



Promoting and strengthening
the Universal Periodic Review

Recommendations & Pledges

SWITZERLAND

Second Review Session 14

Review in the Working Group: 29 October 2012
Adoption in the Plenary: 14 March 2013

Switzerland's responses to recommendations (as of 22.05.2013):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
50 recs accepted, 4 rejected and 86 pending	Out of the 86 recs pending, 49 were accepted and 37 rejected	No additional information provided	Accepted: 99 Rejected: 41 No clear position: 0 Pending: 0 Total: 140

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/22/11:

122. The recommendations formulated during the interactive dialogue/listed below enjoy the support of Switzerland:

A - 122.1. Ratify CED (Spain) (France); Consider the possibility of accession to CED (Paraguay (Argentina));

A - 122.2. Ratify CRPD (Spain) (France) (India) (Hungary) (Greece) (Slovakia); Take further measures to ratify CRPD (Iraq); Continue the consultation process to ratify the CRPD (Chile); Implement the ratification of CRPD (Egypt); Encourage ratification of CRPD (Mexico); Accelerate the process of ratification of CRPD (Rwanda); Consider the possibility of accession to CRPD (Paraguay); Ratify CRPD as soon as possible (China);

A - 122.3. Expedite its accession to CRPD and other outstanding human rights treaties, particularly

those that it had committed to during the last UPR (Bhutan);

A - 122.4. Pursue ratification of international human rights instruments and ensure their implementation (Benin); Intensify its efforts to sign and ratify international human rights instruments to which it is not yet a party, particularly those which it committed to sign and ratify (Cambodia); Pursue the process of ratification of international human rights instruments (Cote d'Ivoire);

A - 122.5. Take effective measures and step up its efforts to combat xenophobia and racism so as to promote harmonious co-existence among ethnic and religious communities (China);

A - 122.6. Continue to implement programmes and measures to combat and prevent racism, racial discrimination and xenophobia, and ensure further progress in terms of equal opportunities (Cuba);

A - 122.7. Complement the efforts in the field of the integration of foreigners with an active commitment to fighting discrimination (Ecuador);

A - 122.8. Take further measures to combat racial discrimination, xenophobia and other forms of intolerance (Sri Lanka);

A - 122.9. Continue to work to prevent and combat incidents of racist and anti-semitic and extremist expressions and actions which have occurred in Switzerland in recent times (Russian Federation);

A - 122.10. Intensify its efforts to fight discrimination and intolerance, mainly towards asylum seekers, migrants and persons of African origin (Tunisia);

A - 122.11. Provide access for all asylum and repatriation detainees to attorneys, as well as consular notification and access consistent with applicable international legal obligations, including Article 36 of the Vienna Convention on Consular Relations, to detained foreign nationals (United States of Americas);

A - 122.12. Intensify its efforts to fight against racism, intolerance and xenophobia in society (Algeria);

A - 122.13. Continue its efforts to ensure a better integration of foreigners in the Swiss society (Angola);

A - 122.14. Intensify efforts inter alia through education and awareness-raising aimed at combatting prejudices against ethnic minorities (Poland);

A - 122.15. Promote inter-ethnic dialogue and tolerance, particularly at the cantonal and communal levels (Poland);

A - 122.16. Continue measures for the implementation of effective migration policies (Armenia);

A - 122.17. Continue the policy of protection of national minorities and promotion of religious tolerance (Armenia)

A - 122.18. Address the situation of migrants and travellers (Bangladesh);

A - 122.19. Ensure protection of refugees, migrants and members of their families, including their social integration in line with international standards (Belarus);

A - 122.20. Continue its policy to improve the lives of certain categories of persons belonging to minorities, such as the "travellers" (Burundi);

A - 122.21. Reduce the inequalities in the labour market by adopting and implementing an effective strategy, with special attention to women (Netherlands);

A - 122.22. Take action against income inequality between men and women in similar positions and with a similar degree of work (Spain);

A - 122.23. Adopt measures to reduce gender inequality in the labour market (Bangladesh);

- A - 122.24. Continue action to ensure the equality of men and women in the work place, including the implementation of programmes to combat wage gaps (Sri Lanka);
- A - 122.25. Increase its efforts to achieve concrete equality between women and men in the professional framework (Burundi);
- A - 122.26. Continue taking steps so as to reinforce women's representation in leadership and decision-making positions (Romania);
- A - 122.27. Consider developing a comprehensive plan to combat trafficking in human beings (Poland);
- A - 122.28. In the fight against trafficking in human beings, step up cooperation with countries of origin, protect victims, and prosecute and punish those responsible (Republic of Moldova);
- A - 122.29. Adopt a strategy to combat trafficking in persons, particularly women and children, improve the protection of victims and prosecute and punish perpetrators (Greece);
- A - 122.30. Step up national efforts to prevent trafficking in persons (Libyan Arab Jamahiriya);
- A - 122.31. Intensify efforts to combat trafficking in persons and provide adequate resources and services in relation to those efforts (Malaysia);
- A - 122.32. Further develop its strategy to combat trafficking and sexual exploitation in cooperation with countries of origin (Hungary);
- A - 122.33. Step up its efforts to raise awareness on the issue of human trafficking, in particular sex trafficking, targeting the general public as well as potential clients of the sex trade (Canada);
- A - 122.34. Develop a national strategy to combat the sale and sexual exploitation of women (Belarus);
- A - 122.35. Take new measures, where necessary, concerning female victims of domestic violence (Republic of Moldova);
- A - 122.36. Continue efforts pursued thus far to combat gender violence (Spain);
- A - 122.37. Take measures to combat domestic violence, particularly against women (Russian Federation);
- A - 122.38. Continue providing training for police officers, prosecutors, judges and lawyers on the scope and enforcement of the Criminal Code provision prohibiting racist acts (Mexico);
- A - 122.39. Investigate cases of excessive use of force during arrest, detention and questioning of suspects (Russian Federation);
- A - 122.40. Continue measures to combat activities by transnational criminal and terrorist elements and their front organisations in Switzerland, with a view to ensuring that the perpetrators of such crimes are brought to justice (Sri Lanka);
- A - 122.41. Consider the possibility of enhancing the measures required for the protection of the rights of the elderly (Argentina);
- A - 122.42. Continue effective implementation of article 261 bis of the Criminal Code, which highly contributes to the elimination of impunity and prevents crimes against humanity, in particular genocide (Armenia);
- A - 122.43. Take the measures necessary to amend the Penal Code in such a way that the use of a child between 16 and 18 for prostitution is prohibited (Greece); Take measures to amend the Criminal Code to forbid the involvement of children from age 16 to 18 in prostitution (Uzbekistan);

A - 122.44. Increase its efforts to carry out public-awareness campaigns on the negative effects of violence against children, especially corporal punishment (Iran (Islamic Republic of));

A - 122.45. Reinforce its measures in the new National Strategy to Combat Poverty so that disadvantaged and marginalized individuals and groups would benefit (Iran (Islamic Republic of));

A - 122.46. Strengthen public policies so that children from disadvantaged backgrounds and foreign origin may enjoy the best possible level of education (Paraguay);

A - 122.47. Strengthen cooperation with UN human rights mechanisms, treaty bodies and special procedures (Cote d'Ivoire);

A - 122.48. Increase efforts to implement all the recommendations it had committed to during its previous UPR (Bahrain);

A - 122.49. Consult NGOs in the follow-up of the UPR outcome, in order to achieve the practical application and implementation of the recommendations (Netherlands);

A - 122.50. Continue to protect and promote human rights (Chad);

123. The following recommendations will be examined by Switzerland, which will provide responses in due time, but no later than the twenty-second session of the Council:

R - 123.1. Ratify the Optional Protocol to CRPD (Spain) (Slovakia) (Hungary); Encourage ratification of the Optional Protocol to CRPD, as well as the establishment of a priority national program to address this agenda (Mexico);

R - 123.2. Ratify the first Optional Protocol to ICCPR (Spain); Accede to the first Optional Protocol of ICCPR (Bulgaria) (Belarus); Step up its efforts towards ratification of the first Optional Protocol to ICCPR (Chile); Ratify the first Optional Protocol to ICCPR before the next UPR cycle (Hungary); Consider acceding to the first Optional Protocol to ICCPR, in order to improve the human rights protection of the persons subject to its jurisdiction (Uruguay);

R - 123.3. Ratify the Optional Protocol to CESCR (Spain);

A - 123.4. Consider early ratification of the third Optional Protocol to the CRC on a communications procedure (Slovakia); Consider signing and ratifying the Optional Protocol to the CRC on a communications procedure (Liechtenstein);

R - 123.5. Ratify the 1961 Convention on the Reduction of Statelessness (Slovakia);

A - 123.6. Consider ratifying ILO Convention No. 189 (Philippines);

R - 123.7. Withdraw remaining reservations to the CRC (Slovenia);

R - 123.8. Withdraw its reservations to article 10, paragraph 1, of CRC (Uruguay)

R - 123.9. Withdraw its reservations to Article 37 (c) of CRC (Uruguay)

R - 123.10. Withdraw its reservations to Article 40 of CRC (Uruguay);

R - 123.11. Withdraw remaining reservation to CEDAW (Slovenia);

A - 123.12. With regard to Article 16 paragraph 1 (g) of CEDAW, withdraw reservations from the Convention on the Elimination of All Forms of Discrimination against Women, especially in view of the modification of the Swiss naming rights and citizenship law which are foreseen to enter into force in January 2013 (Germany);

R - 123.13. Implement withdrawal of reservations on ICERD (Egypt);

R - 123.14. Consider the possibility of withdrawing its reservation to Article 4 of ICERD (Cuba);

R - 123.15. Include in its Criminal Code a definition of torture (South Africa);

R - 123.16. Include a definition of torture in its Criminal Code incorporating all elements contained in Article 1 of CAT (New Zealand); Introduce in the Penal Code a definition of torture that incorporates all the elements provided for in CAT (Costa Rica);

A - 123.17. Further develop its institutional and human rights infrastructure, including the appointment of a federal ombudsperson (Bulgaria);

A - 123.18. Undertake measures in conformity with the Paris Principles regarding the Swiss Centre of Expertise in Human Rights (Bulgaria); Increase efforts to develop the Swiss Resource Centre for Human Rights into a national human rights institution in compliance with the Paris Principles (Malaysia); Convert the Swiss Resource Centre for Human Rights into a wholly independent national human rights institution, in compliance with the Paris Principles, when the pilot project ends in 2015 (New Zealand);

A - 123.19. Adopt the necessary measures to convert the Swiss Resource Centre for Human Rights into a national human rights institution in compliance with the Paris Principles, giving it a broad human rights mandate (Slovenia);

A - 123.20. Consider establishing a national human rights institution in compliance with the Paris Principles (Poland);

A - 123.21. Establish an independent national human rights institution in accordance with the Paris Principles (Russian Federation); Establish a National Human Rights Institution in compliance with the Paris Principles (Greece);

A - 123.22. Establish a national human rights institution with a broad mandate and sufficient financial and human resources, in accordance with the Paris Principles (Uruguay);

R - 123.23. Establish ombudsmen federal mechanisms in compliance with the Paris Principles, ensuring their full independence from the State, and adjust those which currently exist to these principles (Nicaragua);

R - 123.24. Establish anti-discrimination ombudsmen in each of its cantons (Australia)

R - 123.25. Extend the mandate of the Federal Commission to deal with complaints of racism and incitement to xenophobia (Libyan Arab Jamahiriya);

R - 123.26. Strengthen further the powers of the Swiss Federal Commission against Racism in line with the Council of Europe's recommendations (Australia);

R - 123.27. Reinforce its efforts to combat racism by taking measures to adopt comprehensive anti-discrimination legislation (Canada); Adopt a comprehensive anti-discrimination legislation (Brazil);

R - 123.28. Adopt national legislation against discrimination (France);

R - 123.29. Adopt a comprehensive anti-discrimination law enforced uniformly throughout the Confederation (Greece); Enact a comprehensive anti-discrimination law enforced uniformly throughout the Confederation (India); Adopt a comprehensive anti-discrimination law aimed at preventing racial discrimination, and ensure that it is applied to the whole territory of the Swiss Federation (Uzbekistan);

A - 123.30. Continue with the necessary legislative reforms in the fight against racial discrimination (Spain)

A - 123.31. Adopt comprehensive anti-discrimination strategies (Egypt)

A - 123.32. Adopt a national plan against racism, discrimination, xenophobia and other forms of intolerance (Costa Rica); Adopt an action plan to fight racial discrimination (Spain);

A - 123.33. Adopt a national action plan and legislation to prevent and combat racism, racial discrimination, xenophobia and related intolerance, including a comprehensive definition of racial discrimination (South Africa);

A - 123.34. Adopt a national plan and legislation against racial discrimination, xenophobia and other forms of intolerance (Jordan);

R - 123.35. Continue to ensure better protection of the rights of all citizens through implementing an anti-discrimination law which could effectively protect different social groups, particularly the most vulnerable (Cambodia);

R - 123.36. Take appropriate measures in combating racist, islamophobic and xenophobic attitudes in the country, particularly against members of the Muslim community, and also adopt a comprehensive anti-discrimination law to be enforced uniformly throughout the Confederation (Iran (Islamic Republic of));

A - 123.37. Strengthen measures to reinforce existing mechanisms on combating all forms of discrimination, particularly racial discrimination, including by adopting a specific law prohibiting incitement to hatred based on racial and religious motives, in accordance with article 20, paragraph 2, of the International Covenant on Civil and Political Rights (Indonesia);

A - 123.38. Take additional measures required to combat racial, ethnic and religious discrimination (Argentina);

R - 123.39. Adopt further anti-discrimination measures, including implementing the Council of Europe's recommendation for Switzerland to adopt comprehensive anti-discrimination legislation and prohibit discrimination regarding employment and accommodation in civil matters (Australia);

A - 123.40. Pay more attention to monitoring and combatting violations of the rights of religious and national minorities, including through the possible development of corresponding programmes which would take into account the ethno-cultural traditions of migrants, and, at the same time, help their integration in the Swiss society (Russian Federation);

R - 123.41. Considers conducting a broader public education and awareness campaign with the aim of overcoming the negative preconceptions against foreign nationals and immigrants among the Swiss population (Timor-Leste);

A - 123.42. Increase efforts designed to reinforce mutual understanding between the migrant communities and Swiss society in general (Turkey)

A - 123.43. Pay particular attention to the training of law enforcement agents in the sphere of combatting discrimination and promoting human rights (Turkey);

A - 123.44. Promote continuous training on human rights for police officers (Nicaragua);

R - 123.45. Establish an independent mechanism in all cantons of the country with a mandate to investigate all complaints about excessive use of force, cruel treatment and other police abuse (Uzbekistan);

A - 123.46. Continue to take the necessary steps to prevent incidents of acts of violence with racist and xenophobic reasons by security agents against foreigners, immigrants and asylum seekers and to bring to justice the perpetrators of such acts (Brazil);

A - 123.47. Put in place independent inquiries on the use of excessive force during deportations (France);

A - 123.48. Pursue efforts to combat xenophobia and to train police officers, prosecutors, judges and future legal professionals in the scope and application of the relevant legal framework (Ireland);

R - 123.49. Take necessary measures to expand the provisions of the Criminal Code on hate speech in order to include grounds which go beyond hatred based on race, religion or origin of the individual,

integrating such factors as language, colour, sex, mental or physical disability, sexual orientation or other similar grounds (Canada);

A - 123.50. Continue efforts to combat racial discrimination, particularly against migrant workers and their families, religious minorities, particularly against Muslims, and linguistic minorities (Libyan Arab Jamahiriya);

A - 123.51. Take more effective measures to combat racism, racial discrimination and xenophobia against minority groups in the country, in particular the Muslims (Malaysia);

A - 123.52. Step up awareness-raising campaigns and encourage dialogue with different religions and ethnic groups to establish legal mechanisms to facilitate access of all migrants to their rights (Libya Arab Jamahiriya);

A - 123.53. Take legal proceedings on complaints as to racial discrimination and incitement to racial and religious hatred (Iran (Islamic Republic of));

R - 123.54. Provide adequate accommodation for refugees and asylum seekers and their children, away from unhealthy locations such as near airports (Namibia);

A - 123.55. Take more active measures to decrease the level of unemployment of migrants, particularly among women and young people (Russian Federation);

A - 123.56. That the Federal authorities take a closer interest in ensuring that the concerns of irregular migration are handled at the cantonal levels with similar empathy, in a manner consistent with the spirit of international human rights and humanitarian law (Nigeria);

R - 123.57. Provide teaching of the mother-tongue to migrant children more effectively, with improved cooperation with the Suisse communal authorities (Turkey);

A - 123.58. Provide concrete legal measures against hate speech and incitement (Egypt);

R - 123.59. Introduce prompt constitutional and legislative measures ensuring that "popular initiatives" do not violate the human rights of certain individuals or groups (Egypt);

R - 123.60. Put in place institutional guarantees to ensure that its human rights commitments are protected against popular initiatives that may violate these commitments (Norway);

A - 123.61. Invite to the country the Special Rapporteur on Contemporary Forms of Racism, the Special Rapporteur on the Human Rights of Migrants, and the Special Rapporteur on Torture (Belarus);

A - 123.62. Enhance national policies for the freedom of religion and other practices of minorities (Thailand)

A - 123.63. Enforce and enhance relevant laws and regulations for the freedom of religion and other practices of minorities (Thailand);

A - 123.64. Take the measures necessary to ensure freedom of expression in accordance with article 19 of ICCPR and General Comment 34 of the Human Rights Committee (Turkey);

A - 123.65. Ensure that freedom of expression is without unnecessary restrictions to ensure freedom of religion (Namibia);

A - 123.66. Protect victims of trafficking in persons by allocating additional resources and services in all cantons, and prosecute and punish perpetrators according to the severity of their crime (Honduras);

A - 123.67. Adopt and promote human trafficking legislation that focuses on the sexual exploitation of women and girls and provides full support to victims, and which factors in the role of cantons (United Kingdom of Great Britain and Northern Ireland);

A - 123.68. Design a strategy against trafficking and sexual exploitation of women and girls covering the proper detection and protection of victims, with an impact on the whole country (Mexico);

A - 123.69. Encourage the expansion of the bilateral cooperation between the Swiss and Romanian task forces against human trafficking to more countries of origin (Maldives);

A - 123.70. Specify the criteria that apply to the consideration of violence when extending residence permits for victims of domestic violence, to facilitate their fair, standardised and transparent application (New Zealand);

A - 123.71. Ensure that victims of domestic violence have access to immediate remedies and protection, and review legislation on residence permits with a view to avoiding the effect that the application of the law might have in practice, forcing women to remain in abusive relationships (South Africa);

A - 123.72. Take measures to increase the representation of women, including through temporary special measures (Norway); Adopt temporary special measures to increase the participation of women in all fields (Jordan);

A - 123.73. Take firm measures against discrimination in all forms and in particular that against foreign women (Viet Nam);

A - 123.74. Move towards establishing gender equality offices in all cantons to enable coordination at the Federal Level (Trinidad and Tobago);

R - 123.75. Adopt measures to reduce gender inequality in the labour market, allowing women and men to reconcile family and professional responsibilities, including by providing sufficient pre-school education facilities and places of childcare (Slovakia);

R - 123.76. Adopt federal legislation in order to provide protection against all forms of discrimination, including on grounds of sexual orientation and gender identity (Norway);

R - 123.77. Introduce legislation, uniformly across the Confederation, that explicitly protects LGBT persons from discrimination, and take into account the issues faced by LGBT persons when creating a general act on equal treatment (Ireland);

A - 123.78. Give consideration to incorporating the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, also known as the "Bangkok Rules", as part of its policy on the treatment of prisoners (Thailand);

R - 123.79. Build or designate detention facilities for unaccompanied minors seeking immigration protection separate from adult facilities (United States of America);

R - 123.80. Protect minors and ensure that imprisonment of minors is separated from imprisonment of adults (Uzbekistan);

R - 123.81. Establish an explicit legal ban on corporal punishment of children in the home (Liechtenstein);

A - 123.82. Continue promoting social values among children and youth through public programs, so that they contribute to their full development and prevent tragedies such as suicide or drug use (Nicaragua);

A - 123.83. Play an effective role to operationalize the right to development at the international level (Pakistan);

A - 123.84. Increase assistance to developing countries, up to the level of 0.7 per cent of GNP, in line with UN recommendations (Kuwait); Increase the level of its contribution of official development assistance to reach at least the threshold of 0.7 percent of GNP (Bangladesh);

R - 123.85. Undertake an impact assessment on the possible consequences of its foreign trade

policies and investment agreements on the enjoyment of economic, social and cultural rights by the population of its partner countries (Bangladesh);

A - 123.86. Continue its leadership in the Human Rights Council on human rights and environment, including through its support to the newly appointed Independent Expert on Human Rights and Environment (Maldives);

124. The recommendations below did not enjoy the support of Switzerland:

R - 124.1. Consider ratifying ICRMW (The Philippines) (Indonesia); Ratify ICRMW (Rwanda); Accede to ICRMW (Belarus); Implement ratification of ICRMW (Egypt); Ratify the ICRMW, and ensure its domestic implementation (Timor-Leste); Ratify ICRMW, to ensure a better provision of the rights and concerns of this vulnerable group (Algeria);

R - 124.2. Enact legislation to prohibit any organisation which promotes or incites racism and racial discrimination (Trinidad and Tobago); Enact legislation that declares illegal and prohibits any organisation which promotes or incites racism and racial discrimination (Pakistan);

R - 124.3. Lift the prohibition on the construction of minarets which was held by the High Commissioner for Human Rights and the Special Rapporteur on the Freedom of religion or belief to be clearly discriminatory (Turkey);

R - 124.4. Agree on comprehensive legislation in a manner that all economic, social and cultural rights can be homogenously addressed by the Federal Government and the cantons; and guarantee effective judicial remedies for the violation of the rights enshrined therein (Iran (Islamic Republic of));

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