

Last update: 05/06/2020

## Switzerland

Membership to the Council of Europe	6 May 1963
Entry into force of the European Convention on Human Rights	28 November 1974
First case under supervision of execution	<b>Minelli</b> (8660/79) Judgment final on 25 March 1983
Total number of cases transmitted for supervision since the entry into force of the Convention	131
Total number of cases closed by final resolution	123

### MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

#### > Access to a court

Freezing of the assets and economic resources of senior officials of the former Iraqi regime without any possibility to obtain judicial review of this measure to avoid any arbitrariness in the implementation of Resolution 1483(2003) of the Security Council of the United Nations.

**Al-Dulimi and Montana Management Inc.** (5809/08)  
Judgment final on 21/06/2016

**Status of execution**  
Enhanced supervision

\* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).



## SUPERVISION CLOSED - MAIN REFORMS ADOPTED \*\*

> **Actions of security forces**

**Creation in 2008, in the Canton of Geneva, of the Inspectorate-General of Services (IGS) dealing with pending criminal proceedings and claims against members of police forces.** Elaboration of a booklet for police services aiming notably at ensuring the smooth running of identity checks.

*Dembele* (74010/11)  
Judgment final on 17/02/2014

**Final Resolution**  
**CM/ResDH(2016)175**

> **Lawfulness of detention and related issues**

**Creation of a coherent legal framework for the detention of prisoners, having served their prison sentences, awaiting the final outcome of proceeding with a view to ordering preventive detention – part of a global reform of criminal procedure in 2011.**

*Borer* (22493/06)  
Judgment final on 10/09/2010

**Final Resolution**  
**CM/ResDH(2016)240**

> **Lawfulness of detention of persons under guardianship**

**Recognition in the Civil Code in 2013 of a direct right of access to a judge for persons forcibly placed in a psychiatric institution** in order to challenge themselves the measure without having to wait, possibly for long periods, for permission to do so from the tutorship authority.

*Mäder* (6232/09)  
Judgment final on 08/03/2016

**Final Resolution**  
**CM/ResDH(2016)182**

> **Expulsion and family life**

**Ensuring the existence of individual guarantees as regards respect for family unity** in case of expulsion of families with small children to Italy - Swiss application of the treaty relating to the Dublin II Regulation.

*Tarakhel* (29217/12)  
Judgment final on 04/11/2014

**Final Resolution**  
**CM/ResDH(2015)96**

**Allowing spouses whose asylum request has been rejected to be together when expulsion is not possible for a long period** and provided that the interested parties are cooperative - modification of the administrative practice of the Federal Office for Migration.

*Mengesha Kimfe* (24404/05+)  
Judgment final on 29/10/2010

**Final Resolution**  
**CM/ResDH(2011)302**

> **Access to a court**

**New law confirming the freedom of action of lawyers when providing their services** and providing access to a court in all cases of dispute and thus guaranteeing a court hearing (including in disciplinary proceedings).

*Hurter* (53146/99)  
Judgment final on 15/03/2006

**Final Resolution**  
**CM/ResDH(2015)187**

**In 2018 the general limitation period in cases related to death or bodily injuries (including for asbestos victims) was extended to 20 years.** The Foundation "Asbestos Victims Compensation Fund", created in 2017, offered asbestos victims rapid access to several types of benefits, including financial compensation.

*Howald Moor and Others* (52067/10)  
Judgment final on 11/06/2014

**Final Resolution**  
**CM/ResDH(2019)232**

\*\* This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV "Main achievements". As regards the period 1959-1998, see the overview provided by the European Court in its special publication "Survey : 40 years of activity", section IV "Effects of judgments and decisions" – both documents, together with a number of additional ones, are available also on the website of the [Department for the Execution of Judgments of the European Court of Human Rights](#).



## SUPERVISION CLOSED - MAIN REFORMS ADOPTED \*\*

## &gt; Fairness of judicial proceedings – civil rights

**Repealing of heirs' responsibility for tax fines** imposed on the deceased.

*E.L., R.L. and J.O.-L.* (20919/92)  
Judgment final on 29/08/1997

Final Resolution  
ResDH(2005)3

## &gt; Private and family life – custody rights

**Improvement of the handling of cases of international child abduction:**

- Acceleration of return procedures by conferring competence on a single cantonal court;
- Promotion of friendly settlements of conflicts between parents;
- Adoption of enforceable measures of decisions;
- Designation of a single authority in charge of enforcement.

*Bianchi* (7548/04)  
Judgment final on 22/09/2006

Final Resolution  
CM/ResDH(2008)58

## &gt; Private and family life – secret surveillance

**New legislative rules regarding telephone tapping** in 2000 clearly setting out the conditions under which monitoring measures can be undertaken, their scope, their organisation, the procedures to be complied with. Clear definition of the exceptions allowing monitoring of persons bound by professional confidentiality (as lawyers), and establishment of stronger legal guarantees for the processing of information subject to professional confidentiality.

*Kopp* (23224/94)  
Judgment final on 25/03/1998

Final Resolution  
ResDH(2005)96

## &gt; Gender identity

**New case-law of the Federal Court extends the possibility to obtain reimbursement of medical expenses incurred for sex-change operations;** reimbursement shall no longer be refused if a two-year observation period has not been respected if medical expertise highlights the urgency of the intervention.

*Schlumpf* (29002/06)  
Judgment final on 05/06/2009

Final Resolution  
CM/ResDH(2011)161

## &gt; Freedom of expression

**Adoption of a more precise legal framework in order to supplement the general police clause of the Constitution dealing with the “grave and urgent situations”** (the security of the “World Economic Forum” of Davos in the present case) through a new law on the Police in the Canton of *Graubünden* in 2004 clearly stating the measures the cantonal police is entitled to take in order to protect public order and safety; such legislations are also enforced in other cantons (Geneva, Zurich, Basel...).

*Gsell* (12675/05)  
Judgment final on 08/01/2010

Final Resolution  
CM/ResDH(2012)61

## &gt; Protection against discrimination – family life



## SUPERVISION CLOSED - MAIN REFORMS ADOPTED \*\*

**Possibility for each spouse at the date of marriage to conserve his/her family name**, to choose as a common surname the unmarried name of the wife or of the husband, or to add his/her unmarried name before the common surname.

**Burghartz** (16213/90)  
Judgment final on 22/02/1994

**Final Resolution  
ResDH(94)61**

**Losonci Rose et Rose** (664/06)  
Judgment final on 09/02/2011

**Final Resolution  
CM/ResDH(2012)102**

### > Discrimination

**A reduction in working time for purely family reasons related to childcare is no longer a reason for revision of grants of disability benefits** (change of administrative practice concerning the method of calculation of disability allowances)

**Di Trizio** (7186/09)  
Judgment final on 04/07/2016

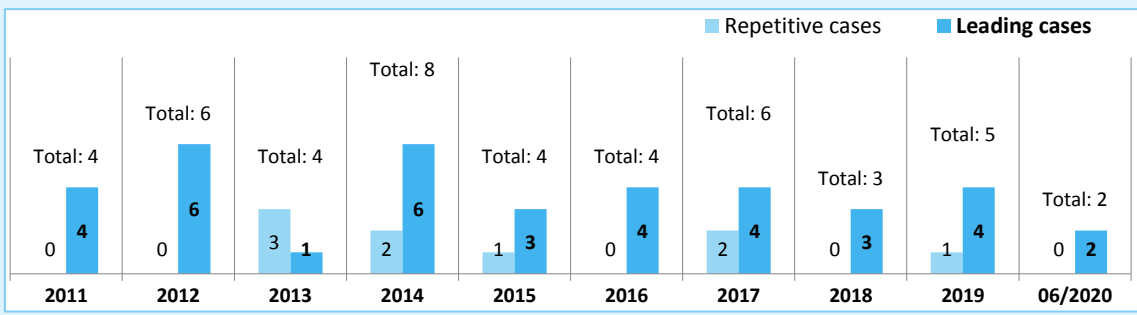
**Final Resolution  
CM/ResDH(2017)128**



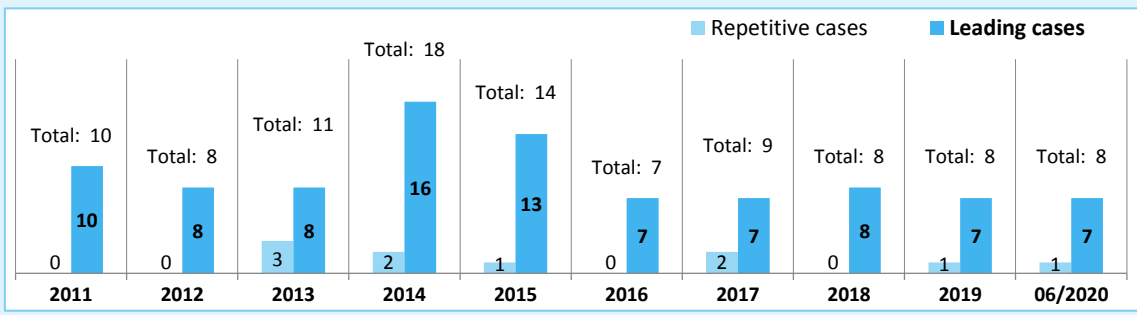
## STATISTICS\*\*\*

### New cases

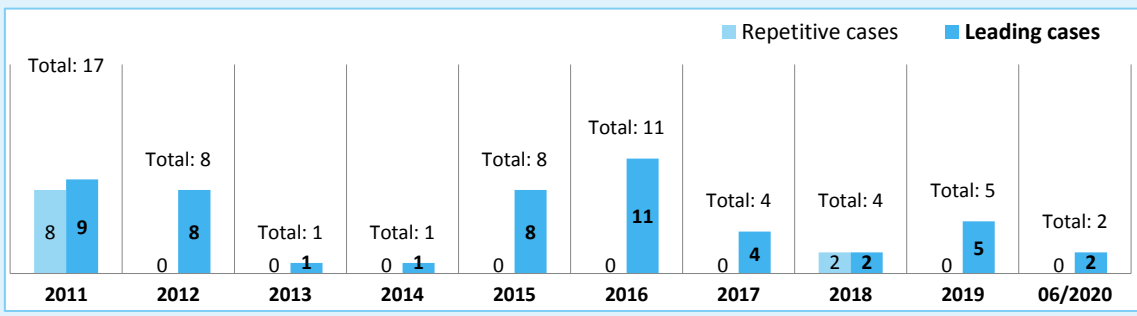
(judgments transmitted for supervision of their execution during the year)



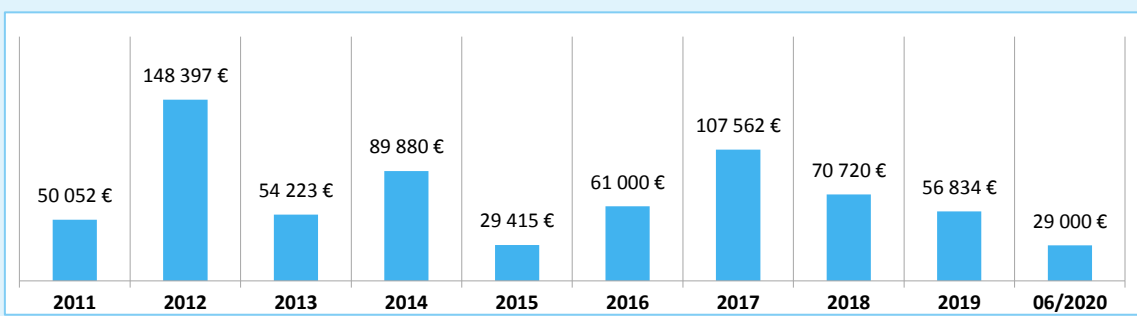
### Pending cases



### Cases closed by final resolution



### Just satisfaction awarded by the European Court



\*\*\* Detailed statistics are available in the annual reports of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.