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Working Group on the Universal Periodic Review

Fourteenth session

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### Draft report of the Working Group on the Universal Periodic Review\*

### Switzerland

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\* The final document will be issued under the symbol A/HRC/22/11. The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourteenth session from 22 October to 5 November 2012. The review of Switzerland was held at the 9<sup>th</sup> meeting on 29 October 2012. The delegation of Switzerland was headed by Federal Councillor Didier Burkhalter. At its 13<sup>th</sup> meeting held on 31<sup>st</sup> October 2012, the Working Group adopted the report on Switzerland.
2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Switzerland: Belgium, Costa Rica, Nigeria.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Switzerland:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/14/CHE/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/14/CHE/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/14/CHE/3).
4. A list of questions prepared in advance by Denmark, Germany, Finland, Maldives, Mexico, the Netherlands, Norway, Slovenia and the United Kingdom was transmitted to Switzerland through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The Swiss delegation noted that human rights were part of the core values of Switzerland's political and legal system. They were enshrined in its Constitution as well as its internal and foreign policy. Due to these rights, Swiss nationals as well as all those who had found a safe haven in Switzerland were living together in diversity and freedom, with mutual respect and equal opportunities. It was also for this reason that Switzerland was proud to host here in Geneva the Human Rights Council and OHCHR.
6. The delegation noted that the Federal Council considered the level of human rights protection in Switzerland to be good. However, no country in the world could afford to be complacent in this regard. Respect for human rights remained a permanent task. In this regard, Switzerland considered the UPR as an opportunity for dialogue. The preparation for the review had been characterized by close cooperation with representatives of the Cantons as well as non-governmental organizations, which had welcomed the open and productive atmosphere in which consultations had been held.
7. The Swiss State was based on four main principles, namely democracy, rule of law, federalism and solidarity. These principles guaranteed the unity as well as the diversity by which the Confederation was characterized, the continuation of the tradition of sharing and balancing of powers, and the proximity between these powers and the citizens.

8. Democracy ensured the responsibility and engagement of citizens. The Swiss democratic system encouraged dialogue and the search for solutions by consensus, with due regard to the concerns of minorities.

9. The rule of law served as a guarantee for fundamental freedoms, and all efforts were taken to preserve and strengthen it. An important step in the unification of laws had been the entry into force, in January 2011, of several laws and codes of procedure at the federal level, which had replaced corresponding laws of the Cantons. These federal laws, which included in particular the Criminal Procedure Code, the Code of Criminal Procedure in Juvenile Justice, and the Civil Procedure Code, constituted a further step in strengthening equality before the law, predictability in the judicial system and human rights protection.

10. The third principle, federalism, meant that authority was distributed according to the principle of subsidiarity. Thus, it was not the Central State which gave directives to the regions, but rather the different states of which the Federation was composed which delegated competencies to the Federal State. In this way, public functions were executed at the communal and cantonal levels, which brought the State close to the citizens and facilitated dialogue between them and the authorities. The interests of different groups could thus be taken into account, with due respect for minorities. Federalism and the protection of minorities were the institutional expression of the cultural, linguistic and religious diversity of Switzerland.

11. Finally, the principle of solidarity alluded to the social functions of the State. It was reflected in the preamble of the Constitution, which provided that “the strength of the community is measured by the well-being of its weakest members”. The social responsibility of the State thus implied a commitment in favour of the most vulnerable individuals, as well as policies promoting job creation and countering exclusion.

12. Concerning the commitments made by Switzerland during the first cycle, the delegation referred to the completed ratification of OP-CAT and the Optional Protocol to CEDAW. In addition, a number of ratification procedures were currently under way, including with regard to the International Convention on enforced disappearances, and the Convention on the rights of persons with disabilities. Discussions were also ongoing concerning the possible ratification of the first Optional Protocol to ICCPR.

13. Switzerland also recognized the importance of giving individuals recourse to complaints mechanisms. Complaints on rights violations could be brought before the European Court of Human Rights as well as before CAT, CERD and CEDAW. Where violations were found, measures had been taken to avoid their re-occurrence.

14. In addition to existing official and independent consultative mechanisms at the federal and cantonal levels, two new institutions had been created in 2010 and 2011, namely the National Commission for the Prevention of Torture, and the Swiss Resource Centre for Human Rights. The establishment of the latter institution had been undertaken with a view to creation of a national human rights institutions conforming to the Paris Principles, on which a decision would be taken by the Federal Council after completion of the pilot phase in 2015.

15. With regard to racial discrimination, the delegation noted that Switzerland followed an integration policy that included active measures against all forms of discrimination. Thus, by 2014, integration and anti-discrimination programmes had been developed in all Cantons. The access of victims to judicial protection is a central element of this development. Aware of the dangers which extremist ideologies may engender, Switzerland had initiated a national research programme on the extreme right, the results of which had been published in 2010.

16. Although the number of incidents of police brutality of a racist nature had risen in recent years, the number remained relatively low. In order to obtain their licence, police officers have to pass an exam on ethics and human rights. In addition to existing training in human rights, trainings in inter-cultural understanding and diversity had been instituted for police personnel.

17. Concerning human trafficking and sexual exploitation, a national information and prevention campaign had been conducted in 2008, and cooperation agreements to facilitate the identification and protection of victims as well as the prosecution of perpetrators had been concluded with 13 cantons in 2011. In addition, a Law for the protection of witnesses had been adopted.

18. Regarding fundamental freedoms, Switzerland emphasized the existing diversity of religions, and efforts to ensure the peaceful coexistence of the different religious communities, without discrimination or exclusion. Concerning the popular initiative on the prohibition of the construction of minarets, the delegation emphasized that the ban did neither touch on existing minarets, nor on the construction of new places of worship. Since 2009, the federal authorities had engaged in dialogue with the Muslim population with a view to addressing fears and pre-conceptions.

19. Further to several milestones it celebrated in 2011 concerning gender equality, Switzerland emphasized its efforts with regard to the principle of equal wages, in the area of domestic violence and the prohibition of forced marriages and FGM.

20. Regarding children and youths, Switzerland noted that it had signed, in 2010, the Council of Europe Convention on the exploitation and sexual abuse of children, and submitted reports under the optional protocols to the CRC. It had also taken steps nationally to strengthen legislative and practical measures for the protection of children, including on the aspects of international child abduction or protection against cybercrime, and to take account more fully of the particularities of children during civil procedures or in the juvenile justice system. Switzerland reaffirmed that corporal punishment of children in school was prohibited in all Cantons.

21. Concerning persons with disabilities, Switzerland highlighted existing national legislation and policy measures, and progress achieved in eliminating inequalities, including with regard to access to buildings, public transport and other services. The ratification of the UN Convention in this area was under way.

22. Furthermore, the delegation noted that measures would also be taken in the coming years to improve the legal framework for same sex couples. Starting 2013, registered partnerships will have the same rights as married couples with respect to name. In addition, conditions for the changing of name, sex or civil status will be relaxed.

23. In relation to national minorities, the delegation highlighted important improvements concerning linguistic minorities, but acknowledged that the question of places of stay and transit for travellers remained a delicate subject of discussion.

24. In line with its humanitarian tradition, Switzerland aimed to pursue a welcoming migration policy, offering good conditions for regular migrants and a functioning asylum system. The ongoing public debate in this area had to be seen in the context of the proportion of foreign residents in the country, which, with 22 percent, was among the highest on the continent. A number of measures were envisaged to further facilitate integration, and additional resources were allocated to fight discrimination in the areas of education and work, and in residential areas.

25. Regarding victims of domestic violence, the legislation envisaged a right to stay after the dissolution of the family in certain circumstances. For victims of trafficking, a

reflection period of one month and a permit to stay for the duration of the criminal procedure could be granted, subject to further extension in the most severe cases.

26. In 2011, legislative amendments had also been made with regard to the deportation of persons in an irregular situation, which had made the execution of deportations more transparent and subject to independent control.

27. In conclusion, the delegation emphasized the importance which Switzerland placed on defending the universal application of human rights, noting that the federal and cantonal governments were actively committed to that purpose. Although not everything was perfect, human rights were so intimately linked to the culture and values of Switzerland that it was impossible to imagine its very existence without human rights.

## **B. Interactive dialogue and responses by the State under review**

28. During the interactive dialogue, 80 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

29. Maldives thanked Switzerland for the responses to its advance questions. Maldives acknowledged the efforts by Switzerland since the last review but stated that human rights can always be improved in every country. Maldives made recommendations.

30. Mauritania stated, despite legal provisions to guarantee gender equality at all levels, disparities still existed in the labour sector. It encouraged Switzerland to complement political and legal strategy with a socio-cultural and educational approach. Mauritania encouraged Switzerland to continue to promote a coherent approach for promotion of human rights, particularly in the field of treatment of migrants, fight against racism, xenophobia and other forms of discrimination.

31. Mexico highlighted the ratification of the Optional Protocol to CEDAW and OP-CAT as well as the recent establishment of a national commission to prevent torture. It hoped for a prompt ratification of the Convention on Enforced Disappearances. Mexico made recommendations.

32. Morocco asked about developments in the consultations on the ratification of the Convention on the Rights of Persons with Disabilities and the first Optional Protocol to the International Covenant on Civil and Political Rights. It encouraged Switzerland to pursue its efforts in the fight against religious intolerance and ethnic and racial profiling. It asked about measures envisaged for effective coordination between the Confederation and the cantons for implementation of recommendations from the UPR and treaty bodies.

33. The Netherlands commended Switzerland on its good overall human rights record, but stated that challenges still remained, one of which was gender equality, especially in the labour market. It was pleased to note that many NGOs had been consulted in the process of preparing the national report. It made recommendations.

34. New Zealand welcomed the establishment of a National Commission for the Prevention of Torture and acknowledged the existence of bodies working to protect human rights. It remained concerned about issues faced by migrant women, particularly the residence status of those who become victims of domestic violence. It made recommendations.

35. Nicaragua recalled that during its first review Switzerland had received several recommendations regarding social challenges such as the situation of migrants, asylum requests and trafficking in persons. It acknowledged the progress achieved in these areas. Nicaragua made recommendations.

36. Nigeria welcomed the ongoing efforts of Switzerland to ensure that popular initiatives to amend the Swiss constitution are more compatible with international law. It also welcomed the establishment of the Resource Centre for Human Rights and commended Switzerland for granting residence permits to individuals whose repatriation would have constituted a violation of the principle of non-refoulement under the Convention against Torture. It made a recommendation.

37. Norway was concerned at reports of weak institutional guarantees against discrimination and initiatives incompatible with international human rights standards, such as the ban on constructing minarets, and the under-representation of women in decision-making positions in public office, political parties, the diplomatic service and the judiciary. Norway made recommendations.

38. Pakistan expressed concern that Switzerland's reputation as an open and tolerant country embracing diversity had been tarnished following the ban on constructing minarets. It was also concerned that no legal measures had been adopted to monitor the activities of political parties promoting racism and intolerance. Pakistan made recommendations.

39. Palestine noted efforts to coordinate measures to prevent racism and xenophobia, but was concerned at negative attitudes of part of the population towards foreigners and minorities. It encouraged Switzerland to continue its efforts to prevent and combat xenophobia. Concerning trafficking of women and girls, it noted the adoption of a comprehensive strategy prevent such crimes and bring to justice those responsible.

40. Paraguay recognized the high degree of human rights protection in Switzerland and acknowledged the ratification of the Optional Protocol to CRC regarding the sale of children. Paraguay also noted the Swiss approach to persons with disabilities. Paraguay made recommendations.

41. The Philippines applauded the adoption of policies and programmes strengthening gender equality and women's rights in Switzerland. It hailed the approval of the ratification of the European Convention on Action against Trafficking in Human Beings. It was concerned that migrants, especially women, remained vulnerable to abuse and exploitation. It made a recommendation.

42. Poland welcomed a revision of the Constitution reinforcing guarantees regarding access to justice and the independence of the judiciary, and the establishment of the National Commission for the Prevention of Torture. It noted, however, a lack of progress in combating racist and xenophobic attitudes. Poland made recommendations.

43. The Republic of Moldova congratulated Switzerland on its mid-term report on the implementation of the recommendations from the first UPR cycle. It wished to know the additional measures undertaken to counteract excessive use of force by the police. It also congratulated Switzerland for the progress made in the fight against domestic violence. It made recommendations.

44. Spain highlighted the Swiss efforts to improve the legislation protecting human rights. It also praised Switzerland's constructive participation as a member of the Council. Spain made recommendations.

45. The Russian Federation noted with satisfaction the progress made by Switzerland in implementing international obligations on human rights. However, it also noted some problems in protecting such rights and expressed concern at the recent desecration of the Russian Orthodox Church in Geneva. It made recommendations.

46. Rwanda noted that the Federal Constitution recognized respect for human dignity and equality as a fundamental principle on which Swiss law was based. It praised

developments in promoting and protecting human rights, including the ratification of CAT and CEDAW, and progress towards gender equality. Rwanda made recommendations.

47. Slovakia valued Switzerland's role in promoting and protecting human rights and fundamental freedoms globally, its support for the United Nations and its flourishing civil society. Commending its commitment to advancing its human rights record since the first UPR, it welcomed the ratification of the OP-CAT and CPED. Slovakia made recommendations.

48. Slovenia commended Switzerland on its active role in the Human Rights Council, on ratifying OP-CAT and on establishing the National Commission for the Prevention of Torture. It welcomed the piloting of the Swiss Resource Centre for Human Rights, although it was not in accordance with the Paris Principles. Slovenia made recommendations.

49. South Africa noted remaining challenges in the areas of racial discrimination and gender equality. It expressed concern about the treatment of non-nationals, inequalities in economic, social and cultural rights, violence against women and the situation of foreign women remaining in abusive relationships for fear of losing their residence permits. South Africa made recommendations.

50. Benin welcomed measures adopted to protect child rights and the entry into force of the Federal Act on the Criminal Procedure Applicable to Minors. It also welcomed the establishment of a federal commission to address migration issues. Benin made a recommendation.

51. Sri Lanka commended efforts to strengthen institutional frameworks, including establishing a national human rights institution in accordance with the Paris Principles. It also commended efforts to address gender inequalities and combat discrimination, including a budget increase for integration programmes to ensure protection against discrimination. It made recommendations.

52. Timor-Leste noted positive progress since the first UPR and commended efforts to bring Swiss legislation into line with international human rights standards. While understanding the challenges facing Switzerland, it suggested that further improvements could be made, not least in combating racial discrimination and xenophobia. It made recommendations.

53. Togo welcomed the national monitoring system to combat racism, but encouraged Switzerland to take more steps to raise awareness of racism and racial discrimination and to combat extremism. It also encouraged Switzerland to focus on combating discrimination against vulnerable children, particularly foreign children and children with disabilities.

54. Trinidad and Tobago complimented Switzerland on its endeavours to promote gender equality, as evidenced by the majority of seats in the Federal Council held by women in 2010/2011. It acknowledged efforts to address the problem of trafficking in women and children. It made recommendations.

55. Tunisia noted Government initiatives to ensure that amendments to the Constitution were in line with international law. It encouraged Switzerland to ensure that high-level State officials take a clear stance against the scourge of racism, including hostility towards Muslims and racist or xenophobic political discourse. Tunisia made a recommendation.

56. Turkey said that prohibiting minarets was not worthy of Switzerland's outstanding image and reputation in human rights. It was concerned about growing xenophobia and intolerance and about the inappropriate use of article 261bis of the Criminal Code against persons who had expressed their opinions about historical events. Turkey made recommendations.



57. The United Kingdom welcomed the creation of the Swiss Resource Centre for Human Rights and efforts to combat human trafficking. It encouraged Switzerland to enact legislation to tackle the sexual exploitation of women and girls and ensure that victims received support. It encouraged ratification of CPED and CRPD. It made a recommendation.

58. The United States was concerned at reports of insufficient care, lengthy detention and the treatment of migrants held in immigration detention. It was also concerned about the lack of detention facilities allowing for unaccompanied minors seeking immigration protection to be held separately from adults. It was concerned that minority groups were deprived of their right to express their cultural and religious traditions. It made recommendations.

59. Uruguay noted Switzerland's cooperation with the universal human rights system and measures adopted to improve the compatibility between popular initiatives and international human rights law. It asked whether child prostitution and the worst forms of child labour had been prohibited. Uruguay made recommendations.

60. Uzbekistan welcomed the establishment of the Swiss Resource Centre for Human Rights, but noted reports of shortcomings in combating racism and xenophobia, including the excessive use of force by police against immigrants. It also noted that ILO experts had called upon Switzerland to take steps to protect children, especially those involved in prostitution. Uzbekistan made recommendations.

61. Viet Nam recognized that Switzerland, a country well known for its peaceful environment and human rights record, had spared no efforts in ensuring the rule of law, social welfare and gender equality. However, it expressed concern at the reported growth in racial discrimination and human trafficking. It made a recommendation.

62. Algeria highlighted that even a developed country was not immune to human rights weaknesses. It was concerned at an upsurge in racism, intolerance and xenophobia. According to Algeria, racism, particularly islamophobia, was evident in public consultations such as those leading to a ban on minarets construction. Algeria made recommendations.

63. Angola noted Switzerland's efforts and commitment to combating racial discrimination. It asked what stage had been reached in consultations on draft amendments to legislation to more strictly regulate the right of foreigners to integration and increase their active participation. Angola made a recommendation.

64. Argentina commended Switzerland on establishing the Swiss Resource Centre for Human Rights and welcomed amendments to the Civil Code guaranteeing equality between spouses with regard to names and the right to nationality. Argentina made recommendations.

65. Switzerland thanked the delegations participating in the interactive dialogue for their interest in the functioning of the Confederation and the human rights situation in the country. With regard to matters raised during the dialogue and questions submitted in advance, the delegation provided the following comments:

66. Regarding the compatibility of popular initiatives with human rights, the delegation explained that the mechanisms of direct democracy were an essential part of the Swiss political tradition. Thus, popular initiatives were critical to secure the confidence existing between the State and its citizens. At the same time, Switzerland was aware of the challenges posed by some popular initiatives *vis à vis* fundamental freedoms. In 2010 and 2011, the Federal Council had prepared two reports proposing solutions and concrete measures to address this situation, envisaging also the possibility to invalidate popular initiatives if they were to infringe the essence of fundamental Constitutional rights.

67. In response to recommendations that Switzerland accede to the first Optional Protocol to the ICCPR, the delegation noted that the European Convention of Human Rights provided the same guarantees and a well-established control mechanism. Switzerland had joined this mechanism 35 years ago, and accession to a parallel mechanism of protection thus did not seem urgent or indispensable. However, considering its commitment made during Switzerland's first UPR review, the Government was indeed considering acceding to the protocol and had requested the new Resource Center for Human Rights to prepare a comparative study on the jurisprudence of the Human Rights Committee and the Strasbourg Court.

68. On OP-CAT and the national mechanism of protection, the delegation recalled that the National Commission for the prevention of torture (CNPT), established in 2010, was independent and tasked with visiting places of detention on a regular basis. The CNPT had established a dialogue with the competent authorities and with national and regional partners. In its most recent report, the CNPT had concluded that the material conditions of detention in Switzerland were generally good, although some gaps remained.

69. Regarding the situation of persons with disabilities, the process of ratifying the Convention on the Rights of persons with disabilities was ongoing. In that respect, the Federal Council aimed at suggesting to the parliament the accession to the Convention within the ongoing legislative (2011-2015).

70. Regarding the possible establishment of a national human rights institution, extensive consultations by the Federal Council had led to the conclusion that, indeed, such an institution was necessary. In July 2009, the Federal Council had thus decided to launch the Swiss Centre of Expertise in Human Rights as a 5 years' pilot project. The Center had begun its activities in May 2011, and would be subject to an evaluation in 2014, with a view to its possible continuation under the framework of the Paris Principles.

71. Concerning issues of discrimination and integration, Switzerland considered that constant efforts were required on the part of the State to address these. Given its legal and institutional specificities, Switzerland had adopted a sectorial approach instead of a national plan or a general law. It had established a long-term strategy supported by the Confederation, the cantons and the communes. In line with Switzerland's monistic legal tradition, the ICERD provisions were considered law in the country, and the Federal Tribunal had used them in its jurisprudence. The Federal Council and Parliament thus considered that the current legislation offered enough protection against the different forms of discrimination. Regarding racist organizations, the delegation noted that, although Switzerland did not have a specific law banning them, measures could be taken against any organization pursuing an illegal purpose.

72. On the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the delegation noted that Switzerland, like other European countries, was not considering its accession in the near future.

73. Armenia expressed appreciation for Switzerland's balanced policy on national and religious minorities, as experienced by the Armenian community, with a commitment to justice, impartiality and human values. It noted its ongoing policy to protect persons with disabilities, but highlighted that migration management remained a challenge. Armenia made recommendations.

74. Australia welcomed initiatives to strengthen Switzerland's protection of human rights, particularly for asylum-seekers and children, and to prevent torture. It commended constitutional amendments to reinforce access to justice and the independence of the judiciary, gender equality and women's rights, and legislation to combat violence against women and trafficking in women. Australia made recommendations.

75. Bahrain said that human trafficking remained a major challenge and urged Switzerland to develop a national strategy to address this phenomenon and protect and assist victims. It asked about measures to ensure that female victims of violence were protected and had access to redress. Bahrain made a recommendation.

76. Bangladesh highlighted concerns expressed by several treaty bodies over the excessive use of force by police against asylum-seekers, migrants and persons of African origin, the ban on construction of minarets, violence against women, high unemployment among migrants and women, and discrimination against travellers. Bangladesh made recommendations.

77. Belarus noted Switzerland's efforts to fulfil its international human rights obligations, but noted that it had entered many reservations on international instruments and did not sufficiently cooperate with Special Procedures concerning country visits. It was concerned at the excessive use of force by police against migrants and asylum-seekers. Belarus made recommendations.

78. Romania commended the national report for informing both on the position of the Government and civil society on the situation of human rights in Switzerland. It noted the ratification of various international instruments since the first review. It mentioned Swiss-Romanian cooperation in combating trafficking in persons. Romania made a recommendation.

79. Bhutan applauded the many efforts made by Switzerland to fulfil its human rights obligations, notably the establishment of the Swiss Resource Centre for Human Rights and its accession to international human rights instruments such as OP-CAT. Bhutan made a recommendation.

80. Botswana commended Switzerland on ratifying the Optional Protocol to CEDAW and OP-CAT and was satisfied with progress towards ratification of other international instruments. It welcomed the establishment of the Swiss Resource Centre for Human Rights and asked whether it would become a fully-fledged national human rights institution at the end of the five-year pilot project.

81. Brazil commended Switzerland's efforts to promote gender equality. It was concerned, however, at the lack of provisions in the Criminal Code specifically addressing violence against women and the lack of effective measures to protect women, especially undocumented women, from becoming victims of human trafficking. Brazil made recommendations.

82. Bulgaria welcomed Switzerland's efforts to implement the accepted recommendations from the first UPR cycle and the broad consultations and inclusive dialogue with civil society in preparing the present report. It commended the ratification of several key international human rights instruments such as OP-CAT and the Optional Protocol to CEDAW. Bulgaria made recommendations.

83. Burkina Faso welcomed the amendment to the penal code concerning the extraterritorial practice of FGM by residents of Switzerland. It also noted efforts to address problems faced by migrants. It encouraged Switzerland to ratify international human rights instruments to which it had not yet acceded.

84. Burundi noted the establishment of the Swiss Resource Centre on Human Rights to strengthen national capacities for the implementation of human rights. It encouraged Switzerland to ensure equality between men and women and to combat violence against women. It welcomed measures to separate minors from adults in preventive detention. It made recommendations.

85. Cambodia welcomed the approval by the Swiss Parliament of the Council of Europe Convention to combat trafficking in human beings, and the signing in 2010 of the Council of Europe Convention on the protection of children from exploitation and sexual abuse. It made recommendations.

86. Canada requested information about the extension of the permission to stay for women victims of domestic violence and the criteria to establish proof that they had been victims of such violence. It made recommendations.

87. Cape Verde encouraged Switzerland to align its national institution with the Paris Principles. It encouraged ratification of ICMRW and the implementation of national strategies to combat trafficking in persons and racial discrimination. It promoted the harmonization of human rights policies at the federal and cantonal level.

88. Chad commended Switzerland's follow-up to the recommendations made during its first UPR. It appreciated its cooperation with international human rights mechanisms and welcomed its policies to protect youths from violence. It made a recommendation.

89. Chile noted Switzerland's efforts to ensure full enjoyment of human rights and fundamental freedoms as well as the establishment of the Swiss Human Rights Resource Center, which demonstrated its institutional commitment to human rights issues. It made recommendations.

90. China noted with appreciation Switzerland efforts to promote gender equality and child rights, protect women from domestic violence, combat trafficking in persons, and provide assistance to persons with disabilities and migrants in their social integration. It made recommendations.

91. Congo noted with satisfaction the entry into force of OPCAT and the Optional Protocol to CEDAW. It commended Switzerland for the withdrawal of its reservation to CEDAW to ensure wage equality between men and women. It congratulated Switzerland on its efforts to protect the rights of persons with disabilities, women and children, as well as its action in favour of human rights training around the world.

92. Costa Rica highlighted Switzerland's accession to the Agreement on the privileges and immunities of the ICC, the ratification of OP-CAT and the establishment of a mechanism for visits to detention centres. It congratulated Switzerland on its project to establish a national institution in accordance with the Paris Principles. It made recommendations.

93. Cote d'Ivoire noted Switzerland's signing of the International Convention of the Protection of all Persons from Enforced Disappearances, its recent accession to OPCAT and the creation of a national commission for prevention against torture. It commended Switzerland's efforts to manage migration issues. It made recommendations.

94. Cuba noted Switzerland's action on gender issues, violence against women and protection of child rights. It recognized progress made in protecting persons with disabilities. More efforts were required to combat racism, racial discrimination and xenophobia. It urged Switzerland to increase its ODA contribution. It made recommendations.

95. Cyprus commended the particular emphasis paid to child rights and welcomed the implementation of the Optional Protocol to the CRC. It enquired about initiatives undertaken to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and about measures to address the problem of juvenile suicides.

96. Ecuador acknowledged the ratification of OP-CAT and CEDAW's Optional Protocol. It called for the ratification of the Convention against Forced Disappearances, the

Convention on the Rights of Persons with Disabilities, the First Optional Protocol to ICCPR and ILO Convention No. 122. It made a recommendation.

97. Egypt commended Switzerland for promoting women's and children's rights as well as the responsiveness towards requests for cooperation in repatriating illicit funds. It took note of measures taken to combat racism, xenophobia and religious intolerance but expressed concern at referenda on the construction of minarets and the expulsion of foreign nationals. It made recommendations.

98. France congratulated Switzerland on the ratification of OPCAT and the Optional Protocol to CEDAW. France encouraged the introduction of specific Penal Code provisions to punish torture. It enquired about the adoption of measures to combat intolerance based on religion or belief. It made recommendations.

99. Germany commended Switzerland for its long-standing commitment to freedom and human rights and expressed appreciation for Switzerland's commitment to implement the recommendations of the first UPR cycle. It made a recommendation.

100. Greece appreciated Switzerland's efforts to implement the recommendations of the first cycle and welcomed the many positive developments in the country. It made recommendations.

101. Honduras recognized the creation of the Human Rights Resource Centre. It inquired about measures to protect undocumented persons who become victims of abuse and human trafficking. It made a recommendation.

102. Hungary commended Switzerland's efforts to combat trafficking of Eastern European persons. It regretted Switzerland's decision to reintroduce quotas for eight new EU member states regarding employment. It made recommendations.

103. India commended Switzerland for programmes to strengthen gender equality and women's rights, including the introduction of maternity leave with pay. It requested information on steps taken to promote the integration of migrants, women and young people of foreign origin in the labour market. It made recommendations.

104. Indonesia expressed concerns at the ban on the construction of minarets and the public display of posters inciting racial hatred. It made recommendations.

105. Iran (Islamic Republic of) welcomed the revision of the Constitution to reinforce guarantees regarding access to justice and the independence of the judiciary. It made recommendations.

106. Iraq recognized Switzerland's efforts to combat trafficking in women and girls and programmes to combat racial discrimination. It enquired about measures to put an end to excessive use of force and forced expulsions of asylum seekers. It asked about measures to combat racial discrimination and measure to improve the situation of migrants and minorities. It made a recommendation.

107. Ireland welcomed Switzerland's positive measures to strengthen gender equality and women's rights. It commended the introduction of a specific Penal Code provision to penalize FGM. Ireland acknowledged Switzerland's agreement to ratify the Council of Europe Convention on Action against Trafficking in Human Beings. It made recommendations.

108. Italy noted cases of xenophobic attitudes targeting foreigners and asked for information on the subject of racial profiling. It enquired about discrimination in the employment field and about the implementation of the Action Plan on gender equality prepared in 2009 after the review by CEDAW.

109. Jordan highlighted Switzerland's role in advancing the agenda of human rights with respect to human rights defenders, gender equality and the protection of civilians. It noted the Ordinance on protection measures for children and young people, and also the Federal Act on Criminal Procedures applicable to Minors. It made recommendations.

110. Kuwait expressed concern at increasing racism and xenophobia and stressed the importance of combating all forms of racism and racial discrimination and the adoption of comprehensive legislation. It highlighted the importance of preserving religious freedom. It made a recommendation.

111. Lao People's Democratic Republic noted that Switzerland was a party to many human rights instruments and contributed in an inclusive and open manner to the strengthening of the Council. It encouraged Switzerland to continue its cooperation with the UN and other international organisations to develop further the legal and institutional framework with respect to the promotion and protection of human rights in Switzerland.

112. Libya commended the efforts made by Switzerland to promote human rights and the progress achieved. It encouraged dialogue with different ethnic and religious groups. Libya made recommendations.

113. Liechtenstein commended Switzerland for ratifying the Optional Protocol to CEDAW and policies strengthening gender equality. It welcomed Switzerland's efforts in ensuring the right to education of every child, irrespective of its residence status. It made recommendations.

114. Malaysia acknowledged Switzerland's efforts in adopting legislative measures and programmes to strengthen gender equality and women's rights, and to combat violence against women and trafficking in persons. It noted racism, intolerance and xenophobic attitudes against non-citizens and other minorities in the country. It made recommendations.

115. Thailand noted steps taken by Switzerland to accede to OP-CAT and CEDAW's Optional Protocol. It applauded efforts in protecting women's and children's rights. On the treatment of minor offenders, it recognized the efforts made with regard to pre-trial detention. It made recommendations.

116. Namibia acknowledged the Swiss commitment to protecting the human rights of its nationals as well as foreigners living in the country. It acknowledged the high life expectancy and the efficient health system in Switzerland. It made recommendations.

117. Switzerland emphasized the importance of the interactive dialogue for its national human rights policy, noting that human rights were never guaranteed and needed to be defended and internalized by all on a daily basis. It was thus important that the human rights policy of each country was reviewed on a regular basis and that the reviews were followed up with concrete action. Given the importance of the follow-up process, Switzerland had to work towards strengthened cooperation and coordination in this area between its federal Departments and with the 26 cantons.

118. The importance which the Swiss society accorded to human rights was reflected in the relation between the State and the citizen, which was based on freedom, responsibility and solidarity. It was equally reflected in the Swiss foreign policy, as demonstrated among others by its commitment, jointly with its neighbours, in working towards abolition of the death penalty globally.

119. Switzerland emphasized that it took its human rights commitments seriously. Thus, it only ratified instruments which it could guarantee to implement. During the course of the first cycle, it had ratified OP-CAT, the OP to CEDAW and several regional instruments, including on human trafficking. Other ratifications were under way, including of CED and CRPD.

120. Switzerland stated that its system of direct democracy greatly contributed to a culture of human rights, as it allowed for a permanent public debate on all subjects and values. Another pillar – federalism – was similarly important, as it ensured the proximity between the inhabitants and the authorities.

121. The delegation expressed its gratitude to States, the Council President, the Troika and the Secretariat for their respective contributions to the review process, noting that it would carefully analyze the recommendations it had received. The delegation underlined the importance that Switzerland placed on the UPR process and its membership in the Human Rights Council, noting that it was preparing to renew its candidature, and reconfirming the pride which Switzerland took in hosting this institution.

## II. Conclusions and/or recommendations

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

122.1. **Put** Ratify the Convention for the Protection of All Persons from Enforced Disappearance (Spain) (France); Consider the possibility of accession to the Convention for the Protection of All Persons from Enforced Disappearance (Paraguay (Argentina));

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

122.3. Expedite its accession to the Convention on the Rights of Persons with Disabilities and other outstanding human rights treaties, particularly those that it had committed to during the last UPR (Bhutan);

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);

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);

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);

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

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

- 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);
- 122.10. Intensify its efforts to fight discrimination and intolerance, mainly towards asylum seekers, migrants and persons of African origin (Tunisia);
- 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);
- 122.12. Intensify its efforts to fight against racism, intolerance and xenophobia in society (Algeria);
- 122.13. Continue its efforts to ensure a better integration of foreigners in the Swiss society (Angola);
- 122.14. Intensify efforts inter alia through education and awareness-raising aimed at combatting prejudices against ethnic minorities (Poland);
- 122.15. Promote inter-ethnic dialogue and tolerance, particularly at the cantonal and communal levels (Poland);
- 122.16. Continue measures for the implementation of effective migration policies (Armenia);
- 122.17. Continue the policy of protection of national minorities and promotion of religious tolerance (Armenia)
- 122.18. Address the situation of migrants and travellers (Bangladesh);
- 122.19. Ensure protection of refugees, migrants and members of their families, including their social integration in line with international standards (Belarus);
- 122.20. Continue its policy to improve the lives of certain categories of persons belonging to minorities, such as the “travellers” (Burundi);
- 122.21. Reduce the inequalities in the labour market by adopting and implementing an effective strategy, with special attention to women (The Netherlands);
- 122.22. Take action against income inequality between men and women in similar positions and with a similar degree of work (Spain);
- 122.23. Adopt measures to reduce gender inequality in the labour market (Bangladesh);
- 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);
- 122.25. Increase its efforts to achieve concrete equality between women and men in the professional framework (Burundi);
- 122.26. Continue taking steps so as to reinforce women’s representation in leadership and decision-making positions (Romania);
- 122.27. Consider developing a comprehensive plan to combat trafficking in human beings (Poland);



- 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);
- 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);
- 122.30. Step up national efforts to prevent trafficking in persons (Libya);
- 122.31. Intensify efforts to combat trafficking in persons and provide adequate resources and services in relation to those efforts (Malaysia);
- 122.32. Further develop its strategy to combat trafficking and sexual exploitation in cooperation with countries of origin (Hungary);
- 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);
- 122.34. Develop a national strategy to combat the sale and sexual exploitation of women (Belarus);
- 122.35. Take new measures, where necessary, concerning female victims of domestic violence (Republic of Moldova);
- 122.36. Continue efforts pursued thus far to combat gender violence (Spain);
- 122.37. Take measures to combat domestic violence, particularly against women (Russian Federation);
- 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);
- 122.39. Investigate cases of excessive use of force during arrest, detention and questioning of suspects (Russian Federation);
- 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);
- 122.41. Consider the possibility of enhancing the measures required for the protection of the rights of the elderly (Argentina);
- 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);
- 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);
- 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));
- 122.45. Reinforce its measures in the new National Strategy to Combat Poverty so that disadvantaged and marginalized individuals and groups would benefit (Iran);

- 122.46. Strengthen public policies so that children from disadvantaged backgrounds and foreign origin may enjoy the best possible level of education (Paraguay);
- 122.47. Strengthen cooperation with UN human rights mechanisms, treaty bodies and special procedures (Cote d'Ivoire);
- 122.48. Increase efforts to implement all the recommendations it had committed to during its previous UPR (Bahrain);
- 122.49. Consult NGOs in the follow-up of the UPR outcome, in order to achieve the practical application and implementation of the recommendations (The Netherlands);
- 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 **22<sup>nd</sup> session of the Human Rights Council in March 2013**:
- 123.1. Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Spain) (Slovakia) (Hungary); Encourage ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities, as well as the establishment of a priority national program to address this agenda (Mexico);
- 123.2. Ratify the first Optional Protocol to the Covenant on Civil and Political Rights (Spain); Accede to the first Optional Protocol of the International Covenant on Civil and Political Rights (Bulgaria) (Belarus); Step up its efforts towards ratification of the first Optional Protocol to the International Covenant on Civil and Political Rights (Chile); Ratify the first Optional Protocol to the International Covenant on Civil and Political Rights before the next UPR cycle (Hungary); Consider acceding to the first Optional Protocol to the Covenant on Civil and Political Rights, in order to improve the human rights protection of the persons subject to its jurisdiction (Uruguay);
- 123.3. Ratify the Optional Protocol to the Covenant on Economic, Social and Cultural Rights (Spain);
- 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);
- 123.5. Ratify the 1961 Convention on the Reduction of Statelessness (Slovakia);
- 123.6. Consider ratifying ILO Convention No. 189 (Philippines);
- 123.7. Withdraw remaining reservations to the CRC (Slovenia);
- 123.8. Withdraw its reservations to article 10, paragraph 1, of CRC (Uruguay)
- 123.9. Withdraw its reservations to Article 37 (c) of CRC (Uruguay)
- 123.10. Withdraw its reservations to Article 40 of CRC (Uruguay);
- 123.11. Withdraw remaining reservation to CEDAW (Slovenia);
- 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);

- 123.13. Implement withdrawal of reservations on the International Convention of the Elimination of Racial Discrimination (Egypt);
- 123.14. Consider the possibility of withdrawing its reservation to Article 4 of CERD (Cuba);
- 123.15. Include in its Criminal Code a definition of torture (South Africa);
- 123.16. Include a definition of torture in its Criminal Code incorporating all elements contained in Article 1 of the Convention Against Torture (New Zealand); Introduce in the Penal Code a definition of torture that incorporates all the elements provided for in the Convention against Torture (Costa Rica);
- 123.17. Further develop its institutional and human rights infrastructure, including the appointment of a federal ombudsperson (Bulgaria);
- 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);
- 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);
- 123.20. Consider establishing a national human rights institution in compliance with the Paris Principles (Poland);
- 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);
- 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);
- 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);
- 123.24. Establish anti-discrimination ombudsmen in each of its cantons (Australia)
- 123.25. Extend the mandate of the Federal Commission to deal with complaints of racism and incitement to xenophobia (Libya);
- 123.26. Strengthen further the powers of the Swiss Federal Commission against Racism in line with the Council of Europe's recommendations (Australia);
- 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);
- 123.28. Adopt national legislation against discrimination (France);
- 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);

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

123.31. Adopt comprehensive anti-discrimination strategies (Egypt)

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);

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);

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

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);

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);

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);

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

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);

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);

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);

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

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

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

- 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);
- 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);
- 123.47. Put in place independent inquiries on the use of excessive force during deportations (France);
- 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);
- 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 deficiency, sexual orientation or other similar grounds (Canada);
- 123.50. Continue efforts to combat racial discrimination, particularly against migrant workers and their families, religious minorities, particularly against Muslims, and linguistic minorities (Libya);
- 123.51. Take more effective measures to combat racism, racial discrimination and xenophobia against minority groups in the country, in particular the Muslims (Malaysia);
- 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);
- 123.53. Take legal proceedings on complaints as to racial discrimination and incitement to racial and religious hatred (Iran);
- 123.54. Provide adequate accommodation for refugees and asylum seekers and their children, away from unhealthy locations such as near airports (Namibia);
- 123.55. Take more active measures to decrease the level of unemployment of migrants, particularly among women and young people (Russian Federation);
- 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);
- 123.57. Provide teaching of the mother-tongue to migrant children more effectively, with improved cooperation with the Suisse communal authorities (Turkey);
- 123.58. Provide concrete legal measures against hate speech and incitement (Egypt);
- 123.59. Introduce prompt constitutional and legislative measures ensuring that “popular initiatives” do not violate the human rights of certain individuals or groups (Egypt);
- 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);

- 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);
- 123.62. Enhance national policies for the freedom of religion and other practices of minorities (Thailand)
- 123.63. Enforce and enhance relevant laws and regulations for the freedom of religion and other practices of minorities (Thailand);
- 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);
- 123.65. Ensure that freedom of expression is without unnecessary restrictions to ensure freedom of religion (Namibia);
- 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);
- 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);
- 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);
- 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);
- 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);
- 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);
- 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);
- 123.73. Take firm measures against discrimination in all forms and in particular that against foreign women (Viet Nam);
- 123.74. Move towards establishing gender equality offices in all cantons to enable coordination at the Federal Level (Trinidad and Tobago);
- 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);
- 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);

- 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);
- 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);
- 123.79. Build or designate detention facilities for unaccompanied minors seeking immigration protection separate from adult facilities (United States);
- 123.80. Protect minors and ensure that imprisonment of minors is separated from imprisonment of adults (Uzbekistan);
- 123.81. Establish an explicit legal ban on corporal punishment of children in the home (Liechtenstein);
- 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);
- 123.83. Play an effective role to operationalize the right to development at the international level (Pakistan);
- 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);
- 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);
- 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:
- 124.1. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (Philippines) (Indonesia); Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (Rwanda); Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (Belarus); Implement ratification of the Convention on the Protection of the Rights of All Migrant Workers and Their Families (Egypt); Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and ensure its domestic implementation (Timor-Leste); Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to ensure a better provision of the rights and concerns of this vulnerable group (Algeria);
- 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);

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);

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);

125. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.



## Annex

### Composition of the delegation

The delegation of Switzerland was headed by Federal Councillor Didier Burkhalter and composed of the following members:

- Ambassadeur Dante Martinelli, Représentant permanent de la Suisse auprès de l'Office des Nations Unies et des autres organisations internationales à Genève
- Ambassadeur Alexandre Fasel, Représentant permanent adjoint de la Suisse auprès de l'Office des Nations Unies et des autres organisations internationales à Genève et Représentant spécial de la Suisse au Conseil des droits de l'homme, Genève
- Ambassadeur Claude Wild, Chef de la Division sécurité humaine, Département fédéral des affaires étrangères, Berne
- Monsieur Luzius Mader, Sous-directeur de l'Office fédéral de la justice, Département fédéral de justice et police, Berne
- Monsieur Jon Fanzun, Chef de Cabinet, Département fédéral des affaires étrangères, Berne
- Madame Sylvie Durrer, Directrice du Bureau fédéral de l'égalité entre femmes et hommes, Département fédéral de l'intérieur, Berne
- Monsieur Andreas Rieder, Chef du Bureau fédéral de l'égalité pour les personnes handicapées, Département fédéral de l'intérieur, Berne
- Monsieur Roland Mayer, Secrétaire général suppléant, Conférence des gouvernements cantonaux, Berne
- Monsieur Frank Schürmann, Agent du gouvernement suisse devant la Cour européenne des droits de l'homme et le Comité contre la torture, Office fédéral de la justice, Département fédéral de justice et police, Berne
- Monsieur Boris Mesaric, Chef du Service de coordination contre la traite d'êtres humains et le trafic de migrants, Office fédéral de la police, Département fédéral de justice et police, Berne,
- Monsieur Michele Galizia, Chef du Service de lutte contre le racisme, Département fédéral de l'intérieur, Berne
- Madame Andrea Binder Oser, Cheffe du Domaine du droit, Bureau fédéral de l'égalité entre femmes et hommes, Département fédéral de l'intérieur, Berne
- Madame Claudina Mascetta, Cheffe du Secteur organisations internationales, Office fédéral des assurances sociales, Département fédéral de l'intérieur, Berne
- Monsieur Emmanuel Bichet, Conseiller, Chef de la Section des droits de l'homme, Mission permanente de la Suisse auprès de l'Office des Nations Unies et des autres organisations internationales à Genève
- Monsieur Martin Michelet, Chef de la Section politique des droits de l'homme, Division sécurité humaine, Département fédéral des affaires étrangères, Berne
- Monsieur Jean-Marie Bouverat, Secteur Organisations internationales, Office fédéral des assurances sociales, Département fédéral de l'intérieur, Berne

- Madame Cordelia Ehrich, Unité Droit européen et protection internationale des droits de l'homme, Office fédéral de la justice, Département fédéral de justice et police, Berne
- Monsieur Roland Flükiger Politique migratoire, Office fédéral des migrations, Département fédéral de justice et police, Berne
- Monsieur Dominik Ledergerber, Affaires internationales du travail, Secrétariat d'Etat à l'économie, Département fédéral de l'économie, Berne
- Monsieur Thierry Leibzig, Section des droits de l'homme, Mission permanente de la Suisse auprès de l'Office des Nations Unies, Genève
- Monsieur Michael Meier, Deuxième Secrétaire, Section des droits de l'homme, Mission permanente de la Suisse auprès de l'Office des Nations Unies et des autres organisations internationales à Genève
- Monsieur Michel Montini, Office fédéral de l'Etat civil, Département fédéral de justice et police, Berne
- Madame Sibylle Obrist, Section Assemblée générale de l'ONU, Division Nations Unies et organisations internationales, Département fédéral des affaires étrangères, Berne
- Monsieur Martin Roch, Section politique des droits de l'homme, Division sécurité humaine, Département fédéral des affaires étrangères, Berne
- Monsieur Raphaël Saborit, Conseiller, Relations Médias, Mission permanente de la Suisse auprès de l'Office des Nations Unies et des autres organisations internationales à Genève
- Madame Ursina Schönholzer, Section politique des droits de l'homme, Division sécurité humaine, Département fédéral des affaires étrangères, Berne
- Monsieur Christoph Spenlé, Chef suppléant de la Section droits de l'homme, Direction du droit international public, Département fédéral des affaires étrangères, Berne
- Madame Simone Wyss, Section droits de l'homme, Direction du droit international public, Département fédéral des affaires étrangères, Berne

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