



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### List of issues prior to submission of the fifth periodic report of Switzerland\*

#### A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please report on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the Committee's previous concluding observations.<sup>1</sup> Please provide information on the measures taken to ensure the effective implementation of the recommendations made by the Committee in its previous concluding observations and provide the information requested by the Committee in its report on follow-up to its concluding observations.<sup>2</sup> Please indicate what steps the State Party has taken to review its stance on accession to the first Optional Protocol to the Covenant in order to strengthen the protection of the human rights of persons under its jurisdiction.

#### B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee

##### Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. With reference to the Committee's previous concluding observations (paras. 6, 7, 10 and 11),<sup>3</sup> please provide information on: (a) the progress made by the State Party in undertaking a thorough review of national laws that could be at variance with the Covenant with a view to their revision; and (b) the measures taken to strengthen control mechanisms aimed at ensuring the compatibility of citizens' initiatives with the obligations arising from the Covenant before such initiatives are put to vote. Please provide information on the steps taken to withdraw the reservations to articles 12 (1), 20 (1), 25 (b) and 26. Please provide examples of cases in which the provisions of the Covenant have been referred to or implemented in national legislation or applied by the national courts.

##### National human rights institution (art. 2)

3. With reference to the Committee's previous concluding observations (paras. 14 and 15), please provide information on the measures taken to ensure that the Swiss Human Rights

\* Adopted by the Committee at its 144th session (23 June–17 July 2025).

<sup>1</sup> CCPR/C/CHE/CO/4.

<sup>2</sup> CCPR/C/132/2/Add.4.

<sup>3</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to CCPR/C/CHE/CO/4.<https://docs.un.org/fr/CCPR/C/CHE/CO/4>



Institution is in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by: (a) allocating it sufficient human and financial resources; and (b) granting it a broad and clear mandate in the area of human rights protection and the power to address all human rights issues. Please describe the activities undertaken by the Swiss Human Rights Institution in the area of civil and political rights and its achievements since its establishment.

#### **Combating corruption (arts. 2, 14 and 25)**

4. Please provide information on the specific measures taken to effectively prevent and combat corruption and illicit financial flows, including the number of investigations opened, the prosecutions initiated and the convictions handed down, in addition to information on corruption cases involving businesses. Please describe the steps taken to ensure that victims receive adequate reparation in practice. Please indicate what measures have been introduced to ensure that bank secrecy does not constitute an obstacle in the fight against corruption.

#### **Non-discrimination (arts. 2, 7, 20 and 26)**

5. In the light of the Committee's previous concluding observations (paras. 16, 17, 20 and 21), please report on the steps taken by the State Party to: (a) adopt a comprehensive anti-discrimination law that includes a definition of discrimination, both direct and indirect, and an expanded list of prohibited grounds of discrimination, including sexual orientation and gender identity; (b) amend its criminal law to expand the prohibited grounds of discrimination; and (c) ensure that persons with disabilities are informed of their rights under the Federal Act on the Elimination of Discrimination against People with Disabilities. Please provide disaggregated statistical data on the complaints of discrimination that have been received, the prosecutions initiated, the convictions handed down and the reparations awarded to victims.

6. Please describe the measures adopted to effectively prevent and combat the commission of or incitement to commit acts of racial or religious hatred. Please indicate what steps have been taken to prevent and tackle racial profiling and specify the number of complaints filed, prosecutions initiated and convictions handed down in relation to these acts, in addition to the penalties actually imposed and the reparations awarded to victims. Please provide information on the measures taken to prevent and combat other acts of discrimination, stigmatization or violence committed on racial grounds or directed against ethnic minorities, women or persons with disabilities or against individuals based on their actual or perceived sexual orientation or gender identity.

#### **Gender equality (arts. 2, 3, 25 and 26)**

7. Please describe the measures taken, in law and in practice, to strengthen and promote gender equality, including in terms of the representation of women in public and political life and the private sector, in particular in decision-making positions.

#### **Violence against women, including domestic violence (arts. 2, 3, 6–8, 24 and 26)**

8. With reference to the Committee's previous concluding observations (paras. 26 and 27), please indicate what steps have been taken to prevent and tackle acts of domestic violence against women and provide information on the number of complaints filed, prosecutions initiated and convictions handed down, the penalties actually imposed and the reparations awarded to victims. Please report on the training on violence against women that is delivered to justice, law enforcement and other relevant professionals and on the protection and assistance measures available to victims. Please indicate what has been done to address female genital mutilation and forced marriage.

#### **Right to life and excessive use of force (arts. 6 and 7)**

9. Please provide information on the measures taken to ensure that the use of force and of firearms by law enforcement officials and the security forces, as well as the legislation governing such use, are in full conformity with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on

Less-Lethal Weapons in Law Enforcement. In this regard, please indicate whether thorough, effective, independent and impartial investigations have been opened, perpetrators have been prosecuted, convictions have been handed down, penalties have been imposed and reparations have been provided in cases involving, *inter alia*, allegations of deaths following police interventions or deaths in custody or prison. Please also specify what measures have been taken to prevent deaths in custody.

10. In the light of the Committee's previous concluding observations (para. 29), please provide information on the steps taken to establish an independent mechanism to receive complaints of violence or ill-treatment by the police. Please describe the measures taken to compile centralized and disaggregated statistics on all such complaints and the associated prosecutions and convictions, and provide those statistics.

11. With reference to paragraph 62 of general comment No. 36 (2018) on the right to life, please provide information on the measures taken to prevent and mitigate the adverse effects of climate change, environmental degradation and natural disasters, including with regard to the right to life.

#### **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 7 and 10)**

12. With reference to the Committee's previous concluding observations (para. 31), please provide information on the legislative measures taken to establish torture as a separate offence in the Criminal Code. Please specify what training activities have been organized for law enforcement personnel on the application in their work of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and other international human rights standards. Please indicate what institutional measures have been taken to ensure the effective structural and operational independence of the national mechanism for the prevention of torture.

13. Please describe the steps taken to follow up on: (a) allegations of police brutality and other cruel, inhuman or degrading treatment, in particular physical ill-treatment and excessive use of force, including against foreign nationals who are stopped by the police; (b) allegations that inmates have been subjected to ill-treatment or an excessive use of force at the hands of certain prison officers in the Bois-Mermet and Sion prisons and, above all, the Champ-Dollon prison; and (c) allegations concerning the situation of persons who have been detained under article 64 of the Criminal Code, including those suffering from serious psychiatric disorders. In this regard, please provide statistical information on the investigations conducted and, where applicable, the prosecutions initiated, the convictions handed down and the penalties imposed on the perpetrators, and describe the reparations awarded to victims and the measures taken to protect complainants against the risk of retaliation.

#### **Liberty and security of person (arts. 9, 10 and 14)**

14. Taking into account general comment No. 35 (2014) on liberty and security of person, please describe any measures the State Party has taken to ensure that persons deprived of their liberty are afforded all fundamental legal safeguards from the outset of their detention, including prompt and unimpeded access to a lawyer and a medical examination conducted in full confidentiality by a doctor. Please describe the steps taken to reduce the use and duration of pretrial detention, bringing it into line with the Covenant, and encourage the application of non-custodial measures in compliance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

#### **Treatment of persons deprived of their liberty (arts. 7 and 10)**

15. Please describe the measures taken to improve conditions of detention in accordance with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including measures to: (a) address prison overcrowding and poor material conditions of detention; (b) guarantee prisoners adequate access to natural light and contact with the outside world; (c) prohibit the routine use of shackles and fixed installations involving metal rings; (d) avoid the use of solitary

confinement; and (e) prevent self-harm and suicide among individuals deprived of their liberty.

**Treatment of foreign nationals, including migrants, refugees and asylum-seekers (arts. 2, 6, 7, 9, 12–14 and 24)**

16. Please provide information on the measures taken to ensure respect for the principle of non-refoulement, the conduct of adequate risk assessments based on the individual's situation and the situation in the country of origin, effective access to justice and legal aid and the right to obtain remedies. Please indicate what measures have been introduced to ensure the use of alternatives to administrative detention and the exercise by migrants, refugees and asylum-seekers of their right to family life. Please provide information on the steps taken to conduct thorough, impartial and independent investigations into allegations of violence perpetrated by law enforcement officers against asylum-seekers whose applications have been rejected.

**Right to privacy (art. 17)**

17. Please provide information on the measures taken to ensure that any interference with privacy is in full conformity with the obligations under the Covenant and the principles of legality, proportionality and necessity, in particular with regard to access to information stored on asylum-seekers' electronic devices, the conduct of surveillance activities and the impact of surveillance devices and new information and communication technologies. Please report on the steps taken to ensure that existing legal instruments, in particular the new Data Protection Act, and the proposed amendment to the Ordinance on the Surveillance of Post and Telecommunications do not undermine the rights guaranteed under the Covenant.

**Freedom of conscience and religion (arts. 2, 18, 26 and 27)**

18. In the light of the Committee's previous concluding observations (paras. 42–45), please describe any measures adopted to ensure respect for freedom of conscience and religion in the State Party and guarantee that the legal framework governing freedom of religion is consistent with the Covenant, in particular with regard to the prohibition on the construction of new minarets. Please provide information on the proposed amendments to the legal framework governing conscientious objection to military service and the steps taken to ensure that the legal provisions in force in this area do not infringe the rights enshrined in the Covenant, including the right of conscientious objectors to a fair trial before the military courts.

**Freedom of expression and the right of peaceful assembly (arts. 14, 19 and 21)**

19. Please provide information on the allegations concerning the judicial harassment and criminalization of journalists, in particular in the context of their work on the impact of certain businesses' activities on human rights. In this respect, please address the concerns raised regarding the amendment of article 266 of the Code of Civil Procedure, in particular fears that it will weaken the protection of the media and facilitate the imposition of abusive judicial measures against the press, especially in cases in which the press has criticized businesses or public figures.

20. Bearing in mind the Committee's previous concluding observations (paras. 48 and 49) and general comment No. 37 (2020) on the right of peaceful assembly, please describe the steps taken to ensure that legislation and practice at both the national and cantonal level are in full conformity with the Covenant and that all individuals fully enjoy their right of peaceful assembly, including the right of spontaneous assembly. Please provide information on the number of individuals placed under preventive arrest or in detention in the context of peaceful public demonstrations during the period under review. Please also indicate the number of complaints received concerning violations of the right of assembly and report on the investigations conducted, the prosecutions initiated, the penalties handed down and the compensation awarded to victims.

21. Please describe the measures introduced to ensure that any restrictions on the right of peaceful assembly are in strict adherence with the Covenant, general comment No. 37 (2020)

and the principles of legality, necessity and proportionality. Please provide information on the steps taken to ensure the exercise of the right of peaceful assembly by students at universities in the State Party during the demonstrations that were held in 2024 in solidarity with the Palestinian people, in particular with regard to the prohibition and dispersal of demonstrations and the prosecution of students.

**Human rights defenders (arts. 14, 19 and 22)**

22. Please provide information on the action taken to ensure a safe and enabling environment for human rights defenders, journalists and associations, in particular those working in the fields of human rights, migration and the environment. In this respect, please describe the measures adopted in response to allegations of censorship and harassment and the use of abusive judicial procedures, such as strategic lawsuits against public participation targeting human rights defenders, journalists and associations.

**Participation in public affairs (art. 25)**

23. Please describe the steps taken to increase voter turnout, particularly at the local and cantonal levels. Please provide information on the ban in the Canton of Vaud on political debates in schools during election periods and the compatibility of this measure with the provisions of the Covenant, in particular with the right to participate in public affairs.

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