

**Switzerland's Review in the Working Group**  
**Thursday 8 May 2008, Morning 9.00am-12.00pm**  
**Overview of the Working Group Session**  
**Report by Nathalie Monnay**

**The Troika**

The troika was composed of representatives from Uruguay, Pakistan and South Africa. They did not take part to the debate.

**Presentation by Switzerland**

*Speaking Time: 28 Minutes*

**Recognition of problems and/or concerns:** Switzerland noted discrimination had not been eliminated in whole; gaps in foreigners integration, and unequal access to employment (also due to the lack of linguistic knowledge); statistics on violence against children do not give a true account of the problem; suicide prevention should be strengthened.

**Achievements made: Discrimination:** laws in place to counter discrimination against women (Federal Law on equality between men and women), against some category of foreigners, on sexual orientation, with penal provisions (racist statements are against the law), Federal law against discrimination of disabilities, Article of the Penal Code on discrimination. **Social Insurances:** large panel of social insurances. **Educative system:** also adapted to integrate foreigners. **Monist system:** an International Treaty ratified is immediately part of the National juridical order.

**Responses to the questions/issues raised by NGO's:** *National Human Rights Institution; Draft additional protocol to CESCR; Adoption of a general law to condemn all form of discrimination; Ratification of the Convention of Enforced Disappearances and the Convention on Disabilities is envisaged.*

**Other issues:** economic, social and cultural rights not necessarily justiciable but serve as guidelines for State's practice.

**Answers to written questions:** *New law on political asylum; Treatment of foreigners (Sweden); Asylum (48 hours-rule to provide documents) (United Kingdom); Gender equality: Wage equality is also being promoted (Denmark, United Kingdom); ratification of CEDAW (United Kingdom); Maternal insurance (United Kingdom); Ill-treatment of children (Sweden, United Kingdom); Suicide prevention (Germany, United Kingdom)*

**Interactive Dialogue:**

Number of countries that took the floor

**42 States** took the floor during the interactive dialogue: **28 members States of the Human Rights Council** (Brazil, India, Malaysia, Egypt, Canada, Bosnia and Herzegovina, France, Mexico, Cuba, China, Netherlands, Philippines, United Kingdom of Great Britain and Northern Ireland, Qatar, Senegal, Azerbaijan, Saudi Arabia, Romania, Slovenia, Japan, Guatemala, Nigeria, Germany, Republic of Korea, Russian Federation, Ukraine, Jordan, Italy); **14 non member States** (Algeria, Belgium, Colombia, Morocco, Turkey, Côte d'Ivoire, Portugal, Finland, Norway, Islamic Republic of Iran, Chile, Thailand, Haiti, Mauritania).

**Questions/Issues raised**

**Rights of the Child** – Brazil; *Corporal Punishment* – Italy; *Criminal Responsibility* - Italy ; *Contribution of Civil Society* - Chile; **Migrants and Refugees** – Brazil, Colombia, Romania; *DNA tests applied to foreigners* - Cote d'Ivoire; *Legislation on asylum* – United Kingdom; *Migrants Convention's Ratification* - Senegal; *Popular initiative on naturalization* – Belgium, Finland, Norway; **Racial discrimination** – Brazil; *Measures to fight it* – Egypt, France, Saudi Arabia, Nigeria, Republic of Korea; *definition* - Iran; *Police's attitude* – Haiti; **Freedom of Religion** – Russian Federation, Jordan; **Economic, Social and Cultural Rights: "Justiciability"** – Egypt; *Right to Housing* - Romania; **Federative System: challenges** – Brazil; *non-citizens* – Netherlands; **Slavery: Non prohibition of slavery in the Constitution** – India, Russian Federation; **Torture: Definition** – Mexico; **Development assistance** – Cuba; **Suicide** – Cuba; **Women Rights Wages**– Colombia, Romania, Japan, Portugal, Bosnia and Herzegovina, Chile; *Protection* – China; *Under representation* – United Kingdom, Japan; *Trafficking* - Portugal; **Reservations to CCPR and CERD** – Slovenia, Senegal; **National Human Rights Institution** – Slovenia, Azerbaijan, Saudi Arabia, Mauritania; **Universal Human Rights Index** – Slovenia; **Ratification; Migrants Convention** – Senegal, Turkey; *OP-ICCPR* – Azerbaijan;

*Convention on Enforced Disappearances* – Turkey, Japan; *Convention on disabilities* – Turkey; *OP-CEDAW* – Portugal; **Implementation of human rights obligations at canton's level** – Azerbaijan; **Follow-up of the treaty bodies recommendations** – Norway; **Weapons** – Haiti;

## **Recommendations**

### **Implementation**

- Establishment of a National Human Rights Institution in accordance with the Paris Principles (**Algeria, Canada, Malaysia, India, France, Philippines, United Kingdom, Germany,**
- Ratification of the Convention on Enforced or Involuntary Disappearances (**France**)
- Withdrawal of the reservation to the Convention on Elimination of all Form of Discrimination (**Cuba**)
- Ratification of the Optional Protocol to the Convention Against Torture (**United Kingdom**)

### **Discrimination**

- Following the Committee on Elimination of all Form of Discrimination's recommendation to avoid discrimination and xenophobia (**Algeria, Guatemala, Thailand, Egypt, Morocco**)
- Measures of prevention of acts of violence committed by the police on a discriminatory or racist basis against foreigners, and bring perpetrators to justice (**Nigeria**)
- Formation and sensitization of the police on the discrimination (**Canada**)
- Introduction of a law against incitement to racial hatred (**Egypt**)

### **Migrants and Refugees Rights**

- Legislation
- Ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (**Algeria, Egypt, Morocco, Philippines, Colombia**)
- Formulation of a comprehensive strategy on women migrants (**Islamic Republic of Iran**)
- Undertake an internal analysis of the law of asylum (**Brazil**)

### **Women's Rights**

- Strengthen efforts to guarantee gender equality in labor market (**Netherlands**)
- Ratification of Optional Protocol to the Convention on Elimination of Discrimination against women (**Brazil, Portugal, Germany**)
- Withdrawal of all reservations on the Convention on Elimination of Discrimination against Women (**Germany**)
- Address roots causes of gender based discrimination (**Slovenia**)
- Protection of migrant women (**Slovenia**)

### **Economic, Social and Cultural Rights**

- Justiciability of the Economic, Social and Cultural Rights (**Egypt**)

### **Civil and Political Rights**

- Legislative measures on the popular initiative to avoid incompatibility with the human rights obligations of the State (**Belgium**)

### **Civil Society**

- Continuing to consult the Civil Society for the follow-up (**United Kingdom**)

### **Sexual Orientation**

- To take further steps to avoid discrimination on basis of the sexual orientation (**Netherlands, United Kingdom**)

### **Freedom of Expression and Opinion**

- Take measure to have a balance between freedom of expression and respect of religion (**Qatar**)

### **Rights of the Child**

- Prohibit corporal punishment through legislation (**Italy**)

- Distinct treatment for criminals under 18 years (**Canada**)
- Pay particular attention to children asylum seekers, refugees (**Algeria**)

### **Development Assistance**

- Strengthen assistance to developing countries, in accordance to the Millennium Development Goals (**Cuba**)

### **Answers provided by the delegation (to issues/questions as well as to recommendations)**

**Rights of the Child** (Brazil, Italy) - *Contribution of Civil Society* - Chile; **Migrants Rights** (Brazil, Cote d'Ivoire, Netherlands, Nigeria, Republic of Korea); **Racial Discrimination** (Brazil, Egypt, France, Haiti); **Federative System** (Netherlands, Brazil); **Economic, Social and Cultural Rights** (Egypt); **Development Assistance** (Cuba); **Asylum Law** (United Kingdom, Finland, Norway, Belgium); **Human Rights Index** (Slovenia); **Sexual orientation**; **Freedom of expression and religion** (Qatar); **Reservations to CERD** (Senegal); **Ratification of Migrants Convention, of the Convention on enforced disappearances and convention on disabilities** (Senegal, Turkey, Japan); **Rights to Housing** (Romania); **Women Rights** (Portugal); **Treaty Bodies recommendations** (Norway); **Weapons** (Haiti); **Implementation of human rights obligations at canton's level** – Azerbaijan.

### **Issues for follow-up**

Ratification of the **OP-CEDAW**; Ratification of the Convention on **disabilities**; Ratification of the Convention on **Enforced Disappearances**; follow-up to the Recommendations; Legislative measures on the **popular initiative on naturalizations** to avoid incompatibility with the human rights obligations of the State; Withdrawal of all **reservations** on the Convention on Elimination of Discrimination against Women; Withdrawal of the **reservation** to the Convention on Elimination of all Form of Discrimination; Undertake an internal analysis of the **law of asylum**; Introduction of a law against incitement to racial hatred; Establishment of a **National Human Rights Institution** in accordance with the Paris Principles; Ratification of the **Optional Protocol to the Convention Against Torture**.

### **Human Rights mentioned in the NGOs reports but not raised during the review**

**Torture and ill treatment (non-refoulement and use of diplomatic assurances)**; Weapons used by the police (**lachrymal bombs**); **impunity** of the police; jails overcrowding and **conditions of detention**; **Administrative Detention**; **Pre-trial detention**.

### **Human Rights mentioned during the review but on which the delegation did not give a response**

**Rights of the Child: Criminal Responsibility** - Italy; **Racial discrimination: definition** - Iran; **Police's attitude** – Haiti; **Freedom of Religion** – Russian Federation, Jordan; **Slavery: Non prohibition of slavery in the Constitution** – India, Russian Federation; **Torture: Definition** – Mexico; **Suicide** – Cuba; **Women Rights Wages**– Colombia, Romania, Japan, Portugal, Bosnia and Herzegovina, Chile; **Protection** – China; **Under representation** – United Kingdom, Japan; **Trafficking** - Portugal; **Reservations to CCPR and CERD** – Slovenia, Senegal; **National Human Rights Institution** – Slovenia, Azerbaijan, Saudi Arabia, Mauritania; **Ratification**; Turkey; **OPICCPR** – Azerbaijan; **OP-CEDAW** – Portugal.

### **Speaking times**

Overall duration of the review: 3 hours and 5 minutes

#### Of Switzerland

- During its opening statement: *28 minutes*
- Overall speaking time employed to respond to other States' questions during the interactive dialogue: *35 minutes*
- Concluding remarks: *2 minutes*

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