregular situations did not refrain from claiming entitlement to services out of fear of deportation.

The meeting was suspended at 10.50 a.m. and resumed at 11.15 a.m.

25. **Ms. Häusler** (Switzerland) said that, since the introduction in 2016 of the plan of action to improve living conditions for Travellers and to promote the culture of Yenish, Sinti/Manush and Roma persons, the cantons had been allocated 75 per cent more funding to build permanent sites for Travellers. Travellers had been afforded better and increased access to social services and teaching materials had been developed with the input of members of the Yenish, Sinti/Manush and Roma communities. Female representatives of those communities had been involved in developing the plan of action and in rolling out social services. Unfortunately, under the Swiss system of direct democracy, popular initiatives and referendums sometimes resulted in the failure of projects that had received significant investment and support from the Confederation, in particular in respect of measures to establish local transit sites for Travellers. Regarding transit sites specifically set up for Roma arriving from other countries, the Confederation was working to develop a national strategy that would clearly set out the responsibilities of the authorities and provide for sources of funding. Sites must be made available for both Swiss and foreign persons. In practice, and based on inputs from both groups, it had been ascertained that separate sites were the easiest

to manage. However, because sites must be able to accommodate everyone in need, it was not always possible to set them up separately.

26. **Mr. Spenle** (Switzerland) said that the Yenish and Sinti/Manush communities had been recognized as national minorities in accordance with the Council of Europe Framework Convention for the Protection of National Minorities, and they all had the right to live in accordance with their cultural identities and to speak their own languages. In order for minority groups to be formally recognized as national minorities in Switzerland in accordance with the Framework Convention, they must fulfil the cumulative criteria set forth in the interpretative declaration made by Switzerland upon ratification. In 2018, the Federal Council had rejected a request for the recognition of the Swiss Roma as a national minority, as they were found to be lacking in respect of the criteria of Swiss nationality, the desire to preserve a common identity and long-standing links with Switzerland. The Federal Council had nevertheless stated that the Roma were an integral part of Swiss society, and the Confederation had since taken a number of steps consistent with that position, including ensuring representation of the Roma community on the Federal Commission against Racism. In addition, the Service for Combating Racism regularly financed projects to raise awareness about the situation of the Swiss Roma, and the Federal Office of Culture supported projects specifically supporting the Roma community in the areas of culture and mediation.

27. **Ms. Häusler** (Switzerland) said that Romani could not be recognized as a minority language because the Swiss Roma were not formally recognized as a national minority. The Sinti/Manouche community spoke a particular version of Sintitikes, which they did not wish to have officially recognized, as it was a secret language.

28. The COVID-19 pandemic had clearly had a major impact on Travellers. Early in the pandemic, the Government had closed a number of Travellers' sites which had been considered as campgrounds. It had eventually reopened them and had issued a federal order specifying that sites must remain open for Travellers. Travellers had also struggled financially, especially as they often had unstable job situations or worked in areas that had been shut down to prevent the spread of COVID-19. They had therefore benefited from government-sponsored relief payments and social assistance, as well as more targeted welfare programmes, for example with the use of vouchers.

29. **Ms. Jossen** (Switzerland) said that studies showed that people with low socioeconomic status were more likely to contract COVID-19, tended to develop worse cases of the disease and got tested less often. It had also been demonstrated that migrant populations in precarious economic situations had more trouble finding reliable information about COVID-19. Following consultations with civil society organizations, the authorities had taken a number of steps, including the adoption of legislation on COVID-19 and the production and distribution of pandemic-themed materials – both written and audiovisual – in 25 languages. Events had been organized, sometimes jointly with religious associations or civil society organizations, to provide vulnerable people with access to key medical services. Anyone residing in Switzerland, including persons who had applied for refugee status, had the right to be vaccinated against COVID-19. The costs were covered by the Government, whether or not the person was medically insured. To ensure non-discriminatory access to vaccination and COVID-19 certificates, the Swiss Red Cross had issued specific recommendations that everyone, including migrants and undocumented persons, should have access to both vaccination and certificates. To facilitate access for undocumented persons, identity documents other than national identity cards or passports were accepted for the formalities to obtain COVID-19 certificates.

30. **Ms. Probst-Lopez** (Switzerland) recalling that the Swiss Citizenship Act had been revised in 2014 and again in 2018, said that the latest revision, which was aimed at harmonizing the criteria for naturalization throughout the country and at clarifying the procedures and the respective roles of the cantons and the Confederation, replaced the previous Act in its entirety. A simplified naturalization process had been made available to third-generation immigrants, and any allegations of discriminatory behaviour towards an applicant could be brought before the Federal Administrative Court. The granting of temporary admission (with issuance of an "F permit") made it possible for persons who did not have the right to stay in Switzerland to remain there in certain circumstances, for example, if their removal was not possible, not lawful or could not reasonably be required. Holders of such permits were allowed to reside in the country until the obstacles to their removal no longer existed. In recent years, steps had been taken to better integrate such persons,

especially by facilitating their access to the labour market. For instance, in terms of access to the labour market, since 1 January 2019, they no longer had to seek authorization for the pursuit of gainful employment. A legislative amendment abolishing a special 10 per cent tax on income from gainful employment had come into force on 1 January 2018. Work advertisements were posted at employment agencies for people admitted temporarily seeking employment or able to work who were receiving social assistance. The aim was to offer them better opportunities to enter the Swiss labour market in a targeted and sustainable way. As for the restrictions imposed on their freedom of movement, an amendment of the legislation that governed the procedure for changing one's canton of residence was currently being considered by the parliament. Persons admitted temporarily into Switzerland who had stayed for more than five years could obtain a residence permit under certain conditions. Their applications were considered taking into account their level of integration, family situation and the enforceability of a return to their country of origin. In 2020, a total of 2,835 such permits had been issued.

31. Turning to the question of violence in asylum seeker reception centres, she said that a former federal judge had been tasked with examining the issue and had found that there were no indications of systematic violations of the rights of asylum seekers or of partiality on the part of the security guards. Steps had nevertheless been taken to address violence, including preventive measures that were already being applied in all reception centres, changes in the way reports of violent incidents were drawn up and the establishment of an independent complaint mechanism. In the first quarter of 2021, the number of violent incidents had decreased by nearly 40 per cent.

32. The Swiss Integration Agenda included a number of measures aimed at encouraging the integration of refugees and persons granted temporary admission by providing them with access to information. The measures would be introduced and applied as soon as a person arrived in Switzerland and were meant to take into account the specific needs of the targeted groups. As for the withdrawal of residence permits from persons receiving social assistance, any such cases were carefully examined on an individual basis. Residence permits were rescinded only when dependence on social assistance was considerable and long-standing. The criteria were objective and clearly defined.

33. Schooling was available to anyone of school age in reception centres, including unaccompanied minors. Extracurricular activities were organized to promote the social, cultural and political integration of children and young people living in the centres.

34. By law, any restrictions on the freedom of movement of persons staying in reception centres must be kept to an absolute minimum. The reduction of the curfew times was the subject of an ongoing dialogue between the municipalities and the persons responsible for the different sites in question. It was hoped that, in the future, the curfew applied at federal centres could be curtailed so that residents would be able to move freely beyond the current minimum schedule, which went from 9 a.m. to 5 p.m. A survey of asylum seekers had been conducted, during which they had stressed the importance of personal visits, including outside the centres. The authorities were looking, together with the social partners, for appropriate facilities outside the centres to facilitate such contact.

35. In August 2021, 720 children had been recognized as stateless in Switzerland. Switzerland already provided extensive protection for persons recognized as stateless. The Federal Council currently did not consider it necessary for the country to become a party to the Convention on the Reduction of Statelessness. Child and adolescent asylum seekers living in reception centres received age-appropriate, individual support to safeguard their emotional stability and help them through the asylum process, grounded in the standards established in the Convention on the Rights of the Child. Every unaccompanied minor asylum seeker was assigned a social outreach worker who maintained regular contact. During all discussions, special care was taken when broaching sensitive subjects, such as personal experiences in the person's home country or during transit to Switzerland. The unaccompanied minors' outreach workers encouraged them to express any special needs they might have. Any child or adolescent who required special medical care or psychological assistance was referred to the medical centre associated with the reception centre.

36. **Ms. Bonfanti** (Switzerland) said that the use of racial profiling by the police was prohibited under Swiss law, in accordance with the provisions prohibiting the arbitrary use of discriminatory criteria. The police had the power to conduct targeted searches, which must

be justified according to five specific criteria. For example, they must have a legitimate objective, be based on clear factual evidence and limited to a specific time and place. Moreover, the potential benefits of the search for the investigation must outweigh the potentially negative effect that it might have on the person concerned, who must be clearly informed of the reasons for the search. In the Canton of Geneva, persons who wished to file a complaint concerning police activities but who did not wish to take legal action could submit the case to the police mediation service, which organized mediation between the person concerned and the officer or officers involved in the incident. The mediation service had handled various cases involving alleged discrimination on the basis of skin colour, gender or nationality.

37. She could find no record of any incident involving minors who had been brought to a police station and doused with cold water by officers. Such conduct, if it had indeed occurred, was completely unacceptable and should be reported to the authorities. An incident involving individuals who had been forced into police vehicles and abandoned in the woods outside Geneva had been reported by the persons concerned. The report had been duly investigated and had been determined to be well founded. Such conduct was manifestly unacceptable, and appropriate follow-up action had been taken in respect of the officers concerned.

38. The Genevan cantonal police did not apply computer algorithms to video surveillance footage in order to identify individuals or incidents of concern. Such footage was reviewed by human operators only. Algorithms were, however, used to identify vehicles involved in traffic offences.

39. A recent amendment to the Federal Act on the Use of DNA Profiles in Criminal Proceedings and for the Identification of Unknown or Missing Persons provided for the use of DNA phenotyping by the police. Phenotyping was not currently used by the Genevan cantonal police but might be implemented in the future in specific types of cases, for example, in the context of murder or homicide investigations. The potential ethical problems that could arise from the use of such technology were currently being studied by a special committee at the University Centre for Forensic Medicine. In the Canton of Geneva, phenotyping would not be used as a basis for targeted searches. The cantonal police would take due account of the Committee's concerns when developing the approach to the use of phenotyping.

40. In the Canton of Geneva, persons who witnessed or were subjected to police misconduct could submit a complaint directly to the Office of the Attorney General or to the cantonal police, who systematically referred the cases to the Attorney General's Office. Cases of police misconduct were handled either by the Office of the Attorney General directly or by the General Inspectorate of Services, an independent, impartial internal affairs police unit composed of 13 officers tasked with oversight of police activities. Moreover, all police officers who used restraint or force were required to submit a report on the intervention. Such reports were then reviewed by the officers' superiors to determine whether the use of restraint or force was justified. In two or three cases per year, the restraint or force used was determined to be excessive, in which case the incident was referred to the Office of the Attorney General for investigation.

41. For the purposes of disciplinary procedures within the Genevan cantonal police, police violence could fall into four different categories, namely, excessive use of force or restraint, abuse of authority, infliction of bodily harm, and use of threats or insults. All incidents of alleged police violence, when brought to the attention of the police, were investigated by the General Inspectorate of Services. Officers determined to have engaged in such conduct could be issued a summary penalty order and were subject to both internal disciplinary measures and criminal prosecution where such action was warranted. Officers suspected of engaging in police violence were immediately suspended, with or without pay, depending on the circumstances, while an administrative investigation was conducted. If found guilty, the officer was dismissed.

42. **Ms. Ehrich** (Switzerland) said that, in June 2021, the Swiss electorate had voted to uphold the Federal Act on Police Measures to Combat Terrorism, which had been adopted in September 2020. The Act allowed the police to take preventive measures against persons suspected of posing a terrorist threat. Such persons could be required to report to the authorities, banned from contacting specific people or leaving the country or placed under house arrest or detained with a view to deportation. Measures taken pursuant to the Act must be timebound, proportionate and justified and were subject to appeal before the Federal

Administrative Court. Orders placing people under house arrest were always subject to the prior approval of a court.

43. **Mr. Galizia** (Switzerland) said that the Service for Combating Racism of the Federal Department of Home Affairs had been established in 2001 to plan, develop, promote and coordinate activities aimed at the prevention of racism at the federal, cantonal and communal levels. The Service promoted networking among civil society organizations involved in combating racism by providing subsidies to organizations that agreed to participate in collaborative activities with other civil society actors. Since 2017, it had been working closely with organizations representing black persons in Switzerland, and they issued a joint publication on anti-black racism every year. Many of the organizations that took part in the Black Lives Matter protests in Switzerland had received support from the Service. The main challenge in the wake of the protests was to ensure that public awareness of anti-black racism continued to grow. According to recent surveys, 76 per cent of the Swiss population recognized that black persons living in Switzerland experienced discrimination in their daily lives, but only 50 per cent of the population agreed that measures should be taken to address that discrimination, and a large minority was of the view that black persons complained too much about it. Clearly, much work remained to be done to raise awareness of and combat anti-black racism in Switzerland. However, in his view, the rise over the past eight years in the number of persons who claimed to have experienced discrimination reflected a positive development, as more persons were now willing to come forward.

44. **Mr. Wicht** (Switzerland) said that all children and adolescents in Switzerland learned about the Holocaust and the slave trade in school and that all students followed the same curriculum. The Swiss school system aimed at integration, not assimilation. Students were encouraged to retain their own sense of identity, beliefs and cultural traditions, all while developing the skills and competences needed to live harmoniously with others in Swiss society.

45. It was mandatory for children in Switzerland to receive two years of preschool education, six years of primary education and three years of secondary education. Preschool was an opportunity for migrant children to pick up the language of schooling in their area. In some circumstances, it was also an opportunity for French-, German- or Italian-speaking Swiss children to pick up a second national language.

46. With regard to reports of exclusion of migrant children from education by the police, he could find no record of such cases. However, he wished to reiterate that, according to the law, an education must be provided to all children living in Switzerland, regardless of their legal status, and the right to education prevailed over any police or administrative measures. In cases where such measures might prevent a child or adolescent from attending school, the cantonal authorities had the power to intervene. On average, one such intervention was necessary every year.

47. Depending on their circumstances, some unaccompanied minors attended regular schools, while others received their education at reception centres. Special literacy courses were organized for such children, many of whom were completely illiterate upon arrival. Prior to 2014, only one such course had been organized per year. However, as a result of the proliferation of conflict and instability in the Middle East, the region from which most unaccompanied minors originated, the demand for literacy classes had grown such that it had now become necessary to organize an average of 14 literacy courses per year.

48. **Ms. Bonfanti** (Switzerland) said that, pursuant to the decision of the European Court of Human Rights in the case of *Lăcătuș v. Switzerland*, in which the Court had ruled that the blanket ban on begging in the Canton of Geneva violated article 8 of the European Convention on Human Rights, the legal provisions prohibiting begging had been repealed. The cantonal legislature was currently reviewing legislation that took due account of the Court's decision.

49. **Mr. Spenle** (Switzerland) said that the parliament had approved a four-year spending plan to provide the national human rights institution with stable funding. The Swiss Centre of Expertise in Human Rights, which currently operated under a pilot project, already received federal funding in amount of SwF 1 million per year. The national human rights institution should also obtain funding from third parties in exchange for services rendered, notably consultancy services, in keeping with the model applied by the Centre.

50. The Government had prepared the periodic report following extensive consultations between the federal administration, the cantons and interested civil society organizations. Cities and communes had also participated in the drafting process. Specialized organizations had been invited to comment on the draft, and their observations had been taken into account. The Government respected the independence of civil society actors and observed the clear distinction between State party reporting and shadow reporting.

51. **Mr. Diaby** said that he would be grateful if the delegation could provide information on the case of the Roma child who had been taken into care because his mother had been unable to obtain epilepsy medication, and on the situation of the 35 members of the Roma community who had been living under a bridge in Geneva. He would also welcome information on the Swiss Citizenship Act of 1 January 2018, which appeared to contain provisions that discriminated against certain children and the staff of international organizations.

52. **Ms. Stavrinaki** said that she wished to know more about the independent complaints mechanism that had been established in federal centres for asylum seekers and about the prospects for the success of the plan for the prevention of violence at such centres.

53. **Ms. Bonfanti** (Switzerland) said that the authorities in Geneva cooperated closely with the Caritas organization, whose intercommunity mediation service met regularly with people in difficulty, including those who had set up camps under bridges. The service employed Roma mediators who worked with the Roma community to facilitate their access to institutions and their enjoyment of rights. In 2018, the mediation body of the Geneva police had intervened at the request of Caritas following complaints by members of the Roma community, including those who lived under bridges, that the police did not take into account the precariousness of their situation. At a round table attended by Caritas and Roma representatives, the police had explained that the lives of the people who were living under bridges, some near an electrical facility, were endangered by rising river levels and that they needed to be temporarily relocated. As a result of those efforts, relations between the police and the Roma community had calmed somewhat, although the situation of members of the community remained of concern.

54. **Ms. Probst-Lopez** (Switzerland) said that, as previously mentioned, a former federal judge had conducted an inquiry into allegations of violence at federal centres for asylum seekers and had concluded that there was no evidence of systematic rights violations. The judge had nevertheless included recommendations in his report, and the Government was gradually implementing them. The State Secretariat for Migration had drafted a plan for the prevention of violence, which was currently being finalized.

55. **Ms. Izsák-Ndiaye** said that she welcomed the repeal of the provision of the Geneva Criminal Law Act that punished begging. The European Court of Human Rights had rejected the argument that a punitive approach was necessary to discourage socially unwanted phenomena such as begging. She wished to know what alternative legislative or policy measures were under consideration to address the problem. As begging could not be eradicated solely through policing, she wondered whether a new approach might take into account the broader social picture and include access to housing, childcare and other services.

56. **Mr. Albuquerque e Silva** said that he was surprised that the State party apparently took a positive view of the reported increase in the proportion of people who had experienced racial discrimination or violence. It was still likely that many victims of racial discrimination and violence did not come forward to report it.

57. **Ms. Bonfanti** (Switzerland) said that it had been difficult for the Geneva police to enforce the begging law owing to the mobility of the population concerned. Imprisonment for begging was in no way a discriminatory measure; it was the outcome of a criminal procedure. All individuals duly served with a penalty order had the right to appeal and a period of three years in which to pay their fines, failing which the monetary penalty would be converted into a custodial sentence, in accordance with Swiss law. It remained unclear whether a new draft law on begging would be submitted to the cantonal legislature in Geneva. While the Geneva police recognized that certain acts by officers had been inadmissible, the police could not overlook begging, as it sometimes concealed the more serious offences of human trafficking and exploitation. On 19 August 2021, after a long investigation, the police had arrested five Bulgarian nationals on suspicion of recruiting persons from the Roma

community in Bulgaria and forcing them to beg in Geneva and Lausanne. In most cases, though, begging was an expression of precariousness.

58. **Ms. Ehrich** (Switzerland) said that the European Court judgment was based on the specific circumstances of the case. The Government's analysis was that the judgment did not go so far as to suggest that any prohibition of begging would be contrary to article 8 of the European Convention, meaning that prohibition remained a possibility. The applicable law should strike a balance between the interests concerned in each specific case, taking into account the vulnerability of the person engaged in begging, whether the begging was aggressive, where it took place and whether the person belonged to a criminal group. Punishments should take into account the seriousness of the offence and the personal situation of the person concerned. It thus seemed preferable to prohibit begging only in certain forms and/or in certain places rather than to institute a blanket ban. The 26 cantons, which were now responsible for bringing their practices into line with the judgment, had commenced discussions on the subject. Another application was pending before the European Court, concerning the ban on begging in the Canton of Vaud.

59. **Mr. Galizia** (Switzerland) said that, two decades previously, racism in Switzerland had been underreported and ignored. The first step, therefore, was to acknowledge its existence. The increase in the number of reported discrimination cases was a success in that it suggested that fewer cases were going unreported. More disaggregated data on perceived racism and discrimination were needed in order to differentiate between the various situations. It was also necessary to work directly with institutions to determine where and against whom acts of racism and discrimination were committed and what could be done to prevent them.

60. **Ms. Marti** (Switzerland) said that maintaining a society in which citizens could live together in mutual respect was a continuous process that required constant effort. The Government recognized the importance of the Committee's recommendations for its struggle against all forms of racism. The concluding observations would be translated into the official languages of Switzerland, published and transmitted to the competent federal offices and the cantons. The recommendations would thus inform actions taken at all levels of the State.

The meeting rose at 1 p.m.