

CRI(2017)25

**ECRI CONCLUSIONS ON THE IMPLEMENTATION  
OF THE RECOMMENDATIONS IN RESPECT  
OF SWITZERLAND SUBJECT TO INTERIM FOLLOW-UP**

*Adopted on 24 March 2017<sup>1</sup>*

*Published on 16 May 2017*

---

<sup>1</sup> Unless otherwise expressly indicated, any developments which occurred after 14 March 2016, date on which the response of the authorities of Switzerland to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

ECRI Secretariat  
Directorate General II - Democracy  
Council of Europe  
F-67075 STRASBOURG Cedex  
Tel.: +33 (0) 390 21 46 62  
E-mail: [ecri@coe.int](mailto:ecri@coe.int)

[www.coe.int/ecri](http://www.coe.int/ecri)

## FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012<sup>1</sup>, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

---

<sup>1</sup> CM/Del/Dec(2012)1154/4.2.



1. *In its report on Switzerland (fifth monitoring cycle) published on 16 September 2014, ECRI again recommended that the Swiss authorities confer on the Federal Commission against Racism tasks and responsibilities for (i) providing aid and assistance to victims, including legal assistance, so they can assert their rights with the authorities and the courts, (ii) receiving complaints and seeking settlements either through amicable conciliation or through binding and enforceable decisions, (iii) gathering evidence and information and (iv) having recourse to the courts and intervening in judicial proceedings (Principle 3 of General Policy Recommendation No. 2).*

As concerns the federal level, the Swiss authorities have informed ECRI that the Federal Commission against Racism (CFR) is an extra-parliamentary consultative commission with no decision-making powers. As an independent observer and advisor to the Federal Council, its task is to play a role with regard to victims of racism and discrimination. The CFR can give information to persons who deem that they are victims of racial discrimination, but it does not have the authority to advise them or assist them in legal proceedings. It is moreover competent to order legal expertise of a general nature and to submit it to courts.

The CFR has informed ECRI that it is in the process of expanding its advisory role and that it would be advisable that a national body or cantonal bodies be empowered to deal with complaints and to make legally binding decisions. Furthermore, in the new issue of its legal guide, the Service for Combating Racism will focus more on extra-judicial conciliation and dispute resolution measures, in order to promote their use in cases of racism and discrimination.

According to the Swiss authorities, there are no plans to set up, at the national level, specialist bodies in charge of receiving complaints and tasked with settling them through amicable conciliation or legally binding decisions. They consider that the idea of attributing additional powers to the CFR at the federal level is highly unlikely to come to fruition and could even lead to a weakening of the Commission.

With regard to the cantonal level, ECRI welcomes the creation of counselling services for victims of racism and racial discrimination within the framework of the cantonal integration programmes. The purpose of these services is to counsel victims and offer them skilled support. A network of 25 specialised services throughout Swiss territory has been established to guarantee the quality of this counselling.

ECRI wishes to stress the importance of the CFR for dealing with racism and intolerance. It recalls that bodies specialised in combating racism can also be created at the regional level in the cantons. ECRI welcomes the improvements made at both the federal and the cantonal levels as concerns legal aid and assistance for victims of racism and racial discrimination. It nonetheless notes with regret that there has been little progress with regard to the other matters raised in its recommendation.

ECRI therefore considers that this recommendation has been partially implemented.

2. *In its report on Switzerland (fifth monitoring cycle), ECRI recommended that the Swiss authorities task one or more independent authorities to promote understanding of LGBT persons and combat the discrimination from which they suffer. These authorities should cover the whole of Switzerland and be given a specific budget for this purpose.*

The Swiss authorities have informed ECRI that two studies by the Swiss Centre of Expertise in Human Rights (SCHR)<sup>1</sup> have highlighted the fact that there is no federal body in charge of providing counselling and information in the LGBTI area. As does ECRI, these studies strongly recommend the creation of such a body.

---

<sup>1</sup>SCHR (2014), *Ancrage institutionnel des thématiques LGBTI en Suisse - Extrait*, SCHR (2015), *Accès à la justice en cas de discrimination*.

According to the first of these studies, the Federal Commission for Women's Issues (FCWI) considers that dealing with LGBTI matters is part of its remit and wishes to fulfil this task; however, it is unable to do so for lack of sufficient resources.

As for the Swiss authorities, they have informed ECRI that the Federal Office for Gender Equality (FOGE) disseminates information on LGBTI issues and provides financial support for projects in this area. They have also indicated that they are considering developing cooperation between existing services, rather than establishing a federal service specialised in LGBT issues.

ECRI concludes from this that the authorities have neither mandated an independent body (such as the FCWI) nor, at least, tasked an administrative authority (such as the FOGE) to centralise and coordinate efforts necessary for promoting greater understanding of LGBT people and for combating the discrimination which they may face. The FCWI, which could take on this role, has received no specific budget in this regard.

ECRI therefore considers that this recommendation has not been implemented.

