



CENTRE FOR VOTERS INITIATIVE & ACTION

Switzerland

NGO Submission to the UN Human Rights Committee

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About the Centre

The Centre for Voters Initiative & Action is an international youth-led group based between Washington, D.C. and Geneva, Switzerland. The Centre strives to empower citizens to participate in the public affairs process. We believe all persons, regardless of background, status, or location, are endowed the right to have their voice heard.

Brief Overview

This submission focuses on the nature of civil society participation in Switzerland. Indeed, whilst Switzerland is globally lauded for its direct democracy and high political engagement, especially through frequent referenda. Despite this, there remain key challenges to maximise voter participation across all civil society. Thus, this contribution aims to offer questions the Committee may consider asking the State party, along with recommendations to ensure Switzerland's adherence to the Covenant remains steadfast.

Insufficient Digital Mechanisms and 'E-Voting'

In 2003, Switzerland began trial e-voting for overseas citizens; by 2019, 14 cantons were participating in some form of e-voting trials. However, in 2019, all national e-voting trials were suspended due to security, researchers from ETH Zurich et al. discovered security flaws / vulnerabilities in the Swiss Post system.¹ In 2023, e-voting in cantons Basel-Stadt, St Gallen and Thurgau, re-commenced, albeit with more limitations and tighter regulation.²

Swiss federal law allows the ability to e-vote; however, it is subject to strict security conditions.³ Furthermore, the Ordinance on Political Rights, coming into force on 24 May 2022, sets stringent technological standards and requires independent audits of e-voting platforms.⁴ Indeed, the prospect of e-voting is certainly to the benefit of advancing participation in the public affairs process amongst Swiss civil society.

However, the reality of insecurity and growing distrust amongst members of the public and government alike has undermined credibility of the system. Indeed, methods by which a State party conducts its electoral processes are of utmost significant; however, the Centre is concerned these technological advancements may implicate the security, trust, and faith in the electoral system through possible vulnerabilities, potentially depriving civil society of a fair vote due to unfair processes.

Questions for Consideration:

- (a) What measures is the State party taking to safeguard the electoral system, especially considering the 2019 security concerns over 'e-voting' procedures in certain cantons?

¹ The Daily Swig, *Swiss Post puts e-voting on hold after researchers uncover critical security errors*, (5 April 2019), <https://portswigger.net/daily-swig/swiss-post-puts-e-voting-on-hold/>

² Federal Chancellery, *Federal Council authorises use of online voting in 2023 National Council elections*, (15 August 2023), <https://www.news.admin.ch/en/nsb?id=97361>

³ Federal Act on Political Rights of 17 December 1976 (SR 161.1), Art. 8a

⁴ Federal Chancellery Ordinance of 25 May 2022 on Electronic Voting (SR 161.116)

Suppression of Free Speech in Civics Education

In 2023, ahead of the 22 October federal parliamentary elections, cantonal education minister of Vaud Frédéric Borloz banned political debate at educational institutions in the ten weeks before elections.⁵ The decision intended to prevent partisan campaigning in schools; Borloz noted that “debates in schools are important to educate young people to become citizens, but they cannot take place at any time”.⁶

The ban on speech in schools, especially targeted towards youths, is of deep concern to the Centre. Indeed, educational institutions are centres for free discourse and opportunities to engage with the electoral process. The suppression of electoral-related speech undermines the ability for canton Vaud to properly inform citizens, encourage democratic participation, and foster a sense of civic understanding of youths. A fundamental part of democracy is disagreement: the suppression of it is grounds for undermining democracy itself.

Whilst the decision was met with swift condemnation, a resolution aiming to overturn the decision was unsuccessful due to the centre-right majority in the cantonal government. Furthermore, original jurisdiction of the case in Vaud Constitutional Court would be granted petition on the condition of one-tenth (15) of Grand Council members supporting the granting of admissibility.⁷

The status of this case and policy remains unknown. However, the legal implications of this issue stretch beyond the Covenant’s 25th Article itself; indeed, the inability for children to freely engage in civic discourse undermines the Swiss Federal Constitution’s protection of free expression, as well as the “guarantee of free formation of political opinion and genuine expression of the will of the people” in the electoral system.⁸

Questions for Consideration:

- (b) To what measure does the State party allow civil society to retain their constitutional rights to free expression and civic discourse on educational premises?
- (c) What legal protections currently exist to safeguard the right of political discourse amongst youth in educational institutions, and how is the State party committed to upholding these rights?

⁵ SWI swissinfo.ch, *Swiss canton bans political debates in education ahead of elections*, (29 August 2023), <https://www.swissinfo.ch/eng/politics/swiss-canton-bans-political-debates-in-education-ahead-of-elections/48770868>

⁶ Ibid.

⁷ SWI swissinfo.ch, *School political debate ban faces legal challenge*, (5 September 2023), <https://www.swissinfo.ch/eng/politics/school-political-debate-ban-faces-legal-challenge/48786642>

⁸ Swiss Federal Constitution, Articles 16 & 34, RS 101, adopted 18 April 1999, entered into force 1 January 2000.

Poor Voter Efficacy / Civic Engagement

In the 2023 federal elections, Switzerland's voter turnout was at 46.6%.⁹ However, at the local / cantonal level, it was significantly lower; in some areas, it dipped below 30%.¹⁰ Whilst Switzerland allows for direct civil society participation through frequent referenda, Swiss citizens often vote up to four times per year on complex issues; thus, there is some 'voter fatigue' felt from too much civic responsibility.

In addition, many Swiss hold social perceptions that things will function well regardless of voting, thus instilling heavy political complacency. In 2022, a government survey found that 73% of voters who abstained regularly felt "others would make the right decision".¹¹

The Centre acknowledges the strong civil society representation of Switzerland; indeed, they are by no means to be criticised. Yet, there remain aspects for improvement, as in any nation; in canton Schaffhausen, voting is even mandatory, with a roughly CHF 3 fine for those who abstain, pushing turnout to circa 80%.¹² As a result, many citizens feel a strong "respect for undertaking their civic duty", remarking that they regularly enjoy "carrying out of their voting rights as a privilege and perhaps even with a bit of pride".¹³

Whilst similar measures are open to adoption on a cantonal basis, the government of Switzerland can take initiative to increase civic participation. Indeed, voter information programmes and civic education initiatives could catalyse the complacency observed.

Questions for Consideration:

- (d) How is the State party addressing the civic education of the next generation in schools to combat the lack of continuous voter turnout?
- (e) What measures is the State party taking to ensure citizens are motivated to fulfil their civic duty, especially given information that civil society often feels complacent and that 'things will work out' regardless of political participation?

Concluding Remarks

We hope this information is of help to the Committee when exploring the issues Switzerland faces under the International Covenant for Civil and Political Rights, especially concerning public affairs participation under the Covenant's 25th Article.

Switzerland has a strong adherence to civic engagement, yet focus on (1) the insecurities in 'e-voting'; (2) suppression of civics debates in schools; and (3) lack of continued voter efficacy could benefit the State party to fully realise their obligations under the Covenant.

⁹ SWI swissinfo.ch, *Eight takeaways from the 2023 federal elections in Switzerland*, (22 October 2023), <https://www.swissinfo.ch/eng/business/eight-takeaways-from-the-2023-federal-elections-in-switzerland/48915304>

¹⁰ SWI swissinfo.ch, *Why the Swiss are losing interest in cantonal votes*, (1 May 2022), <https://www.swissinfo.ch/eng/business/why-swiss-interest-in-cantonal-elections-is-dwindling/47552636>

¹¹ SWI swissinfo.ch, *Democratic? The canton where voting is compulsory*, (4 April 2014), <https://www.swissinfo.ch/eng/democracy/democratic-the-canton-where-voting-is-compulsory/38299724>

¹² Ibid.

¹³ Ibid.



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