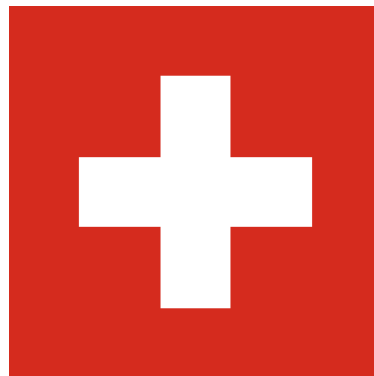




Universal Periodical Review

Third cycle

Switzerland



Right to Life Right to Adequate Standard of Living Right to Conscientious Objection Related Human Rights Issues

30th of March 2017

“From the politics of taking life to the politics of affirming it”
“From the financing of conflict to the financing of peace”

Introduction

The Center for Global Nonkilling has a unique mission, both inspirational for individuals and transformative for societies: “To promote change toward the measurable goal of a killing-free world by means open to infinite human creativity in reverence for life”.

CGNK is a worldwide congregation of scholars working to create societies that do not kill. It was founded in 2009 by late Pr. Glenn Paige, Professor of political science and author of the book “Nonkilling Political Science”. It has ECOSOC since 2014¹.

The aim of Conscience and Peace Tax International is to obtain recognition of the right to conscientious objection to paying for armaments, war preparation and war conduct through taxes. It was founded in 1996 and has ECOSOC special consultative status since 1999².

This joint submission focuses exclusively on the right to life, the right to conscientious objection, the right to adequate standard of living and on some related human rights issues, whenever accurate also referring to the Sustainable Development Goals (SDG)³.

The right to life

We commend the efforts made by Switzerland to abolish the death penalty worldwide and the ratification by Switzerland, in the period under review, of the International Convention on Enforced Disappearance, thus fulfilling its commitment resulting from both previous UPR cycles.

Here is an overview of the situation of the right to life in the Switzerland.

a. The Swiss constitution is clear on the right to life: “Article 10. Right to life and to personal freedom. 1 Every person has the right to life. The death penalty is prohibited. (...)”⁴.

b. Children’s registration at birth is comprehensive (100%)⁵.

1. As the country has reached SDG Goal 16.9⁶, we encourage Switzerland to share its knowledge and administrative capacities to countries still in need of reaching this goal.

c. Infant mortality rate is the 23rd best in the world⁷. SDG target 3.2 is reached.

2. Similarly, we encourage the Government of the Switzerland to bring its support to other countries to facilitate reaching the SDG Goal.

d. Switzerland has a very low abortion rate (6.4/1000) due to widespread sexual education, easily accessible contraception and a good socio-economical level. Abortion is permitted during the first 12 weeks if the pregnancy would cause a situation of distress⁸.

3. We encourage the Government of the Switzerland to do more for abortion prevention worldwide.

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e. Homicide rates in the Switzerland (0.5/100.000) are very low compared to the rest of the world (6.9/100.000 inhabitants, 2013) and to Europe (3/100.000 inhabitants). It ranks 12th country in the world⁹. Major efforts have been made to diminish the presence of small arms and ammunition throughout the country in recent years and this is paying off.

4. We still encourage the Government of the Switzerland to establish and present at the UPR working group a plan to fulfill SDG 16.1¹⁰ and henceforth to lower homicide rates.

f. Traffic fatalities are very low (6th in the world)¹¹. Recalling that traffic casualties is the first cause of deaths due to accidents¹² and that SDG target 3.6¹³ has been set at cutting road traffic casualties by the half before 2020 (twenty !),

5. We encourage the Government of the Switzerland to do more for the prevention of traffic casualties and to reach the SDG target before its 4th UPR cycle.

g. Life expectancy is second best in the world, with an average of 83.4 years of living for both gender, 85.3 years for females, 81.3 for males (the best in the world).

h. Though declining, suicide is still an important issue in Switzerland which ranks 76th worldwide, with suicides rates at 9.2/100.000, above world average at 6.9/100.000, with males succeeding at attempting to their lives three times more than females¹⁴.

We here recall that suicides amount to more than half of all violent deaths in the world¹⁵ (accidents not included) and that the World Health Organisation has recommended including suicide prevention in human rights protection¹⁶.

Preventing suicide in the Switzerland shall be a primary task, an essential governmental duty for the protection of the right to life¹⁷.

6. We encourage the Switzerland to present its suicide prevention mechanisms and ways to improve them, including regarding the discrimination against males, during this UPR session.

The right to an Adequate Standard of Living

The right to life has true meaning only if it also implies the right to a good life, to a life in dignity and to an adequate standard of living.

Though ranking amongst the highest countries in human development¹⁸ and despite a provision in the Constitution guaranteeing a right to assistance in case of need¹⁹, Switzerland still has a rather high poverty rate (6.6 % in poverty, 13.5 % more at risk of poverty)²⁰. Moreover, social systems are rather dispersed²¹ and have been tightening up in recent years resulting in many administrative complications for people in need of social protection. Despite that, the people and the Cantons of Switzerland largely refused a constitutional initiative meant to establish a Universal Basic Income²². To “End poverty in all its forms everywhere” is the first of all the Sustainable Development Goals, and of course more will be expected from rich countries.

7. We encourage the Switzerland to present, in the Universal Periodic Review, its program to fulfill SDG 1.

The Right to Conscientious Objection²³

Because being consciously capable of refusing a duty to war or to kill and because being willing to serve the community in other ways is just as laudable as serving in the military forces, the recognition of Conscientious Objection, including objection to the part of the State's budget dedicated to the military budget, is essential for the progress of peace, human rights and disarmament.

Military service

Serving in the Swiss army is mandatory for Swiss males fit for service²⁴. Length of service is of 260 days for soldiers (more for officers depending on their rank), subdivided into an initial period of 5 months and 5 or more recall periods, of usually three weeks, to be served until the age of 34.

A civil (alternative) service is in place for conscientious objectors since 1996 and since 2009 there is no more control of consciousness motives, admitting that accepting to serve for a longer period is a sufficient demonstration of consciousness motives.

International jurisprudence considers that the *length of the alternative service* should be of civil nature, should not be of punitive nature and should not exceed twice as much as the military service²⁵. Switzerland has a 1.5 ratio in the law, but the facts differ from the law. In practice, many soldiers, because of their studies will do their initial military training period (5 months) around the age of 23 or 24 instead of 20. Then they will often miss recall periods for various reasons, therefore never finishing the total amount of days assigned to them before reaching the 34 age limit, and finally never doing the leftover days. To our knowledge, the army does not publish the number of days never accomplished or the number of soldiers who have days dropped when they reach the age limit.

Conversely, the law on the civil service is totally strict²⁶. Persons doing the civil service must, at the age of 27, have no more than one period of 26 days to do in every remaining year until the age of 34, otherwise they must do the excess number of days at once. As a result, 96% of the persons doing civil service have accomplished all their days when being liberated from the civil service²⁷. Yet it is not unusual to see some of them face criminal charges for being late on their duties, while there is no such offence for soldiers late on theirs.

The latest figure we have from the army on the number of days undone by soldiers dates back to 2010 and at that time only 71.8% of the days required by soldiers were effectively done. The figure is however based on the percentage of soldiers late in their duties at any given time and not on how many days were left unaccomplished when the soldiers were liberated from service, so it is only partially accurate. However indicative the figure is, and once deducted the number of days undone at the civil service, it still gives of 2.061 ratio of days done by persons doing the civil service: more twice as many days as the ones done by soldiers²⁸. This is clearly higher than what international jurisprudence permits.

8. We hereby strongly encourage the Swiss Government to address this discrimination, to publish the number of days done by Swiss soldiers and to adapt accordingly the law on the Civil Service.

Participation in the military budget

In 2016, the military budget covered 7% of the Federal Budget²⁹. This is only a part of the costs due to military activities in Switzerland. To this must be added to costs in salary compensations paid to soldiers will on leave to do their military obligations and various costs supported by the population regarding military activities.

Based on the freedom of conscience, tax payers and conscientious objectors should not be obliged to finance this part of the federal budget and should be allowed to give an equivalent sum to a fund dedicated to peace.

As Switzerland has important activities for the promotion of peace, such a fund would easily find a proper use.

9. We encourage Switzerland (and all other willing countries) to set up a peace fund where tax payers and conscientious objectors can pay a proportionally equivalent part of their taxes instead of paying them for military purposes.

Other Human Rights Issues

Links between human rights and peace

The links between human rights and peace are progressively being developed³⁰. Conscience and Peace Tax International and the Center for Global Nonkilling commend this new approach, generally and as it is supported by Switzerland.

We attach a special importance to the *human right to peace* as human rights can only progress and be coordinated, be reciprocally fulfilled in a peaceful environment. Recalling the Universal Declaration of Human Rights (article 28) "*Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized*", such an order can only be a peaceful order. Peace is a tool needed for the simultaneous realisation of all human rights. As an example, the freedom of conscience, thought and religion and the freedom of expression need to be peacefully coordinated to reciprocally express themselves. Peace is a value and provides methods to prevent or address conflicts of all sorts without aggravating them.

However, we would appreciate it if Switzerland would be more coherent and would review its policies regarding arms export and the financing of weaponry.

Switzerland is the 15th greatest arms exporter in the world³¹, most of it being small arms and ammunition and Swiss financial companies, despite a ban on direct and indirect financing of military nuclear activities in the law³², still do finance companies doing so³³.

10. Therefore, we encourage Switzerland to be an example in arms reduction by ceasing or drastically reducing arms export.

11. We also encourage Switzerland to implement efficiently the law regarding the financing of nuclear and other forbidden weapons.

Right to security

Because the use of force should always be avoided or limited to its strict minimum (as stated by the Constitution of the local state (Canton) of Geneva in its federally approved constitution³⁴) and if force is used because it should be the subject of an independent control, to set a creative example,

12. CGNK and CPTI strongly encourages the Government of the Switzerland to establish proper independent mechanisms for the prevention and control of any use of force.

Business and human rights

As a major hub for international business, Switzerland has a high responsibility for the implementation of the UN Guiding Principles on Business and Human Rights³⁵. However, the national action plan on business and human rights³⁶ is considered as very weak by a major coalition of human rights organization³⁷ and the executive has proposed to reject a proposal to inscribe corporate responsibility for human rights in the constitution³⁸. After its formal message to the parliament and discussions therein, a popular vote will be held on the issue in the coming years. Switzerland is late on the issue as other countries have already adopted more comprehensive plans to see human rights respected by international businesses.

13. We hereby encourage Switzerland to adopt exemplary measures to regulate business and human rights.

Development assistance

Humanity is immensely rich; however resources need to be shared better.

Despite accepting a recommendation to raise its development assistance to 0.7% of its GNI in the previous UPR cycle (123.84) four years ago and thus also going against SDG target 17.2, Switzerland has lowered or limited its development assistance, presently at 0.48%. The country will therefore not be able to implement the above recommendation.

14. We encourage Switzerland to present its plan to implement recommendation 123.84 and to fulfill SDG 17.2, including through new ways to raise funds for international cooperation.

Participation

Switzerland has a strong political culture, including direct democracy and neutrality. However, it seems to be doing little to promote these concepts or new ways to enhance participation and to peacefully handle international relations. As an example among many:

15. We encourage the Switzerland to explore new ways to enhance the effective participation of youth in the decision-making process as in peace processes as recommended by Resolution 2250 of the Security Council on Youth and peace³⁹ and to make proposal therefore in international forums.

Racism and hate speech

Racism or hate speech are a form of denial of the life and dignity of others.

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16. We encourage Switzerland to show and promote a Universal respect for life and the right to life and to participate therefore in the unification, in solidarity, of humanity, as needed to face our common future.

The *right to happiness* or to fulfilment in reverence for life should be mentioned here as well as “happy people breed a happy life for a happy world”.

Conclusion

The value of life – the very essence of our existence and the base of our common destiny – finds rather good legal and factual recognition at least within Switzerland. Nevertheless, much more has to be done to offer respect for life and so forth to prevent suicides.

Switzerland is internationally very active to promote human rights and peace. However, more coherence is needed to enhance the quality of life in the activities of Switzerland throughout the world. More is needed regarding the promotion of participation worldwide. More can be done for the economical share of resources as well as to enhance and achieve the eradication of poverty, within the country as worldwide. More proactive action is needed to regulate business and human rights. Conscientious objection and disarmament need support and finally there is a need to act against hate speech and henceforth, conversely to highlight the universal recognition of the value of life.

We here present our compliments to the Government of Switzerland and wish to the people of Switzerland as to their representatives a nonkilling future and a profound and constructive Universal Periodic Review.

¹ www.nonkilling.org

² www.cpti.ws

³ <https://sustainabledevelopment.un.org>

⁴ Official (though not legally binding) translation. <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html#a10>

⁵ <http://data.unicef.org/country/che>

⁶ By 2030, provide legal identity for all, including birth registration

⁷ 2.9/1000, http://www.childmortality.org/files_v20/download/IGME%20report%202015%20child%20mortality%20final.pdf ; https://en.wikipedia.org/wiki/List_of_countries_by_infant_mortality_rate

⁸ <https://www.admin.ch/opc/en/classified-compilation/19370083/index.html#a119>

http://www.un.org/en/development/desa/population/publications/pdf/policy/WorldAbortionPolicies2013/WorldAbortionPolicies2013_WallChart.pdf

⁹ 41 fatalities in 2014, 0.5/100.000 https://en.wikipedia.org/wiki/List_of_countries_by_intentional_homicide_rate

http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf

¹⁰ To “significantly reduce all forms of violence and related death rates everywhere”.

<https://sustainabledevelopment.un.org/sdg16>

¹¹ 269 fatalities, 3.3/100.000, 2013. World average 17.4/100'000, <http://apps.who.int/gho/data/node.main.A997>,

http://gamapservers.who.int/gho/interactive_charts/road_safety/road_traffic_deaths2/atlas.html

¹² “Health in 2015: from MDGs, Millennium Development Goals to SDGs, Sustainable Development Goals”, World Health Organisation, Geneva, 2015, available here: http://apps.who.int/iris/bitstream/10665/200009/1/9789241565110_eng.pdf p. 183ss.

¹³ “By 2020, halve the number of global deaths and injuries from road traffic accidents”

<https://sustainabledevelopment.un.org/sdg3>

¹⁴ https://en.wikipedia.org/wiki/Suicide_in_Switzerland

« Preventing suicide. A global imperative ». World health organization. Geneva, 2014, page 86.

http://apps.who.int/iris/bitstream/10665/131056/1/9789241564779_eng.pdf,

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¹⁵ « Preventing suicide ... ». p. 7.

¹⁶ «Preventing suicide ...», p. 56.

¹⁷ We here recall that the Human Rights Committee has also recommended to the republic of Korea an increase in efforts to prevent suicide. Concluding observations on the fourth periodic report of the Republic of Korea, 3 of December 2015, § 25. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fKOR%2fCO%2f4&Lang=en

¹⁸ <http://hdr.undp.org/en/countries/profiles/CHE>

¹⁹ Art. 12 Right to assistance when in need. “Persons in need and unable to provide for themselves have the right to assistance and care, and to the financial means required for a decent standard of living”.

²⁰ <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html#a12>

²¹ <https://www.bfs.admin.ch/bfs/en/home/statistics/economic-social-situation-population.html?publicationID=7014>

²² <https://www.bsv.admin.ch/bsv/en/home/social-insurance/ueberblick.html>

²³ <https://www.admin.ch/gov/en/start/documentation/votes/20160605/unconditional-basic-income.html>

²⁴ More details are available in annex 1: 2017 report on Conscientious Objection in Switzerland submitted to the High Commissioner on Human Rights, by CGNK and CPTI.

²⁵ <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html#a59>

²⁶ Human Rights Committee: Foin v France (Communication No. 666/1995), CCPR/C/D/666/1995, 9 November 1999, para. 10.3, among others. See also: Rachel Brett: International Standards on Conscientious Objection to Military Service. Quno 2011.

²⁷ <https://www.admin.ch/opc/fr/classified-compilation/19950281/index.html>

²⁸ <https://www.zivi.admin.ch/zivi/fr/home/dokumentation/nsb-news.msg-id-65365.html>

²⁹ Days of service in the army, 260×1.5 (days in civil service) – 4% = 385. Days done in the army $260 \times 71.8\% = 186.7$. $385 / 186.7 = 2.061$. <http://www.infodroit.ch/spip.php?article44>

³⁰ <https://www.efv.admin.ch/efv/fr/home/themen/publikationen/taschenstatistik.html>

³¹ Res 2250 of the Security Council on Youth and Peace, Common resolution of the General Assembly and the Security Council (2282) on sustaining peace. 13th of June appeal by Switzerland and 70 States,

<https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-62152.html>.

Declaration on the right to peace A/RES/71/189.

³² http://armstrade.sipri.org/armstrade/html/export_toplist.php

³³ War material act: <https://www.admin.ch/opc/en/classified-compilation/19960753/index.html#a8b> and

<https://www.admin.ch/opc/en/classified-compilation/19960753/index.html#a8c>

³⁴ http://www.dontbankonthebomb.com/wp-content/uploads/2016/12/2016_Switzerland.pdf

³⁵ “Conflictive situations are handled in priority to avoid or to limit the use of force. All persons concerned shall concur”

(Translation by the author). <https://www.admin.ch/opc/fr/classified-compilation/20132788/index.html#a184> §3

³⁶ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

³⁷ <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-64884.html>

³⁸ http://konzern-initiative.ch/wp-content/uploads/2016/12/2061222_NAP-Analyse_EN_defdef.pdf

³⁹ <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-65222.html>

⁴⁰ http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2250.pdf