



Last update: 04/10/2018

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	Minelli (8660/79) Judgment final on 25 March 1983
Total number of cases transmitted for supervision since the entry into force of the Convention	115
Total number of cases closed by final resolution	107

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Access to a court

Absolute ten-year limitation period starting to run irrespective of whether the victims of exposure to asbestos were aware of the effects of the damage and of their right to compensation, thereby making any action for damages impossible.

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

Status of execution
Standard supervision

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

> 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

** 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 **

> 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

> 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

> 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

> 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

> Protection against discrimination – family life

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



SUPERVISION CLOSED - MAIN REFORMS ADOPTED **

> 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

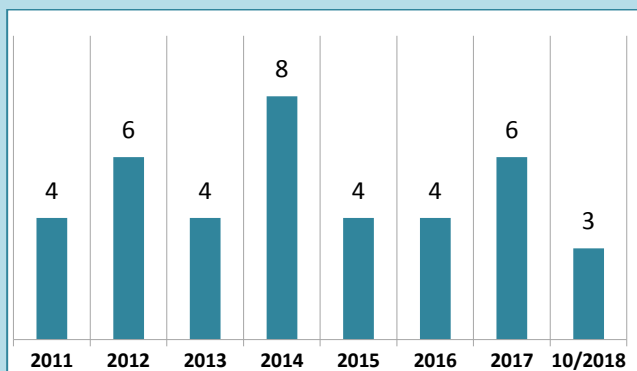
Final Resolution
CM/ResDH(2017)128



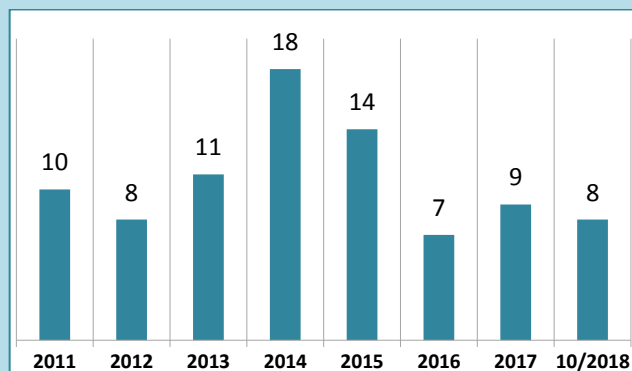
STATISTICS***

New cases

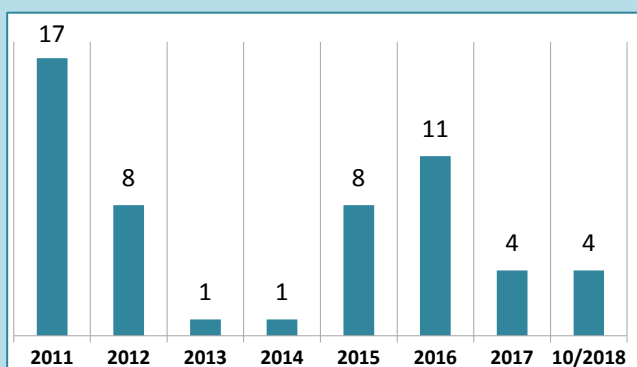
(judgments transmitted for supervision of their execution during the year)



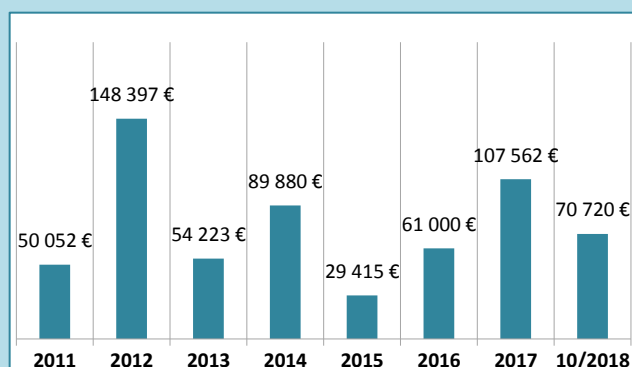
Total of pending cases



Cases closed by final resolution



Just satisfaction awarded



*** 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.