



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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2 May 2023

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 109th session, considered the follow-up report submitted by the Government of Switzerland, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 16 (a) and (b), 20 (b), and 22 (a), (d) and (e) of the Concluding Observations (CERD/C/CHE/CO/10-12), adopted following the consideration of the State party's combined tenth to twelfth periodic reports, at its 105th session, held in November 2021.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined thirteenth to sixteenth periodic reports, which is due for submission, in a single document, by 29 December 2025.

Paragraph 16 (a) and (b) of the Concluding Observations

The Committee welcomes the information provided by the State party on the various information-sharing and awareness-raising projects being led by the federal offices and civil society. Additionally, the Committee notes the recent establishment of a reporting platform launched by the Federal Commission Against Racism, but regrets that no information was provided on the investigation of such reported cases. The Committee also notes that the State party did not provide any information regarding measures to combat hate speech used by political and public figures and persons in political posts.

H.E. Mr. Jürg Lauber
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The Committee requests that the State party provide information in its next periodic report on the substance and subsequent responses to the upcoming Federal Council report on legal gaps in the area of hate speech and the working paper of the Federal Department of the Environment, Transport, Energy and Communications concerning communication platform regulations.

The Committee considers the State party's response to this recommendation partially satisfactory and reiterates its recommendation that the State party take further steps to prevent, condemn, and combat racial hate speech directed at the groups that are most at risk of racial discrimination.

Paragraph 20 (b) of the Concluding Observations

The Committee notes the training and awareness-raising initiatives for police forces and the mandate of the Office of the Public Prosecutor, responsible for investigating police misconduct, and the independent mediation offices established in some cantons and cities to investigate complaints, including those brought against the police. However, there were no indications that an action plan to combat racial profiling in consultation with the population groups most at risk of becoming victims of that practice is adopted. The Committee reiterates its recommendation for the introduction of an independent system for processing complaints against racial profiling.

The Committee welcomes the information that efforts are being made at the cantonal level to address racial profiling. However, it notes that these efforts were not consistent across all cantons. The Committee requests the State party to provide, in its next periodic report, more specific information on these efforts, including statistics on the results of any measure applied, distinct from that collected by the Federal Office for Customs and Border Security.

Reiterating its previous recommendation to formulate an action plan in consultation with the population groups most at risk of becoming victims of practices by law enforcement officers that are based on racial profiling and to conduct regular audits supported by independent experts to address gaps in policies and organisational practices, the Committee considers the State party's response to this recommendation unsatisfactory.

Paragraph 26 (a), (d) and (e) of the Concluding Observations

The Committee welcomes the adoption of the Plan for the Prevention of Violence in Federal Asylum Centres and the introduction of an internal complaints system, and notes the information that the State Secretariat for Migration is examining the possibility of establishing an independent external information. The Committee reiterates its recommendation to set up effective and impartial complaints and investigative mechanisms, to punish perpetrators of violence, and to guarantee adequate reparations to victims.

The Committee notes the ongoing plans to review the restrictions on travel abroad and relocation between cantons faced by persons admitted to Switzerland on a temporary basis following the adoption of Federal Council dispatch No. 20.063 of the Foreign Nationals and Integration Act in December 2021. The Committee requests the



State party to provide information on implementation of the amendment following its entry into force and the plans under review. The Committee regrets that the State party did not provide any information in relation to the freedom of movement of persons residing in federal asylum centres.

The Committee notes the existing availability of training and education, under the Swiss Integration Agenda, for unaccompanied migrant children regardless of whether they hold a residence permit. The Committee welcomes the recommendations of the Conference of Cantonal Directors of Social Services in relation to access to education and training opportunities for unaccompanied minors. The Committee invites the State party to provide information on the implementation of the recommendations of the Conference of Cantonal Directors of Social Services in its next periodic report. The Committee considers the State party's response to these recommendations partially satisfactory.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Switzerland, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Verene Shepherd
Chair

Committee on the Elimination of Racial Discrimination