

Dear Sir or Madam

Please find enclosed the written contribution including

proposals by Swiss NGOs for the “List of Issues” to be considered by the Human Rights Committee in its survey for the Swiss fifth Periodic Report to the ICCPR

This submission has been prepared by the Swiss NGO platform Human Rights Switzerland. Over 100 Swiss non-governmental organizations are members of the NGO platform. The organizations from German-, French-, and Italian-speaking Switzerland represent the entire spectrum of human rights work and work together to protect and promote human rights in Swiss domestic and foreign policy.

The content and analysis of submission is based on research done by the individual members of the platform and platform working groups. Expertise or engagement of any particular issue by individual NGOs may vary.

The following organizations and NGO platform working groups made substantive contributions:

- ACAT – Abolition of Torture (member of the platform)
- Algorithm Watch Switzerland (member of the platform)
- Amnesty International Switzerland (member of the platform)
- Brava – Ending violence against women together (member of the platform)
- Children’s Rights Network Switzerland (member of the platform)
- FIZ – Advocacy and Support for Migrant Women and Victims of Trafficking (member of the platform)
- humanrights.ch (member of the platform)
- Swiss Refugee Council (member of the platform)
- Foreign Policy (platform working group)
- Human Rights Policy (platform working group)
- Intelligence Service Act (platform working group)
- Non-Discrimination (platform working group)

Please accept the assurance of our highest respect and support for your invaluable work.

The Swiss NGOs recommend that the Human Rights Committee take into consideration the following twelve topics – “list of issues”:

1. Principal matters of concern

Insufficient implementation of the recommendations of the Human Rights Committee	
<u>Background</u> Switzerland's federal system poses a particular challenge for the coordinated implementation of human rights within the country. While the federal government is responsible for the ratification of international human rights treaties, it is the responsibility of the 26 cantons to implement the commitments made in key areas such as education, police, health, social sphere and the penal system. To date, there are <i>still</i> no National Mechanisms for Implementation, Reporting and Follow-up which would enable efficient and effective coordination of the follow-up on the recommendations of human rights treaty bodies. There are <i>still</i> no institutional arrangements for participatory involvement of and awareness-raising in the cantonal administrations. The authorities in the cantons and municipalities are often not aware of the rights set out in the Covenant and of their duty to effectively ensure their implementation, including in the cantonal courts. In view of the serious and chronic deficits in the institutional and organizational implementation of human rights, the NGO Platform Human Rights Switzerland called at the end of 2024 for a law to implement human rights, a human rights strategy and a coordination office with sufficient resources. This should have the task of ensuring that the implementation of international recommendations is advanced, based on a binding catalog of measures and transparent processes. To this end, national monitoring of the human rights situation and the implementation measures, as well as a	<u>Proposed questions</u> What steps does the Swiss government take to mandate and resource National Mechanisms for Implementation, Reporting and Follow-up following international good practice, to create the institutional conditions which are appropriate to ensure an effective coordination of the follow up of recommendations of international human rights bodies between the federal and the cantonal authorities and civil society? Is Switzerland considering introducing the following measures: comprehensive national human rights law, human rights strategy, monitoring system, human rights impact assessment for new legal and policy measures?

systematic human rights compatibility assessment of all proposed legislation and administrative measures, should be anchored in human rights law.	
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The reservation to Art. 26	
<u>Background</u> The withdrawal of the reservation to Article 26 of the ICCPR has <i>still</i> not been a topic in recent years in any manner neither for the federal parliament, nor for the federal government.	<u>Proposed questions</u> What steps does the government intend to take in order to withdraw the reservation to Article 26 ICCPR?

The Optional Protocol 1966 to the Covenant	
<u>Background</u> The ratification of the first Optional Protocol to the ICCPR has <i>still</i> not been a topic in recent years in politics or for the government.	<u>Proposed questions</u> What are the detailed reasons why Switzerland has not yet taken any steps to ratify the first Optional Protocol to the ICCPR since 2009, and what specific measures is Switzerland taking to advance its ratification?

National Human Rights Institution	
<u>Background</u> Switzerland established a national human rights institution in May 2023. Since then, the NHRI has had a legal basis, which however precludes it from accepting of individual complaints and fulfilling the function of an ombudsperson. Although the mandate fixed in law is more wide-ranging than the mandate of the pilot project which preceded it, the Swiss Centre of Excellence in Human Rights, the NHRI receives the same annual support from the Confederation of CHF 1 million.	<u>Proposed questions</u> How will Switzerland ensure that the NHRI is financed in the future in such a way that it can fulfil its mandate in line with the Paris principles? How does the Swiss government plan to substantially increase financial support for the NHRI for the next period (2027-2030 payment framework)? What steps will Switzerland take to enable its NHRI to apply for and be

A further CHF 300,000 is provided by the cantons. Human rights organizations and experts consider that this sum is not at all sufficient to fulfil the statutory mandate independently, as required by the Paris principles.	granted A status, given in particular the inadequate funding provided?
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Access to justice	
<u>Background</u> This access to justice – or access to the law in a stricter sense of the term – is not simply limited to the theoretically possibility of appealing to a court, but the ability to ensure effectively and without discrimination that one’s own rights are upheld. In a 2021 analysis, humanrights.ch identifies four areas of state duty in which action is needed in Switzerland: access to information and advice, independent ombudsman and appeals offices, free legal aid, independent investigation of state misconduct	<u>Proposed questions</u> What measures does Switzerland intend to take to improve low-threshold access to legal aid, and in particular advice to people in custody and victims of racial discrimination and regarding the law on foreign nationals, welfare benefits and social security. What measures does Switzerland intend to take to facilitate access to free legal aid or legal representation in the domains of welfare, law enforcement and the law on asylum and foreign nationals? What steps has Switzerland taken to set up the independent complaint authorities and investigative bodies on unlawful behaviour by the judicial authorities and police?

Protection against discrimination	
<u>Background</u> An assessment ¹ by humanrights.ch published in March 2025 confirmed that, despite repeated demands by numerous human rights monitoring bodies, there is	<u>Proposed questions</u> What steps has Switzerland taken to ensure that there is an effective legal basis for protection against discrimination?

¹ Assessment:
<https://www.humanrights.ch/de/ipf/menschenrechte/diskriminierung/antidiskriminierungsgesetz/> (in German, last accessed: 17 March 2025).

<p>still no fair and effective protection against discrimination in Switzerland. In particular, there are gaps on racial and anti-Semitic discrimination, discrimination based on gender identity and sexual orientation, age, social status, poverty and disabilities. People affected by discrimination lack the legal instruments needed to defend themselves from state and private discrimination. The procedural, economic, social and psychological barriers are very high.</p> <p>There are serious gaps in protection against algorithmic discrimination, which are detailed in a position paper² and a publication series³ by the human rights organization Algorithm Watch Switzerland.</p>	<p>What steps has Switzerland taken to protect people from algorithmic discrimination?</p>
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2. Concerns regarding the situation of women in Switzerland

Protection of women against violence	
<p><u>Background</u></p> <p>According to the GREVIO evaluation report (2022) and reports by NGOs, gender-based violence, particularly sexual and domestic violence remains a serious problem in Switzerland. There remains a significant need for improvement in prevention work, protection of victims/survivors and prosecution of perpetrators, in particular concerning:</p> <ul style="list-style-type: none"> • lack of an overall strategy for all levels of the federal system and all forms of violence. • insufficient protection of victims/survivors, in particular 	<p><u>Proposed questions</u></p> <p>What concrete measures is Switzerland taking to improve the response to gender-based violence, in particular domestic, and sexual violence?</p> <p>Does Switzerland plan to create a holistic strategy for combating all forms of gender-based violence at all levels of the federal system?</p> <p>What steps has Switzerland taken to ensure sufficient funding of measures for combating gender-based violence, particularly domestic and sexual violence?</p>

² Position paper: <https://algorithmwatch.ch/de/diskriminierende-algorithmen/> (last accessed: 17 March 2025).

³ Topic-specific publication series: <https://algorithmwatch.ch/de/serie-algorithmische-diskriminierung/> (last accessed: 17 March 2025).

<p>insufficient accommodation, access not available for all affected people, support services under-resourced and do not cover all people who need them, victim counseling centers under-resourced.</p> <ul style="list-style-type: none"> • Gaps remain in prosecution and lack of obligatory training for prosecuting authorities. • Insufficient implementation of different measures at cantonal level, such as for example the new criminal law on sexual offences or the 24h helplines. • Overall insufficient funding of measures for combating gender-based violence. 	
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3. Concerns regarding the situation of children in Switzerland

Rights of the child	
<p><u>Background</u></p> <p>Migrant children from families with a legally binding removal order (Kinder in der Nothilfe) – the child's right to protection (Art. 24) and prohibition of inhuman or degrading treatment (Art. 7): in Switzerland, around 700 migrant children and adolescents from families with a legally binding removal order live in state “emergency aid” structures – more than half of them for more than a year, many for more than four years. The living conditions in emergency aid jeopardize their well-being and development. The structures are not geared towards the needs of children. According to a study, the poor mental health of the children and young people concerned is particularly worrying. Especially in collective accommodation, they are exposed to traumatizing experiences, including violence, suicides and violent</p>	<p><u>Proposed questions</u></p> <p>What measures have the Confederation and the cantons taken to ensure that the living conditions of children in the “emergency aid” system are improved and that their right to special protection measures is guaranteed?</p>

deportations. (Eidgenössische Migrationskommission, Kinder und Jugendliche in der Nothilfe im Asylbereich, 2024 / Das Nothilferegime und die Rechte des Kindes, 2024).

Violation of children's privacy in the digital sphere (Art. 17): the non-transparent collection and dissemination of personal data of children and young people by digital platforms is highly problematic. Protection regulations for minors on digital platforms, where they exist, for example with regard to the removal of harmful content, are not enforced consistently enough. The increasing use of artificial intelligence (AI) and automated processes harbors risks of discrimination and violations of children's rights. Swiss data protection law does not contain any provisions that specifically regulate the protection of children's data. For example, the right to be forgotten can only be asserted through legal action and there are no clear regulations regarding parental consent to the processing of children's data.

Child trafficking (Art. 8): In Switzerland, only a few cases of child trafficking are recorded statistically, and trafficking in minors remains a footnote in the relevant documents and processes. The existing processes for identifying, accommodating and assisting trafficking victims are designed for adults and are hardly child-centered (Group of Experts on Action against Trafficking in Human Beings GRETA, Third evaluation report on Switzerland, 2024, p.56). There is insufficient coordination between all the agencies involved in the areas of criminal prosecution, child protection and victim support (Tina Büchler et al., Ausbeutung Minderjähriger in der Schweiz im Kontext von Menschenhandel, Schweizerisches Kompetenzzentrum für Menschenrechte, 2022)

What steps have the Confederation and Cantons taken to ensure that children, young people and parents are empowered to use digital media in a healthy, critical and responsible manner and that sufficient support services are available?

What legal measures have been taken to ensure that parents are obliged to handle children's data and images in an ethically responsible manner?

What measures are planned to regulate the non-transparent collection and disclosure of data and to ensure the informed and self-determined handling of personal data of children and young people?

What measures have been implemented to ensure that children's right to special protection is upheld in the development and use of AI?

What steps have been taken to establish formalized processes to identify children victims of human trafficking, such as required by GRETA?

Given limited police resources, how do the Confederation and the Cantons ensure that child trafficking is prevented and significantly reduced?

What specialized protective measures and facilities do the Confederation and cantons use to ensure the protection of children in cases of suspected child trafficking?

<p>Surgery on intersex children (Art. 7): Children with variations of sex characteristics (intersex) still experience medically unnecessary surgical interventions without their informed consent. These are interventions that could be postponed until the child is capable of informed consent because they are neither vital nor urgent for health reasons. Explicit and legally binding protection does not exist and has been rejected by Parliament and the Federal Council. The guidelines on medical ethics planned by the Swiss Academy of Medical Sciences cannot replace the state obligation to prevent violations of the bodily integrity of intersex children.</p>	<p>What steps have been taken to prohibit medically unnecessary interventions on intersex children, ie. where these procedures may be safely deferred until children are able to give their informed consent?</p>
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4. Slavery, forced labor and human trafficking

Human trafficking	
<p><u>Background</u></p> <p>Offences committed abroad Victims of human trafficking who were exploited abroad and identified in Switzerland as victims of human trafficking have no access to support and protection in Switzerland in line with the Victim Protection Act (<i>Opferhilfegesetz/Loi sur l'aide aux victimes</i>, OHG/LAVI). This is a violation of the prohibition of discrimination under the Istanbul Convention (Art. 4) and the Council of Europe Convention on Action against Trafficking in Human Beings (Art. 12, para. 1). Victims in asylum accommodation need to be provided with appropriate housing and be referred to victim protection organizations.</p> <p>“Dublin” returns: Victims of human trafficking who arrive in Switzerland via a</p>	<p><u>Proposed questions</u></p> <p>With what measures and within what time frame will the Confederation ensure that victims of violence committed abroad receive access to support and protection in line with the Victim Protection Act (<i>Opferhilfegesetz/Loi sur l'aide aux victimes</i>, OHG/LAVI)?</p> <p>When will the Confederation enable financing of appropriate accommodation for victims of human trafficking in federal asylum centers?</p> <p>What measures is the Confederation taking to ensure that the risk of re-</p>

state taking part in the “Dublin system” (a system established by EU legislation that determines which EU member state is responsible for processing an asylum application), aka a “Dublin” state, are often sent back to the relevant Dublin state without previous assessment of the risks of re-trafficking in the individual case. This is a violation of Art. 3 and Art. 10 of the Council of Europe Convention on Action against Trafficking in Human Beings and Art. 33 of the Geneva Refugee Convention.	trafficking be excluded in every individual case of victims of human trafficking in Dublin procedures?
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5. Prohibition of torture and cruel, inhuman or degrading treatment

Anchoring the prohibition of torture in criminal law	
<p><u>Background</u></p> <p>During the fourth Universal Period Review (UPR) of Switzerland, four recommendations (148.50 to 148.53) called for the adoption of specific criminal provisions against torture, which would cover all acts which can be considered as such.</p> <p>During the eighth UPR of Switzerland, the committee against torture (CAT) requested that the legislative procedure leads to the introduction of a criminal offence in line with the definition of the UN Convention Against Torture (UNCAT). It insisted on the need to include the responsibility of superiors, minimal sanctions, the punishability of individuals acting with the explicit or tacit consent of a state agent and the principle of universal jurisdiction.</p>	<p><u>Proposed Questions</u></p> <p>How will the government ensure swift adoption of the draft law prohibiting torture in the Swiss Criminal Code, while ensuring its consistency with the Covenants, international human rights law and international good practice?</p> <p>What measures have been taken to ensure that the draft act adopted at the end of the legislative procedure fulfills all the requirements of UNCAT?</p>

Independent mechanism to investigate complaints of police brutality	
<u>Background</u>	<u>Proposed Questions</u>

<p>During the fourth Universal Period Review (UPR) of Switzerland, two recommendations (146.57, 148.51) called for the implementation of independent mechanisms for handling of complaints concerning the excessive use of force by state agents.</p> <p>In its final observations on the eighth periodic review on Switzerland, the Committee Against Torture (CAT) recommended the creation of independent complaints handling mechanisms for police violence and violence against people deprived of their liberty, whereby there must be no institutional link between the investigators and the suspected offenders. The CAT also called on the Swiss authorities to collect and centralize the current statistical data and disaggregate it by complaints, prosecutions and sentences linked to violence of this type (para. 36).</p>	<p>What independent mechanisms have been put in place at cantonal level to handle complaints linked to police violence and violence against people deprived of their liberty?</p> <p>What measures have been taken to collect and harmonize (at federal level) the current data and break them down by complaints, prosecutions and sentences linked to police violence and violence against people deprived of their liberty?</p> <p>What are the main obstacles to the implementation of the independent complaints handling mechanisms at cantonal level and the creation of a centralized database on this violence?</p>
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Situation of people deprived of their liberty	
<p><u>Background</u></p> <p>The European Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) demands in its report based on its visit of June 2021 that Switzerland develop a holistic strategy to reduce the prison population (CPT/Inf (2022)9). Three years later, the situation is even worse than before.</p> <p>For ten years, humanrights.ch and the National Commission for the Prevention of Torture (<i>Nationale Kommission zur Verhütung von Folter/Commission nationale de prévention de la torture</i>, NKVF/CNPT), the UN Committee Against Torture (CAT) and the European</p>	<p><u>Proposed questions</u></p> <p>What measures has Switzerland taken to reduce the prison population? Has Switzerland complied with the CPT's demand that a holistic strategy be created?</p> <p>What steps has Switzerland taken to ensure that the principle of proportionality and the principle of innocent unless proven guilty are applied more fairly in pre-trial detention and that long-term harm due to such custody is prevented?</p>

Committee on the Prevention of Torture (CPT) have criticized the nature of pre-trial detention in Switzerland, namely the restrictive conditions in custody, the lack of employment and labor opportunities, the sometimes very extensive duration of custody and the restrictions on external contacts. This reality in custody stands in stark contrast to the principle of innocent unless proven guilty.	
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6. Rights of asylum seekers and refugees

Violation of the principle of “equality before the law”	
<p><u>Background</u></p> <p>As regards returns to? “Dublin” member states (i.e. states part of the EU Dublin system), in some cases there is a lack of detailed examination of human rights practice in the country concerned, such as with regards to the practice of returns to Croatia. Expert appraisals carried out in accordance with the Istanbul Protocol do not have greater evidentiary value. In October 2024, Switzerland returned two Afghans to Kabul who had been convicted, and in March 2025 the government announced plans to return “non-vulnerable” Afghans who have not received asylum.</p>	<p><u>Proposed questions</u></p> <p>How does Switzerland intend to guarantee that real conditions in a “Dublin” state or in the “safe” third countries to which returns are made are better taken into account?</p> <p>How does Switzerland intend to better support the use and spread of medical analyses made in line with the provisions of the Istanbul protocol?</p> <p>How does Switzerland intend to ensure the human rights and wellbeing of people returned to countries such as Afghanistan, Ukraine and Iraq and uphold the principle of non-refoulement?</p>

Free legal assistance and effective legal protection	
<p><u>Background</u></p> <p>Each asylum seeker receives full legal representation from the start of the preparatory phase without the need for a request to be made. The legal representative receives flat-sum remuneration. The following problems have been encountered: a) access to justice outside of the asylum system can</p>	<p><u>Proposed Questions</u></p> <p>How does Switzerland intend to reduce the difficulties faced by asylum seekers who still wish to appeal against the decision taken by SEM after the end of the mandate of the legal representative designated ex officio?</p>

<p>be problematic because the mandate of the legal representative does not cover other issues (e.g. administrative detention or criminal law); b) given the tight timescales of the accelerated procedure, it is not always possible for applicants to develop a relationship of confidence with their representatives; c) in some cases, representatives end their mandate at a crucial moment, such as before the appeal hearing.</p>	<p>How does Switzerland ensure access to a legal representative for people in administrative detention?</p> <p>How does Switzerland intend to ensure that asylum seekers receive quality free legal representation on a wide range of legal issues, beyond the strict confines of the asylum procedure including on issues such as administrative detention, police violence and racial profiling?</p>
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Administrative detention	
<p><u>Background</u></p> <p>Administrative detention is in the competence of the Cantons. The purpose of administrative detention is to ensure that returns are carried out. Administrative detention may last up to 18 months, with the exception of administrative detention for a return in the context of a “Dublin” procedure, which may last a maximum of 6 weeks. The following problems exist: a) often disproportionate duration of administrative detention; b) difficulty gaining access to a legal representative; c) limited implementation of alternatives to detention; d) detention of minors below 18 (between 15 and 18).</p>	<p><u>Proposed Questions</u></p> <p>How does Switzerland intend to ensure that the principles of necessity and proportionality are upheld by the Cantons when imposing administrative detention?</p> <p>How does Switzerland intend to limit the use and progressively abolish administrative detention?</p> <p>How does Switzerland intend to prevent administrative detention of minors aged under 18?</p> <p>What steps has Switzerland taken to prevent acts of violence against persons in federal asylum centers, as reported by media and non-governmental organizations, and how do victims get access to an effective remedy?</p> <p>How does Switzerland intend to improve access to legal aid for detainees?</p>

The best interest of the child	
<u>Background</u>	<u>Proposed questions</u>

<p>As noted by the CRC in its 2021 final observations for Switzerland, the best interest of the child is not systematically taken into account in the asylum procedure. Hearings are not always run in line with the principles laid down by the Federal Administrative Court; grounds for asylum specific to children are not always sufficiently prominent; age assessment practices are often not in line with the relevant European and international standards; accommodation in collective centers is not appropriate for vulnerable people like accompanied and unaccompanied minors.</p>	<p>How does Switzerland intend to provide better training for SEM staff conducting the hearings to ensure that children are heard appropriately?</p> <p>How does Switzerland intend to adapt age assessments so that they respect the greater interest of the child and the principle of <i>in dubio pro minore</i>?</p> <p>How does Switzerland intend to take into account NKVF/CNPT's remarks and modify cantonal and federal accommodation to meet the needs of children and their best interest?</p> <p>What steps will Switzerland take to prevent the disappearance of unaccompanied children from federal and cantonal centers?</p>
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7. Right of peaceful assembly

Right to hold opinions and peaceful assembly	
<p><u>Background</u></p> <p>Switzerland protects the right to peaceful assembly in its Federal Constitution,⁴ but this right is governed by laws, regulations and practices which can vary from one canton – or one municipality – to another.</p> <p>In effect, peaceful assemblies are first and foremost considered issues of security and management of public space.</p> <p>This has two important consequences:</p> <ul style="list-style-type: none"> • The right to demonstrate is only recognized as a "conditional right to enhanced use of a public space" ("droit conditionnel à l'usage accru du domaine	<p><u>Proposed questions</u></p> <p>How does Switzerland distinguish between peaceful assemblies, guaranteed by Articles 19 and 21 of the International Covenant on Civil and Political Rights, and other "events" in public spaces?</p> <p>What measures has Switzerland taken to guarantee and verify regularly that the right to peaceful assembly is fully implemented in line with the Covenant across the entire country, whether the cantonal and municipal practices and legislation in force? (inter alia in the context of climate protests, and occupations as part of university protests for the rights of Palestinians?)</p>

⁴Article 22 of the Federal Constitution.

<p>public”)⁵, subject to a general restriction: the requirement that prior authorization by the authorities be provided in the vast majority of cantons and municipalities.</p> <ul style="list-style-type: none"> • All powers in this domain are held by the cantons and municipalities. There are no such powers held at federal level (Art. 3 and 57 of the Federal Constitution), nor is there a national authority responsible for supervising implementation in line with the Covenant. <p>Certain cantonal constitutions⁶ explicitly recognize the right to peaceful assembly, in somewhat different terms, and sometimes subject it to an authorization regime.</p> <p>For participants in or organizers of demonstrations, particularly those who do so in different regions, it can be difficult to be familiar with and understand all the rules which must be adhered to and also the potential consequences of non-adherence. This variation can also lead to an inequality of treatment between people depending on the place where they demonstrate.</p>	<p>What measures has Switzerland taken to transmit General Comment No. 37 (2020) on the Right of peaceful assembly (Art. 21) by the Human Rights Committee to the competent executive, legislative and judicial authorities at municipal, cantonal and federal level and guide them in their implementation of the right to peaceful assembly in line with the Human Rights Committee’s interpretation of Art. 21 of the Covenant?</p>
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Authorization and notification of demonstrations	
<p><u>Background</u></p> <p>In July 2024, Amnesty International published a report entitled" <i>Under-protected and over-restricted: The state of the right to protest in 21 countries in Europe</i>", which examines in detail the</p>	<p><u>Proposed questions</u></p> <p>What measures does Switzerland intend to take to guarantee that the different authorization regimes in the cantons/municipalities are in line with the requirements of Art. 21 of the</p>

⁵ Cf. for example, the main ruling of the Federal Supreme Court [ATF 132 I 256](#) of 4 September 2006, recital 3 and [the opinion of the Federal Council](#) of 8 May 2024 issued in response to interpellation 24.3267: « Le droit de manifester, une liberté sous pression » of 14 March 2024, point 1.

⁶ Cf., for example, the cantonal constitutions of Basel-Stadt (Article 11), Bern (Article 19), Fribourg (Art. 24), Geneva (Article 32), Vaud (Article 21) and Ticino (Article 8).

<p>right to peaceful assembly in Europe and also covers Switzerland.</p> <p>The report has identified Switzerland as one of the only four European countries examined which requires authorization for peaceful public assemblies.</p> <p>This authorization regime means, inter alia, that authorization requests must be made between 72h and three months in advance, ⁷ depending on the cantons and cities and the size of the demonstrations. Addition fees may be charged if the request is made after the deadline.⁸</p> <p>Administrative charges (fees) are usually imposed, sometimes together with police or signage fees if measures are taken to re-route road traffic for example, to the organizers of peaceful assemblies, because they are rarely treated differently from other events (marathons, festivals, street parties etc.) which take place in public spaces.</p> <p>The authorizations are issued with a long list of conditions to be fulfilled by the organizers of peaceful assemblies. If they are violated, the organizers risk criminal or administrative sanctions. The conditions cited in the report include the provision of a public order service supporting the assembly, sometimes through a private security firm, adherence to routes fixed by the authorities, the verification of the content of demonstrators' slogans or the</p>	<p>Covenant, as interpreted by General Observation No. 37 (220) of the Human Rights Committee?</p> <p>What steps will the Confederation undertake to repeal or amend provisions that require organizers to pay or contribute to costs linked to the organization or development of assemblies, including for policing tasks and private security, the presence of emergency services, or cleaning.?</p> <p>In what cases may a peaceful assembly be considered an "illegal assembly" in Switzerland?</p>
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⁷ For example, for a peaceful assembly in the city of Zürich, the authorization request must be made 72 hours in advance (cf. Art. 2 Ordinance on the use of public spaces ([Verordnung über die Benutzung des öffentlichen Grundes](#))) whereas in other municipalities of the canton of Zürich, there is a three-month deadline (cf. the [canton's autorisation request form](#)). In the other cantons, the average is 20-30 days in advance.

⁸ In the canton of Geneva, for example, the organizers are required to pay a fee (between 200 and 500 CHF, equating to 205 to 510 EUR) if the request for an assembly is made less than 30 days in advance (Art. 6 of the [Implementing Regulation on the Act on Demonstrations in Public Spaces \(Règlement d'exécution de la loi sur les manifestations sur le domaine public, RMDPu\)](#))

<p>acceptance of personal liability for the actions taken by participants of an assembly or the cost of police interventions in case of violence.</p> <p>Finally, the report describes how the authorization regime enables bans of peaceful assemblies in certain places or even during a certain time period, as occurred in October, November and December 2023 for demonstrations regarding the situation in Israel and the occupied Palestinian territory in certain Swiss cities.</p> <p>This obligatory authorization regime is considered by the Federal Council and the Federal Supreme Court to be a general restriction authorized by the Covenant⁹.</p>	
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8. Right to privacy

Ensuring that intelligence service law complies with human rights	
<p><u>Background</u></p> <p>The Intelligence Service Act (IntelSA) is set to be revised and the Federal Intelligence Service (FIS) is to receive new surveillance powers. The Federal Council is likely to submit the bill to Parliament at the end of 2025.</p> <p>In its response to the consultation on the preliminary draft, a coalition of human rights organizations drew attention to a number of measures that violate fundamental and human rights. They criticize the removal of limitations hindering handling, the use of biometric data, the limitations of professional confidentiality and protection of sources, the extension of surveillance subject to</p>	<p><u>Proposed questions</u></p> <p>Does the Federal Council consider that the draft revision of the IntelSA, in the form currently available to Parliament, enables comprehensive protection of human rights?</p> <p>What measures is Switzerland taking as part of the ongoing revision of the IntelSA to ensure that the right to privacy, freedom of expression, the right to effective complaints mechanisms and other relevant human rights are guaranteed?</p> <p>How does Switzerland ensure that the exercise of fundamental political and</p>

⁹ See for example, the principal ruling of the Federal Supreme Court [ATF 127 I 164](#) of 20 September 2001, recital 3. and [the opinion of the Federal Council](#) of 8 May 2024 issued in response to interpellation 24.3267: "Le droit de manifester, une liberté sous pression" of 14 March 2024, of which point 2 concerns this topic.

<p>authorization, and weakening of controls, the lack of transparency regarding the categories of data collected and the associated deletion requirements, with limited rights to information.</p>	<p>human rights is not subject to surveillance?</p> <p>Does Switzerland consider that the legal basis for the use of biometric data and the prohibition of facial recognition in public spaces is sufficient to protect human rights?</p> <p>How does Switzerland ensure that professional confidentiality is upheld and the protection of sources is ensured?</p> <p>How does Switzerland ensure that surveillance subject to authorization is consistent with human rights?</p> <p>How does Switzerland ensure transparency regarding the data categories and the related deletion requirements for the FIS?</p> <p>How does Switzerland ensure that the disclosure rights of natural and legal persons regarding own personal data are upheld?</p>
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Strengthening oversight of the intelligence service	
<p><u>Background</u></p> <p>As already mentioned above, the Federal Council is expected to propose to Parliament at the end 2025 and the Federal Intelligence Service FIS receive further powers enabling serious infringements of fundamental and human rights. Moreover, the FIS is to be expanded significantly.</p> <p>Meanwhile, the parliamentary and administrative monitoring of the Federal Intelligence Service is comparatively weak. The skills and resources needed for independent and effective monitoring are not available.</p>	<p><u>Proposed questions</u></p> <p>Is the Federal Council of the view that the system of the system of oversight of the FIS regarding current applicable law and the draft IntelSA revision in the form currently available to Parliament enables comprehensive protection of human rights?</p> <p>What measures is Switzerland taking to improve independent oversight of FIS as part of the ongoing revision of the IntelSA?</p> <p>Is Switzerland willing to equip Parliament's control delegation secretariat with further financial and</p>

<p>Parliament's control delegation has no means of revoking or amending decisions by the executive based on the separation of powers. Moreover, the secretariat of the control committee only has 20 full-time equivalent staff, which is far from sufficient given the workload.</p> <p>The new so-called Independent Oversight Authority for Intelligence Activities created in 2017 is simply an internal specialized monitoring body. Though not bound by instructions, it is administratively attached to the Department of Defence, Civil Protection and Sport (DDPS). Moreover, the oversight authority can only issue recommendations, which, under currently applicable law (Art. 78 IntelSA) can be adopted by the minister in charge of the DDPS, or rejected on the basis of a decision by the Federal Council.</p>	<p>human resources (in particular IT and external specialists) to support the members of the control delegation in monitoring databases?</p> <p>Is Switzerland willing to expand Parliament's control delegation by increasing the number of members to manage the increasingly complex work of oversight?</p> <p>Is Switzerland willing to consider carrying out a broad analysis of the current situation to assess the need for a new oversight structure in order to ensure that the independence, effectiveness and efficiency of the oversight of intelligence service are guaranteed (e.g. based on the model of the oversight authority of the Office of the Attorney General)?</p>
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9. Lack of political rights for foreign nationals & right to citizenship

Right to vote for foreign nationals	
<p><u>Background</u></p> <p>With very few exceptions, the right to vote in elections and popular votes in Switzerland depends on holding Swiss citizenship. This is linked to the principle of 'ius sanguinis'. In combination with an extremely restrictive or even prohibitive naturalization policy (see <i>next point</i>), this has led to a situation in which 27 percent of the Swiss population is excluded from the political process.</p> <p>The universal and equal right to vote is therefore not guaranteed in regard to foreign nationals residing in Switzerland (even though they are often living here in the 3rd, 4th or even 5th generation).</p>	<p><u>Proposed questions</u></p> <p>What steps is the government taking to establish a legal framework in which all permanent residents of Switzerland can vote in elections and popular votes and are eligible for public office at all political levels and in all democratically structured public institutions?</p> <p>What measures is the Swiss government taking to promote the right to vote for foreign nationals at cantonal and municipal level?</p>

Since the last report on Switzerland, there have been multiple political proposals to introduce political rights for residents without Swiss nationality at cantonal level (cantons of Basel-Stadt and Geneva), which were refused.	
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Restrictive naturalization policy	
<p><u>Background</u></p> <p>The requirements for naturalization are very restrictive in Switzerland. As political rights are connected to Swiss citizenship (see <i>point above</i>) this leads to the exclusion of 27% of the population in Switzerland from the political process. Furthermore, it counteracts successful integration of these foreigners.</p> <p>The required duration of residency prior to an application for naturalization is 10 years. According to a recent revision of the Swiss Citizenship Act, the years spent in Switzerland only count half for temporarily admitted persons. Another hurdle is the requirement of having obtained permanent residence status prior to making an application for naturalization.</p> <p>A 2024 study by the Federal Commission on Migration, a 2024 report by Institut Neue Schweiz and a 2021 report by the Swiss Observatory on Asylum and Foreign Nationals (<i>Schweizerische Beobachtungsstelle für Ausländer- und Asylrecht</i>) show that the 2018 reform of the Swiss Citizenship Act and reforms at cantonal level further raised the existing hurdles. This leads to arbitrariness, racial, gender-based and socio-economic discrimination. Less qualified people, those with lower social status and employees in precarious jobs have</p>	<p><u>Proposed Questions</u></p> <p>What steps is the government taking to establish a legal framework which ensures that naturalization procedures are free from discrimination and arbitrariness?</p> <p>What steps is the government taking to establish a legal framework which facilitates the naturalization of foreigners who live here permanently?</p>

<p>particularly low chances of being naturalized.</p> <p>On 19 February 2025, the Federal Council decided to reject the popular initiative submitted on 21 November 2024 “For modern citizenship law (Democracy initiative)” demanding the introduction of a constitutional right to naturalization. The Federal Council stated that it considers that there is no need to change current law on naturalization.</p>	
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10. Protection of minorities

Redress for serious violations of the human rights of minorities	
<p><u>Background</u></p> <p>A report commissioned by the Swiss federal government has concluded that a crime against humanity was committed against the Yenish population of Switzerland between 1926 and 1973. Fundamental human rights and basic freedoms were systematically and deliberately violated when Yenish families were torn apart by the Pro Juventute foundation's program "Kinder der Landstrasse"/"Les enfants de la grand-route" ("Children of the country road"), as children were removed from their families.</p> <p>The Federal Council apologized based on the report, but did not address the specific issue of group persecution. This has been criticized by the Yenish community, the author of the report and the NGO platform Human Rights Switzerland. Clear language that coherently identifies injustice is the first step in a political process that recognizes</p>	<p><u>Proposed questions</u></p> <p>Does the government consider that it has fulfilled its duty under international law sufficiently through the statement of 25 February?¹⁰ Under what criteria was the statement made?</p> <p>What measures is Switzerland taking to ensure that redress be provided for crimes against humanity committed against minorities?</p> <p>What measures is the government taking to ensure that crimes against humanity are not committed against minorities in the future?</p>

¹⁰ Source: <https://www.news.admin.ch/fr/nsb?id=104226>.

the burden of the most serious human rights violations, raises awareness in society, provides space to learn lessons from the past, supports a process of transformation and enables the provision of redress.	
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11. Artificial intelligence and algorithms

Legal regulation of artificial intelligence and algorithms	
<p><u>Background</u></p> <p>Switzerland has recognized the need to regulate AI. Switzerland's regulatory objectives are to strengthen Switzerland as a center of innovation, to protect fundamental rights, including economic freedom, and to strengthen public trust in AI. Switzerland intends to ratify the Council of Europe's AI Convention. Based on the information available, there is reason to be concerned that Switzerland will only seek to implement the convention in a half-hearted manner, for example limiting the obligations of private organizations to a minimum. This could lead to significant gaps in the protection of our fundamental rights, concerning for example discrimination in recruitment and in the workplace, regarding insurance or in credit checks, among others. Furthermore, the first legislative proposals are not set to be made until the end of 2026. This timeframe does not do justice to the current and urgent challenges.¹¹</p>	<p><u>Proposed questions</u></p> <p>The Council of Europe's AI Convention primarily concerns states. How does Switzerland intend to protect fundamental rights when AI systems are increasingly being developed and used by private actors?</p> <p>How does Switzerland intend to proceed in view of AI applications that have a disproportionate impact on people and their fundamental rights (including chilling effects)? These include biometric recognition in public spaces (in real time and retrospectively), certain other biometric analyses such as emotion recognition and biometric categorization based on particularly sensitive characteristics, and certain forms of predictive policing and social scoring by public and private actors, all of which are fundamentally incompatible with human rights.</p> <p>How does Switzerland intend to address the impact of the development and use of algorithms</p>

¹¹ Source: <https://www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-104110.html>
<https://algorithmwatch.ch/de/stellungnahme-ki-auslegeordnung/>.

	and AI on the environment and climate (A/77/L.58)?
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12. Foreign policy

Multilateral human rights system	
<p><u>Background</u></p> <p>The pressure placed by the Swiss parliament and Swiss government on the international institutions charged with monitoring the respect of human rights and with strengthening international humanitarian law has increased significantly in 2024 in particular. The Swiss parliament and Swiss government criticized the KlimaSeniorinnen judgment of the European Court of Human Rights in declarations, position statements and the action plan submitted to the Committee of Ministers of the Council of Europe and decided not to implement it (cf. also the point below on the KlimaSeniorinnen judgment). In a motion and with support of the government, the Swiss parliament has also called on the Swiss government to work towards the creation of an additional optional protocol to the European Convention on Human Rights to limit the independence of the European Court of Human Rights.</p> <p>Moreover, Parliament is currently calling fundamental principles of international humanitarian law into question by cutting funding for international development collaboration and with its intention to cut funding for the UN agency for Palestinian refugees in the Middle East (UNRWA) and restrict the right to asylum.</p>	<p><u>Proposed questions</u></p> <p>What steps is Switzerland taking to uphold its constitutional obligation to promote human rights globally, particularly in the face of significant attacks and financial challenges facing the multilateral system for the promotion and protection of human rights?</p> <p>What steps is Switzerland taking to defend international humanitarian law, as well as the institutions created to ensure accountability for grave breaches of international law, such as the International Court of Justice, the International Criminal Court and the international human rights system in general?</p>

Climate policy	
<p><u>Background</u></p> <p>In <i>Verein KlimaSeniorinnen and Others v. Switzerland</i>¹², the Grand Chamber of the European Court of Human Rights found in its judgment of 9 April 2024 that Article 8 of the European Convention on Human Rights encompasses a right to effective protection by the State authorities from the serious adverse effects of climate change on lives, health, well-being and quality of life. Each State has an obligation deriving from this right to contribute to the prevention of a rise in the global average temperature beyond 1.5°C. A State's primary duty is to adopt, and to apply in practice, binding regulations and measures capable of mitigating the existing and potentially irreversible future effects of climate change. In particular, the competent national authorities must adopt inter alia general measures that specify a target timeline for achieving CO₂ neutrality and the overall remaining CO₂ budget for the same time frame; and take timely action in an appropriate and consistent manner in devising and implementing relevant legislation and measures.</p> <p>The Court found that Switzerland had not fulfilled these obligations. There had been critical gaps in the process of putting in place the relevant domestic regulatory framework, including a failure by the Swiss authorities to quantify, through a CO₂ budget or otherwise, national greenhouse gas (GHG) emissions limitations. This failure occurred despite the feasibility of determining the national CO₂ budget, based on, inter alia, the principle of common but differentiated responsibilities under the UNFCCC and</p>	<p><u>Proposed questions</u></p> <p>In June 2023, the European Scientific Advisory Board on Climate Change (ESABCC) determined in its "Scientific Advice for the determination of an EU-wide 2040 climate target and a greenhouse gas budget for 2030–2050" fair share budgets for the EU based on an assessment of effort-sharing approaches informed by relevant legal and ethical principles. Do you support the approach established by the ESABCC, and if not, why not? What is the relevance of these calculations for Switzerland?</p> <p>Considering decision CM/Del/Dec(2025)1521/H46-30 of the Council of Europe's Committee of Ministers in March 2025 which recalled Switzerland's failure to sufficiently comply with its positive obligation to adopt, and effectively apply, regulations and measures capable of mitigating the existing and potentially irreversible, future adverse effects of climate change. In light of this decision is Switzerland prepared to quantify a national CO₂ budget that represents its fair share of the remaining global CO₂ budget for limiting the global temperature rise to 1.5°C, based on the best available science and taking into account the principles of the international climate framework?</p> <p>Is Switzerland prepared to alter its climate policy on the basis of the calculation of the remaining national CO₂ budget, i.e. to start the democratic process for revising domestic climate legislation to align with its required GHG reduction pathway?</p>

¹² Source: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-233206%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-233206%22]}).

<p>the Paris Agreement. Switzerland had also failed to meet its past GHG emission reduction targets. Overall, the Swiss authorities had not acted in time and in an appropriate way to devise and implement relevant legislation and measures.</p>	
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