



Human Rights Council
Working Group on the Universal Periodic Review
Forty-second session
23 January–3 February 2023

Summary of stakeholders' submissions on Switzerland*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 25 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations³ and cooperation with human rights mechanisms

2. JS6 recommended that Switzerland swiftly ratify ICCPR-OP1, OP-ICESCR and OP-CRPD.⁴ JS7 recommended that Switzerland accede to the 1961 Convention on the Reduction of Statelessness and the 1997 European Convention on Nationality.⁵ JS8 recommended ratifying the European Social Charter.⁶

3. ICAN stated that though the Swiss parliament had instructed the Government to proceed with the ratification of the Treaty on the Prohibition of Nuclear Weapons, this had not yet taken place and called on Switzerland to ratify that treaty.⁷

4. JS6 indicated that during the last Universal Periodic Review (UPR), Switzerland had noted a recommendation to remove the reservations expressed regarding the CRC and recommended that it adapt its legislation to enable it to withdraw these reservations.⁸

B. National human rights framework

1. Constitutional and legislative framework

5. JS6 recommended that Switzerland pass a law declaring that a popular initiative would be invalid in cases of incompatibility with international human rights law and standards and the fundamental rights contained in the Constitution.⁹

* The present document is being issued without formal editing.



2. Institutional infrastructure and policy measures

6. JS6 reported that in October 2021, the Swiss Parliament had passed the bill on the creation of a national human rights institution (NHRI). However, the lack of sufficient funding and the absence of an explicit protection mandate meant it was unlikely that it would be able to function in full independence.¹⁰ NKVF-NCPT noted with great concern that the proposed budget for the NHRI did not correspond to its comprehensive mandate to promote and protect human rights.¹¹

7. CoE-CM recommended that Switzerland establish at the earliest convenience a NHRI in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), especially with regard to its institutional and financial independence, and the scope of its mandate, and establish ombudsperson institutions at federal and cantonal levels.¹²

8. JS6 indicated that follow-up to international human rights reviews was weak and recommended creating an institutionalized, interdepartmental, and adequately resourced coordination mechanism to implement and review international human rights obligations including follow-up.¹³

9. JS5 highlighted five issues that were particularly problematic for Swiss peasants and were related to the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP): food sovereignty, fair income, equal participation of all peasants, the right to information, access to land, and social security for peasant women.¹⁴

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Equality and non-discrimination

10. JS6 stated that legal instruments to provide justice to victims of discrimination were insufficient, since there was no general anti-discrimination law. JS6 recommended that Switzerland strengthen protection against all forms of discrimination, including discrimination caused by private actors, through appropriate laws, policies, and funding.¹⁵ COE-CM recommended that Switzerland envisage reconsidering the possibility of adopting comprehensive federal anti-discrimination legislation.¹⁶

11. JS6 noted that there was no clear and comprehensive definition of racial discrimination in the constitutional, administrative, or civil law and that Switzerland lacked a National Action Plan to combat racial discrimination, xenophobia, and related intolerance.¹⁷

12. JS4 stated that the definition of racial discrimination in the Criminal Code was much more restrictive than that established by international law. Thus, only public acts or acts aimed at preventing access to services intended for public use were considered racial discrimination under the Criminal Code. In addition, article 261bis of the Criminal Code only covered acts based on racial, ethnic or religious affiliation and so excluded acts based on “national origin” as referred to in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.¹⁸

13. JS6 recommended that Switzerland legislate against racial and ethnic profiling in federal, cantonal, and communal police laws; and improve access to justice for victims of racial profiling.¹⁹

14. JS4 deplored the repressive and sometimes openly discriminatory environment that many people of African descent were experiencing in Geneva. This observation was also true for a number of racialized defendants, particularly those of North African or Roma origin and those perceived to be of such origin.²⁰

15. JS6 reported that during the COVID-19 pandemic hate speech and discrimination against religious minorities as well as national minorities had increased significantly.²¹ CoE-ACFC recommended condemning systematically and in a timely manner all instances of

intolerance, in particular in public discourse, as well as investigating systematically and prosecuting such statements.²²

Right to life, liberty and security of person, and freedom from torture

16. JS6 recommended that Switzerland continue the process it had started to criminalize torture in its Criminal Code, with the aim of introducing the offense of torture in line with the definition provided in CAT.²³

17. The Council of Europe-European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment stated that it remained concerned that key recommendations, in particular concerning safeguards for persons deprived of their liberty by the police and the detention of persons in overcrowded prisons in French-speaking Switzerland, had still not been implemented. Prison overcrowding remained a major problem in the institutions visited in French-speaking Switzerland, despite the slight decrease in the number of detainees following the coronavirus disease (COVID-19) pandemic.²⁴

18. The Council of Europe-European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment stated that, despite the efforts of the Swiss authorities, the number of places in specialized institutions was still insufficient to meet current needs and, as a result, people with psychiatric disorders continued to be held in non-specialized institutions not designed for this purpose.²⁵

Human rights and counter-terrorism

19. JS6 stated that, in June 2022, the Federal Act on Police Measures to Combat Terrorism had entered into force and that the implementation of the law posed a major risk to the enjoyment of human rights. JS6 recommended that Switzerland urgently reform counter-terrorism provisions so that all measures are compliant with human rights law; and ensure that the application of any counter-terrorism law will not discriminate against ethnic and religious groups, refugees, and asylum-seeking persons, particularly through racial profiling.²⁶

Administration of justice, including impunity, and the rule of law

20. The Council of Europe-European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment stated that safeguards against ill-treatment remained insufficient. For example, the right to inform a relative or third party of one's deprivation of liberty and to have access to a lawyer and a physician was recognized only when the person concerned had been placed under provisional arrest and not from the moment of deprivation of liberty.²⁷

21. Concerning supported recommendations from the third UPR cycle,²⁸ NKVF-NCPT stated that often the possibility of launching a complaint with an independent mechanism following violence or ill-treatment by law enforcement officials was not guaranteed.²⁹ JS8 recommended that the authorities guarantee remedies in case of complaints related to police action.³⁰

22. JS6 indicated that human rights were still systematically violated during pre-trial detention and that the suicide rate was significantly higher in pre-trial detention than in the penal system.³¹ JS6 also reported that there was no systematic legal support for prisoners within the execution of sentences and measures and that prisoners were left unprotected against serious encroachments on their fundamental rights.³²

23. JS6 indicated that, to date, only one trial of somewhat 70 cases of international war crimes had been conducted before the Federal Criminal Court and recommended that Switzerland provide the necessary resources to the Attorney General's Office to effectively prosecute crimes under international law and prevent Switzerland from becoming a safe haven for perpetrators.³³

Fundamental freedoms and the right to participate in public and political life

24. JS1 recommended removing discrimination between religious communities in the use of public grounds for duly authorized religious celebrations in the Canton of Geneva.³⁴

25. CPTI was concerned that the Law on Civilian Service set a punitive duration for civilian service by comparison with that of military service and that other conditions of alternative service might be considered punitive.³⁵ IFOR noted information indicating that civilian service duty lasted 50% longer than regular military service;³⁶ and that under Article 8 of the Military Criminal Code conscientious objectors refusing all forms of service were tried and sentenced by military courts.³⁷

26. JS6 stated that two legislative revisions had unduly restricted the right to freedom of expression and freedom of press in recent years: allowing civil courts to order more easily provisional measures to prohibit a media outlet from publishing information; and the Swiss Banking Act, which penalised leaks containing bank data. JS6 recommended that Switzerland take the necessary steps to amend these laws that unduly restrict the right to freedom of expression; and ensure that the publication of information in the public interest is not hindered in any way, including by removing penalties for whistle-blowers.³⁸

27. JS6 stated that since 2016, at least seven Swiss non-governmental organisations (NGOs) had been targeted with 12 strategic lawsuits against public participation (SLAPPs) and recommended that Switzerland adopt an anti-SLAPP regulation to prevent or limit such lawsuits at an early stage.³⁹

28. JS6 indicated that the right to freedom of peaceful assembly faced certain restrictions, including the requirement to obtain prior authorization, often coupled with many conditions imposed, rather than having to simply notify the authorities, certain police measures at unauthorized demonstrations and the threat of high (financial) risk for resulting proceedings and fines.⁴⁰

29. OSCE/ODIHR observed that some interlocutors expressed concerns over intolerant rhetoric against minorities and stereotypes about women in media coverage during elections.⁴¹ OSCE/ODIHR suggested that Switzerland would benefit from reviewing the existing legal framework in order to ensure that bias motivations were effectively acknowledged, and appropriate penalties could be imposed on the perpetrators.⁴²

30. OSCE/ODIHR noted that despite prior recommendations, campaign finance remained largely unregulated and lacked transparency.⁴³

Right to privacy

31. JS6 reported that mass and indiscriminate monitoring of wired communications was allowed under certain conditions. Furthermore, metadata could be stored for six months, and companies were compelled to provide the data to the criminal prosecution authorities and intelligence services.⁴⁴

Right to marriage and family life

32. JS6 noted that persons who have been internationally adopted were not sufficiently supported by cantonal authorities in their search of their origins and recommended ensuring that a project was established to allow access to information on adopted people's origins – regardless of the country they were adopted from.⁴⁵ ACT212 highlighted that, in 2020, the Swiss government admitted to oversights in international adoptions of children from a third country in the 1970s to 1990s, which led to hundreds of illegal adoptions.⁴⁶

33. AsyLex stated that the federal law laid down relatively vague conditions for family reunification, leaving the cantons considerable discretion. The effect of Swiss federalism was that the right to family life of foreigners was greatly affected by the canton in which they lived in. Some cantons clearly went beyond what they were allowed to do when applying the federal law and did not comply with the requirements of the case law.⁴⁷

Prohibition of all forms of slavery, including trafficking in persons

34. ACT212 took note of a study showing an increase in cases of labour exploitation, and which reported on such cases in the context of domestic labour, the hotel and hospitality industry, and in the construction and agriculture sectors. It indicated that experts had called for a change in the Criminal Code in order to include an explicit definition of human trafficking for labour exploitation.⁴⁸

35. FIZ stated that victims of trafficking who had been exploited in another country were regularly returned within the framework of the Dublin system, to the very country where the exploitation took place.⁴⁹ AsyLex stated that the authorities, and in particular the police, were not sufficiently trained on the issue of trafficking and consequently, victims seeking asylum in Switzerland did not receive adequate protection.⁵⁰ Additionally, court sentences for traffickers tended to be low and the number of convicted traffickers was still relatively low.⁵¹

36. ECLJ recommended that Switzerland intensify the prosecution of traffickers;⁵² and improve the identification of victims, and provide them with better assistance and greater protection.⁵³ ACT212 recommended ensuring that trainings on human trafficking were available to all professional groups potentially dealing with trafficking victims.⁵⁴

Right to work and to just and favourable conditions of work

37. JS8 stated that Switzerland did not observe ILO Conventions No. 87 (Freedom of Association and Protection of the Right to Organise) and No. 98 (the Right to Organise and Collective Bargaining) and had refused to include in its legislation the principle of the right to the reinstatement of victims of anti-union dismissals. Moreover, the compensation awarded by the courts was too low to guarantee effective protection against anti-union dismissals.⁵⁵

38. JS8 observed that persons without a legal status in Switzerland mostly worked without being registered for social welfare and without any type of control over their working conditions or protection. There were numerous cases of abuse and exploitation.⁵⁶

39. JS6 stated that childcare services remained insufficient. The costs of the services remained prohibitively high and often discouraged employment of the parent with the lowest income – in most families the mother. JS6 recommended that Switzerland create affordable and quality day-care structures as a public service for the first years of life, preschool and school years of children.⁵⁷

40. JS6 stated that persons with disabilities still faced discrimination and numerous barriers in accessing private services and jobs in the open labour market and recommended tightening protection against discrimination by private actors in the Disability Discrimination Act.⁵⁸

Right to social security

41. JS6 indicated that social welfare could be reduced or even removed as a disciplinary sanction and recommended that Switzerland stop authorizing reductions of and restrictions on social welfare, including as a disciplinary sanction, resulting in people not being able to access an adequate standard of living.⁵⁹

42. JS8 observed that according to the criteria for integration of the Foreign Nationals and Integration Act, if you request social assistance, you may have your residence permit withdrawn. Additionally, not receiving social assistance was a condition for family reunification. Therefore, many people in need, in particular victims of domestic violence, did not seek help from specialised institutions, including shelters.⁶⁰

Right to an adequate standard of living

43. JS8 stated that the 2019–2024 anti-poverty platform had been allocated an insufficient budget⁶¹ and recommended that Switzerland establish a coordinated federal policy to prevent and combat poverty that guarantees each person sufficient financial resources to meet their basic needs.⁶²

44. JS6 stated that many people in Switzerland had to resort to charity organizations to get enough food for themselves and their families, and that this situation had been aggravated by the COVID-19 pandemic.⁶³ JS6 and JS8 recommended that Switzerland guarantee the right to food for all people in the country, by adopting policies that allowed people to feed themselves.⁶⁴

Right to health

45. JS6 stated that the COVID-19 pandemic had exacerbated existing inequalities in access to health. JS6 recommended that Switzerland protect the right to the highest attainable standard of physical and mental health, starting by the legal recognition of the right to health as an enforceable human right, and by striving for equity in health.⁶⁵

46. JS2 was concerned that migrants were often at a disadvantage in terms of health, including sexual and reproductive health,⁶⁶ observing that language issues could pose a significant barrier to accessing services.⁶⁷

47. JS2 stated that contraceptives were not covered by health insurance and social benefits did not include contraception costs. Additionally, there were administrative barriers to accessing emergency contraceptives.⁶⁸

48. JS8 noted that according to several rulings issued by the Federal Tribunal, gender affirming treatment that was medically indicated must be reimbursed by the basic health insurance. However, in many cases health insurances refused to cover medically indicated treatment.⁶⁹

49. JS8 noted that, according to statistics, Switzerland had a very high rate of suicide. Among young people in the LGBTIQ community, the risk of attempting suicide was much higher.⁷⁰ JS6 reported that there was a lack of financial resources for the implementation of the national action plan for suicide prevention (2016) and that the shortage of psychiatric-psychotherapeutic care for children and adolescents had worsened during the COVID-19 pandemic.⁷¹

50. JS6 recommended that Switzerland ensure that the number of qualified medical professionals, including child psychologists and psychiatrists, was sufficient to meet children's mental-health needs in all cantons.⁷² JS8 recommended including LGBTIQ people, especially young people, as groups especially at risk in the national plan on suicide prevention.⁷³

51. ECLJ highlighted that Swiss law tolerated medically assisted dying in certain situations.⁷⁴ ADF-International reported that, in May 2022, the Swiss Medical Association had adopted new guidelines on 'Management of dying and death', broadening the scope of application to include situations of 'intolerable/unbearable suffering', and not merely situations in which the patient's illness '[justified] the assumption that the end of their life is near' as in the previous guidelines.⁷⁵ ADF-International stated that access to quality palliative care remained limited in Switzerland.⁷⁶

52. The Geneva Infant Feeding Association expressed its concern about the lack of breastfeeding support measures and expressed the hope that manufacturers of artificial milk in Switzerland would abide by the International Code of Marketing of Breast-milk Substitutes both in Switzerland and abroad.⁷⁷

Right to education

53. JS6 indicated that children with a migration background were particularly exposed to severe disadvantages when it came to equal access to education. Additionally, children with disabilities continued to be educated in special schools.⁷⁸ JS8 stated that children living in Federal Residential Centres and being educated in these centres could suffer from an insufficient quality of teaching.⁷⁹

54. JS6 reported that to date, not a single canton had developed a plan for the far-reaching legal and systemic reforms required under CRPD to build an inclusive education system. Across Switzerland, 50% of pupils with increased special educational needs were still educated separately or did not get inclusive education adapted to their special needs in separate schooling. JS6 recommended developing an action plan to build an inclusive education system for all children and youth with disabilities.⁸⁰

55. BCN recommended that Switzerland strengthen public policies to ensure that children of foreign origin enjoyed the best possible level of teaching and that child asylum-seekers and undocumented children were given access to education, particularly at the secondary level;⁸¹ and strengthen its efforts to address the high rates of repetition and school dropout,

in particular in secondary education, including by rolling out its second opportunity education programme at the Federal and Cantonal levels.⁸²

Development, the environment, and business and human rights

56. CBM-Switzerland stated that there was no consistent approach to disability inclusion in Switzerland's international work⁸³ and recommended that it develop guidelines for the inclusion of persons with disabilities across all international cooperation strategies.⁸⁴ JS3 stated that an important step in the implementation of the UNDROP would be to ensure that all those involved in Swiss foreign policy were made aware of its content, and of the potential impact of their policies on the rights of peasants.⁸⁵

57. JS6 stated that Switzerland was not meeting its commitments either in climate or development finance regarding the Paris Climate Agreement.⁸⁶ JS8 stated that reducing emissions abroad did not compensate for the absence of an adequate domestic emissions-reduction target, and that Switzerland must bestow necessary financial aid to the countries in the global South, without compensating this with cuts in other development cooperation activities.⁸⁷ JS6 recommended that Switzerland review its 2030 emission reduction target and ensure it is fully aligned with the 1.5°C imperative; and substantially increase the climate finance to less wealthy countries for human rights-consistent mitigation and adaptation measures.⁸⁸

58. JAI highlighted the severe melting of the Alpine glaciers, which would continue to increase due to climate change, causing Switzerland to lose an important water reservoir.⁸⁹ Additionally, it noted that climate change posed a threat to biodiversity in Switzerland.⁹⁰

59. JAI stated that Switzerland's financial sector still invested heavily in fossil fuels and that Switzerland should encourage divestment from the fossil fuel sector and strive to set mandatory rules for businesses to report and prevent environmental, climate, and human rights risks.⁹¹ According to JS5, while large retailers made their profits at the cost of the producers and consumers, the market price did not take into account the negative impact on the environment produced by intensive agriculture cultivation.⁹²

60. JS8 recommended that Switzerland implement the recommendations of the Financial Action Group intended to reduce money laundering; and strengthen transparency regulations applicable to banks managing assets of foreign origin.⁹³

61. JS8 stated that though the majority of voters had approved the Federal Initiative for InResponsible Multinationals, it had not passed in a majority of the cantons and had not been adopted. The Federal Council's alternative proposals, such as the national action plan 2020-23 and counter-proposal to the initiative were insufficient. The action plan did not contain binding measures and the counter-proposal did not take into account all the human rights concerned.⁹⁴ JS6 indicated that the law enacted in 2022 on the oversight over Swiss companies operating abroad, limited due diligence to child labour and certain conflict minerals, and that non-compliance had no legal consequences.⁹⁵

2. Rights of specific persons or groups

Women

62. JS4 stated that the existing legal framework was still clearly insufficient in terms of the prevention and punishment of gender-based violence and the prevention and punishment of all other forms of discrimination, especially those related to the workplace. For example, the Gender Equality Act, which provided for a reduced burden of proof for victims of discrimination in the workplace, excluded cases of discrimination in the recruitment process and cases of sexual harassment.⁹⁶

63. JS6 noted that pandemic measures had exacerbated gender inequalities in Switzerland.⁹⁷ JS6 stated that women remained particularly underrepresented in key roles in politics, administration, justice, science, and private companies and that a gender pay gap as well as a pension gap continued to exist.⁹⁸

64. JS8 stated that marital violence, rape, sexual harassment and other gender-based violence were common. However, funding for awareness-raising and prevention of gender-

based violence activities was lacking, as well as reception centres/safe houses for victims. For migrants, the situation was even worse.⁹⁹ JS2 made related observations¹⁰⁰ but noted that Switzerland had made progress, especially by ratifying the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which entered into force in 2018.¹⁰¹ JS2 recommended that Switzerland consistently implement the Istanbul Convention without discrimination, by strongly investing in prevention and victim protection and support.¹⁰²

65. JS4 noted that, although parliamentary debate was ongoing as to how to strengthen the legal framework for sexual offences, the definition of rape remained very restrictive and other acts of sexual violence were classified as sexual coercion. A person convicted of rape was sentenced to a minimum of 1 year in prison (or a fine), whereas there was no minimum for sexual coercion. Sexual harassment was simply non-existent in the current Criminal Code.¹⁰³ JS6 recommended that Switzerland reform the current sexual criminal law to ensure a consent-based definition of rape and sexual offenses.¹⁰⁴

66. FIZ observed that the cantonal authorities and the Secretariat for Migration (SEM) did not hesitate to apply their significant margin of manoeuvre to the detriment of the victims of domestic violence. FIZ also stated that the federal directives relating to the implementation of the Foreign Nationals and Integration Act must abandon the requirement, in order to allow the victim to stay in the country, that the domestic violence suffered must be of a systematic nature as it did not take into account the complex nature of the phenomenon. Many of the affected migrant victims dared not to leave a violent partner for fear of being deported.¹⁰⁵

67. JS6 stated that around 22,400 women and girls were affected or at risk of female genital mutilation (FGM) in Switzerland and recommended strengthening actions to eliminate the practice of FGM, including by implementing public awareness-raising campaigns to change the perceptions connected with it.¹⁰⁶

Children

68. JS6 indicated that children of families living in situations of extreme poverty were often placed in institutions or with foster families. After the age of 18 or the completion of the education, the children concerned were often left to fend for themselves without any government support.¹⁰⁷ JS6 recommended ensuring that poverty was never the justification for removing a child from parental care.¹⁰⁸ JS8 recommended better involving the relatives in all phases of the procedure and in accordance with all decisions of the Authority for the Protection of Children and Adults.¹⁰⁹

69. JS6 reported that Swiss law and jurisprudence did not categorically exclude corporal punishment as an educational measure. A parliamentary motion calling for a right to non-violent education was still pending. It recommended that Switzerland explicitly prohibit all practices of corporal punishment of children and allocate sufficient resources to awareness-raising campaigns aimed at promoting positive, non-violent, and participatory forms of child-rearing.¹¹⁰

Persons with disabilities

70. JS6 stated that there was no comprehensive, coherent strategy and action plan to implement CRPD commitments and recommended that Switzerland adopt such a strategy and action plan for implementing Convention rights across all sectors of government and on all federal levels.¹¹¹

71. JS6 indicated that there was still a high number of persons with disabilities segregated from the community. The Confederation, cantons and intercantonal bodies had not developed any systematic plans for successive deinstitutionalization.¹¹²

Minorities

72. JS8 reported that planned measures against structural discrimination of Yenish, Sinti and Roma had not yet been implemented. No monitoring mechanisms were in place and there was no additional budget to accompany the adopted measures.¹¹³ JS6 noted that, to date, the

Roma people had not been recognized as a national minority in the state's reporting to the Council of Europe under the Framework Convention on National Minorities.¹¹⁴

73. CoE-ECRI stated that investment should be made in the creation of a sufficient number of sites to meet the needs of travelling Yenish, Sinti/Manouche and Roma, in consultation with the communities concerned.¹¹⁵

Lesbian, gay, bisexual, transgender and intersex persons

74. JS2 reported on developments since the previous UPR cycle, including new legislation making it easier to change gender in official civil records, noting however, that a third or non-binary gender option was still not part of the new legislation.¹¹⁶ Additionally, JS2 noted that the Swiss electorate had approved a bill in a referendum in September 2021 putting an end to the discrimination faced by same-sex couples, in particular, by ensuring they can marry.¹¹⁷

75. JS2 stated that in another referendum in 2020, the Swiss electorate had confirmed Parliament's decision to adapt the Swiss Criminal Code to ban discrimination based on sexual orientation and that the amended legislation had entered into force in July of 2020. However, discrimination against LGBTI+ persons was still widespread.¹¹⁸

76. InterAction stated that there was currently no awareness of the serious violations of the rights of children with a variation of sex characteristics and the surgical-hormonal interventions that caused serious consequences in adulthood.¹¹⁹ JS6 noted that despite repeated criticism by UN human rights bodies of such harmful practices, procedures modifying sex characteristics and other irreversible treatments were carried out in Switzerland without free and full consent.¹²⁰

Migrants, refugees and asylum-seekers

77. JS6 stated that due to the threefold federal naturalization system, naturalization requirements were restrictive, procedures arbitrary and the costs for applicants high, even for those born and raised in Switzerland.¹²¹

78. JS1 recommended revising Art. 116 of the Foreign Nationals and Integration Act to decriminalize humanitarian assistance to migrants in an illegal situation.¹²²

79. Concerning a supported recommendation,¹²³ AsyLex reported that, in 2019, Switzerland had introduced an accelerated asylum procedure. However, if a case was too complex to establish the necessary facts in the accelerated procedure, the case should be transferred to the extended procedure. The SEM, nevertheless, often violated its duty to investigate and did not sufficiently refer more complex cases to the extended procedure.¹²⁴

80. AsyLex indicated that, despite the introduction of the accelerated asylum process since 2019, there had been little, if any, improvement in Federal Asylum Centre capacity and living conditions. Additionally, the violence used against asylum-seekers by the security guards and the lack of investigation were of high concern.¹²⁵ AsyLex urged Switzerland to ensure uniform standards of care, cleanliness and especially security in asylum centres. Immediate action must be taken to improve the situation regarding the use of violence of security personnel against asylum-seekers.¹²⁶

81. AsyLex reported that Switzerland applied the 1951 Convention relating to the Status of Refugees in an extremely restrictive manner so that, especially for persons fleeing civil war and widespread violence, it was difficult to provide sufficient evidence of individual persecution to get refugee status. Thus, if in Switzerland's view the person did not fall into the refugee category, but repatriation to the country of origin was impossible, inadmissible or unreasonable, the person was granted temporary admission, a so-called F-status, which did not grant the person the same rights as refugee status.¹²⁷

82. CPTI stated that legal provisions on asylum were potentially contrary to Switzerland's obligations under the 1951 Convention relating to the Status of Refugees as it was explicitly stated that conscientious objectors cannot not receive asylum unless they qualify on other grounds.¹²⁸

83. AsyLex stated that supported recommendations from the previous UPR cycle¹²⁹ concerning vulnerable children had not been sufficiently implemented. Due to isolated housing and schooling, children had inadequate access to education and integration opportunities. Asylum-seeking children older than 16 were no longer entitled to schooling. Due to limited access to medical care, especially for mental health problems, asylum-seeking children were often unable to receive adequate medical treatment.¹³⁰ JS6 stated that reception standards for accompanied and unaccompanied asylum-seeking children continued to vary widely between cantons.¹³¹ AsyLex urged Switzerland to ensure that the asylum procedure was tailored to the particular vulnerability of children and adapted to their needs.¹³²

84. NKVF-NCPT stated that it had expressed its concern to the cantonal authorities about the material conditions of administrative detention facilities, which were often prison-like establishments instead of specialized establishments, and the excessive restrictions to which this category of detainees were subjected.¹³³ JS6 stated that different forms of administrative detention were applied pending the expulsion of persons. Prolonged detention could last up to 18 months and not all types of detention were judicially reviewed.¹³⁴

85. NKVF-NCPT stated that it had repeatedly criticized the systematic use of physical restraints (shackles) during transfers to the airport, preparations at the airport and during flights related to forced return, and that the practice remained very inconsistent in the cantons.¹³⁵

Stateless persons

86. JS7 stated that, although Switzerland had supported a recommendation¹³⁶ to formalise the statelessness determination procedure, no tangible efforts for legal reform were apparent.¹³⁷ Despite changes, persons applying for statelessness determination must still establish that they lost their nationality through no fault of their own. Therefore, Swiss practice was not yet compliant with the 1954 Convention relating to the Status of Stateless Persons.¹³⁸ JS7 recommended that Switzerland establish the statelessness determination procedure in law and ensure that the procedure is fair, effective and accessible to all persons in Switzerland, regardless of their legal status.¹³⁹

87. JS7 stated that Swiss nationality law did not prevent statelessness at birth and that, under the law, a stateless child could only acquire Swiss nationality by means of a ‘simplified’ naturalisation if they had five years of legal residence.¹⁴⁰ Additionally, facilitated access to citizenship was only provided for legally resident stateless children contrary to Article 32 of the 1954 Convention relating to the Status of Stateless Persons.¹⁴¹

Notes

¹ See [A/HRC/37/12](#), [A/HRC/37/12/Add.1](#), and [A/HRC/37/2](#).

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

ACT212	ACT212, Bern (Switzerland);
ADF International	ADF International, Geneva (Switzerland);
AsyLex	AsyLex, Zurich (Switzerland);
BCN	The Stichting Broken Chalk, Amsterdam (Netherlands);
CBM Switzerland	Christoffel Blindenmission (CBM) Switzerland, Thalwil (Switzerland);
CGNK	Center for Global Nonkilling, Grand-Saconnex (Switzerland);
CPTI	Conscience and Peace Tax International, Grand Lancy (Switzerland);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
FIZ	FIZ Advocacy and Support for Migrant Women and Victims of Trafficking, Zurich (Switzerland);
GIFA-IBFAN	GIFA Geneva Infant Feeding Association, Geneva (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
IFOR	International Fellowship of Reconciliation, Utrecht (Netherlands);
InterAction	InterAction Switzerland, Bern (Switzerland);
JAI	Just Atonement Inc., New York (United States of America);

NKVF-NCPT	Nationale Kommission zur Verhütung von Folter-National Commission for the Prevention of Torture, Bern (Switzerland);
<i>Joint submissions:</i>	
JS1	Joint submission 1 submitted by: World Evangelical Alliance, Geneva (Switzerland), Freikirchen.ch; Swiss Evangelical Alliance SEA-RES; and The European Evangelical Alliance;
JS2	Joint submission 2 submitted by: The Sexual Rights Initiative, Ottawa (Canada), and Sexual Health Switzerland;
JS3	Joint submission 3 submitted by: Swiss Coalition of the Friends of the UNDROP, Geneva (Switzerland), Action de Carême, Alliance Sud, CETIM, FIAN Suisse, Geneva Academy of International Humanitarian Law and Human Rights, HEKS/EPER, SWISSAID and Uniterre;
JS4	Joint submission 4 submitted by: Ordre des Avocats de Genève, (Switzerland), Ligue Suisse des droits humains – Section de Genève;
JS5	Joint submission 5 submitted by: Swiss Coalition of the Friends of UNDROP – National Implementation, Geneva (Switzerland); CETIM, FIAN Suisse, Geneva Academy of International Humanitarian Law and Human Rights, SWISSAID and Uniterre;
JS6	Joint submission 6 submitted by: NGO-Plattform Menschenrechte Schweiz, Bern (Switzerland), ACAT-Suisse, Alliance Sud, Amnesty International (section suisse), Brava, Centre de conseils et d'appui pour les jeunes en matière de droits de l'Homme, FIAN Suisse, Réseau suisse des droits de l'enfant, Fondazione Diritti Umani, Inclusion Handicap, National Coalition Building Institute, Coordination post Beijing des ONG Suisses, Swiss Refugee Council, Public eye, Swiss Peace Council, Fédération Suisse des Sourds FFS, Notre Droit, ACT212, Aînées pour la protection du climat, Assistance pour les personnes handicapées en Suisse, Aide suisse contre le Sida, Groupe de travail Suisse – Colombie, ask!, Groupe de travail tourisme et développement, Association pour la prévention contre la torture, APT, Association Mondiale pour l'Ecole Instrument de Paix, AsyLex, augenauf, AvenirSocial, Bahá'í Switzerland, Secteur OeTN-Migration des églises réformées Berne-Jura-Soleure, Caritas Suisse, Centre de Contact Suisses-Immigrés CCSI, cfd L'ONG féministe pour la paix, Mission chrétienne pour les aveugles CBM, Juristes démocrates de suisse JDS, Dialogai, Digitale Gesellschaft Centre pour le conseil et l'intégration des étrangères et étrangers FABIA, Centre d'assistance aux migrantes et aux victimes de la traite des femmes FIZ, Action de Carême, FIAN Suisse pour le droit à l'alimentation, think tank suisse de la politique étrangère foraus, Femmes pour la paix, Association suisse de la Libre Pensée, Église Adventiste du Septième Jour, Entraide Protestante Suisse EPER, Femmes de Paix autour du monde, Genève pour les Droits de l'Homme GDH – Formation Internationale, Société pour les peuples menacés SPM, Société pour les minorités en Suisse, Association Suisse-ONU ASNU, droitsfondamentaux.ch, Groupe pour une Suisse sans armée GSsA, Helvetas, Athéistes humanistes, Centre de documentation, de recherche et d'information des peuples autochtones DoCip, Informationsstelle für Ausländerinnen- und Ausländerfragen isa, Association internationale pour la défense des libertés religieuses, IRAS COTIS, Jüdische Stimme für Demokratie und Gerechtigkeit in Israel/Palästina, Femmes Juristes Suisse, Lobby suisse de l'enfant, Protection de l'enfance Suisse, Organisation Suisse des lesbiennes LOS, Ligue Internationale Contre le Racisme et l'Antisémitisme LICRA Vaud, Ligue suisse des droits de l'Homme LSDH – Section de Genève, Migration & Droits de l'homme, Multiwatch, OMCT World Organisation Against Torture, Peace Brigades International Schweiz PBI, Peace Watch Switzerland PWS, Pink Cross, PSYCHEX Association contre la psychiatrie forcée, Sans-Papiers Anlaufstelle Zürich SPAZ, Santé Sexuelle Suisse, SAPI international, Observatoire suisse du droit d'asile et des étrangers ODAE, Réseau évangélique suisse RES, Association suisse d'Helsinki, Section suisse de la Commission Internationale de Juristes ICJ-CH, Syndicat des services publics SSP, UNICEF Suisse et Lichtenstein, Croix-Rouge suisse CRS, Service d'Aide Juridique aux Exilé-e-s SAJE, Solidarité sans frontières SOSF, sozialinfo.ch, Fondation contre le racisme et l'antisémitisme, Transgender Network Switzerland TGNS, TRIAL International, Unisourds, Association pour le travail social et culturel, Juko / Projekt gggfon, Back to the Roots, InterAction, and Reporters sans frontières;
JS7	Joint submission 7 submitted by: Institute on Statelessness and Inclusion, Eindhoven (Netherlands), humanrights.ch, and European Network on Statelessness;

JS8

Joint submission 8 submitted by: Working group “Pact I” of the Platform of Swiss NGOs for Human Rights, Geneva (Switzerland); Aînéés pour la protection du climat – ainees-climat.ch, Alliance Sud – www.alliancesud.ch, Association Back to the Roots – backtotheroots.net, ATD Quart Monde – www.quart-monde.ch, AvenirSocial – Association professionnelle suisse du travail social – www.avenirsocial.ch, Centre de conseils et d’appui pour les jeunes en matière de droits de l’Homme (Codap) – www.codap.org, CLAFG – Centre de Liaison des Associations Féminines Genevoises – www.clafg.chm, Conseil Suisse pour la Paix (SFR) – www.friedensrat.ch, Association Asile LGBTIQ+ Genève – info@asile-lgbt.ch, Fédération Suisse des Sourds (SGB-FSS) – www.sgb-fss.ch, FIAN Suisse – www.fian-ch.org, humanrights.ch – www.humanrights.ch, Inclusion Handicap – www.inclusion-handicap.ch, Ligue Suisse des droits de l’Homme – Genève (LSDH) – www.lsdh.ch, NGO Coordination post Beijing Switzerland – www.postbeijing.ch, Observatoire de la diversité et des droits culturels – droitsculturels.org/observatoire, Observatoire romand du droit d’asile et des étrangers (ODAE romand) – odaeromand.ch, Public Eye – www.publiceye.ch, SANTÉ SEXUELLE Suisse – www.sexuelle-gesundheit.ch, Société pour les peuples menacés – www.gfbv.ch, Syndicat des Services Publics (vpod-ssp) – ssp-vpod.ch, Brava – www.brava-ngo.ch, Transgender Network Switzerland (TGNS) – www.tgns.ch, Travail.Suisse – www.travailsuisse.ch, Union syndicale suisse (SGB-USS) – www.uss.ch, Unisourds, Verein Kinderrechte Ostschweiz, St. Gall;

Regional intergovernmental organization(s):

CoE

The Council of Europe, Strasbourg (France);
Attachments: (CoE-CPT) Rapport au Conseil fédéral suisse relatif à la visite effectuée en Suisse par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT) du 22 mars au 1er avril 2021, Strasbourg, le 8 juin 2022, CPT/Inf (2022) 9 ;
(CoE-Commissioner), Letter of the Commissioner for Human Rights to the Chair and members of National Council Committee on Security Policy, 7 May 2020, Strasbourg, Ref: CommHR/DM/sf 014-2020;
(CoE-ECRI) European Commission against Racism and Intolerance report on Switzerland (sixth monitoring cycle), adopted on 10 December 2019, published on 19 March 2020;
(CoE-ACFC) Advisory Committee on the Framework Convention for the Protection Of National Minorities, Strasbourg, Fourth Opinion on Switzerland – adopted on 31 May 2018, published on 10 December 2018, ACFC/OP/IV(2018)003;
(CoE-CM), Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Switzerland, Adopted by the Committee of Ministers on 14 May 2019, Resolution CM/ResCMN(2019)7;
Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, Warsaw (Poland).

OSCE/ODIHR

³ *The following abbreviations are used in UPR documents:*

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant

CRPD
OP-CRPD
ICPPED

Workers and Members of Their Families
Convention on the Rights of Persons with Disabilities
Optional Protocol to CRPD
International Convention for the Protection of All Persons from
Enforced Disappearance

- ⁴ JS6, para. 1. See also JS8, para. 2.
⁵ JS7, para. 40(I).
⁶ JS8, para. 2.
⁷ ICAN, p. 1.
⁸ JS6, para. 3.
⁹ JS6, para. 5.
¹⁰ JS6, para. 6. See also JS8, para. 5.
¹¹ NKVF-NCPT, para. 2.
¹² CoE-CM, p.1. See also JS6, para. 6 and OSCE/ODIHR, para. 8.
¹³ JS6, para. 8.
¹⁴ JS5, para. 9.
¹⁵ JS6, para. 16. See also JS8, para. 26.
¹⁶ CoE-CM, p. 1.
¹⁷ JS6, paras. 18–19.
¹⁸ JS4, p. 4.
¹⁹ JS6, para. 17.
²⁰ JS4, pp. 2–3.
²¹ JS6, para. 36.
²² CoE-ACFC, p. 2.
²³ JS6, para. 67.
²⁴ CoE-CPT, p. 4. See also NKVF-NCPT, paras. 12–13 and 27.
²⁵ CoE-CPT, p. 7.
²⁶ JS6, para. 73. See also CoE-Commissioner Letter of 7 May 2020 and NKVF-NCPT, para. 25.
²⁷ CoE-CPT, p. 4.
²⁸ For relevant recommendations see [A/HRC/37/12](#), paras. 146.56 (Belarus), 146.57 (Ecuador), and 146.59 (Central African Republic).
²⁹ NKVF-NCPT, para. 4.
³⁰ JS8, para. 57.
³¹ JS6, para. 70.
³² JS6, para. 69.
³³ JS6, para. 66.
³⁴ JS1, para. 17.
³⁵ CPTI, para. 2. See also CGNK, p. 3.
³⁶ IFOR, para. 3.
³⁷ IFOR, para. 15.
³⁸ JS6, para. 65.
³⁹ JS6, para. 15.
⁴⁰ JS6, para. 64.
⁴¹ OSCE/ODIHR, para. 15.
⁴² OSCE/ODIHR, para. 18.
⁴³ OSCE/ODIHR, para. 14.
⁴⁴ JS6, para. 71.
⁴⁵ JS6, para. 50.
⁴⁶ ACT212, para. 18. See also JS6, para. 49.
⁴⁷ AsyLex, p. 5. See also JS6, para. 57.
⁴⁸ ACT212, para. 15.
⁴⁹ FIZ, paras. 1 and 3. See also AsyLex, p. 4 and JS6, para. 53.
⁵⁰ AsyLex, p. 6. See also JS6, para. 52.
⁵¹ ACT212, para. 12.
⁵² ECLJ, para. 7. See also ACT212, para. 21.
⁵³ ECLJ, para. 7.
⁵⁴ ACT212, para. 19.
⁵⁵ JS8, para. 91.
⁵⁶ JS8, para. 88.
⁵⁷ JS6, para. 39. See also JS8, paras. 63 and 99–100.
⁵⁸ JS6, para. 30.
⁵⁹ JS6, para. 38.
⁶⁰ JS8, para. 94.

- ⁶¹ JS8, para. 125.
- ⁶² JS8, para. 127.
- ⁶³ JS6, para. 41.
- ⁶⁴ JS6, para. 41 and JS8, para. 132. See also CGNK, p. 3.
- ⁶⁵ JS6, para. 10.
- ⁶⁶ JS2, para. 7.
- ⁶⁷ JS2, para. 10. See also JS8, para. 137.
- ⁶⁸ JS2, para. 15–16.
- ⁶⁹ JS8, para. 149. See also JS6, para. 23.
- ⁷⁰ JS8, para. 151. See also CGNK, p. 3.
- ⁷¹ JS6, para. 45.
- ⁷² JS6, para. 45.
- ⁷³ JS8, para. 152.
- ⁷⁴ ECLJ, para. 12.
- ⁷⁵ ADF, paras. 4–5.
- ⁷⁶ ADF, para. 15.
- ⁷⁷ GIFA-IBFAN, pp. 1 and 3.
- ⁷⁸ JS6, para. 44.
- ⁷⁹ JS8, para. 157.
- ⁸⁰ JS6, para. 29. See also JS8, paras. 164–165.
- ⁸¹ BCN, para. 17.
- ⁸² BCN, para. 19.
- ⁸³ CBM-Switzerland, p. 2.
- ⁸⁴ CBM-Switzerland, p. 6.
- ⁸⁵ JS3, para. 63.
- ⁸⁶ JS6, para. 9.
- ⁸⁷ JS8, paras. 15–16.
- ⁸⁸ JS6, para. 9.
- ⁸⁹ JAI, para. 1.
- ⁹⁰ JAI, para. 9.
- ⁹¹ AI, para. 2.
- ⁹² JS5, para. 24.
- ⁹³ JS8, paras. 21–22.
- ⁹⁴ JS8, paras. 9–10.
- ⁹⁵ JS6, para. 13.
- ⁹⁶ JS4, p. 6.
- ⁹⁷ JS6, para. 12.
- ⁹⁸ JS6, para. 27. See also BCN, para. 13.
- ⁹⁹ JS8, para. 110.
- ¹⁰⁰ JS2, paras. 29–30.
- ¹⁰¹ JS2, para. 31.
- ¹⁰² JS2, para. 52. See also JS8, para. 111.
- ¹⁰³ JS4, p. 6.
- ¹⁰⁴ JS6, para. 25.
- ¹⁰⁵ FIZ, para. 6.
- ¹⁰⁶ JS6, para. 47.
- ¹⁰⁷ JS6, para. 40. See also JS8, para. 117.
- ¹⁰⁸ JS6, para. 40.
- ¹⁰⁹ JS8, para. 120.
- ¹¹⁰ JS6, para. 42.
- ¹¹¹ JS6, para. 28.
- ¹¹² JS6, para. 32.
- ¹¹³ JS8, para. 37.
- ¹¹⁴ JS6, para. 34. See also JS8, para. 40 and CoE-ACFC, pp. 25–30.
- ¹¹⁵ CoE-ECRI, p. 7.
- ¹¹⁶ JS2, para. 38.
- ¹¹⁷ JS2, para. 39. See also JS8, para. 32 and InterAction, p. 2.
- ¹¹⁸ JS2, para. 54.
- ¹¹⁹ InterAction, p. 1.
- ¹²⁰ JS6, para. 48. See also InterAction, p. 4, JS2, para. 44 and JS8, para. 154.
- ¹²¹ JS6, para. 62.
- ¹²² JS1, para. 8.
- ¹²³ For the relevant recommendation see [A/HRC/37/12](#), para. 146.119 (Central African Republic).

¹²⁴ AsyLex, p. 2.

¹²⁵ AsyLex, pp. 5–6.

¹²⁶ AsyLex, p. 7. See also JS6, para. 59 and NKVF-NCPT, para. 18.

¹²⁷ AsyLex, p. 3.

¹²⁸ CPTI, para. 37.

¹²⁹ For the relevant recommendations see [A/HRC/37/12](#), paras. 146.104 (Sierra Leone) and para. 147.61 (United States of America).

¹³⁰ AsyLex, p. 4.

¹³¹ JS6, para. 58.

¹³² AsyLex, p. 7.

¹³³ NKVF-NCPT, para. 26.

¹³⁴ JS6, para. 56.

¹³⁵ NKVF-NCPT, para. 9.

¹³⁶ For the relevant recommendation see [A/HRC/37/12](#), para. 146.121 (Hungary).

¹³⁷ JS7, para. 18.

¹³⁸ JS7, para. 15.

¹³⁹ JS7, para. 40(II).

¹⁴⁰ JS7, para. 27.

¹⁴¹ JS7, para. 17.
