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

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¹ Unless otherwise indicated, this analysis does not take into account any developments that occurred after 13 April 2022, the date on which the response of the Swiss authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received.

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FOREWORD

As part of its sixth 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 sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018², 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 follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

² [CM/Del/Dec\(2018\)1316/4.1](#); [CM\(2018\)62-add10](#).

1) *In its report on Switzerland (sixth monitoring cycle), published on 19 March 2020, ECRI strongly recommended that the Counselling Centres for Victims of Racism be strengthened by increased funding (from a budget separate from the Cantonal Integration Programmes) and human resources.*

Since ECRI's visit in 2019, new Counselling Centres for Victims of Racism (hereafter "counselling centres") have been established. The workload of the counselling centres has continued to grow significantly, which has gone hand in hand with a greater awareness of racism-related issues in Switzerland. This is illustrated by an increase by almost 79% from 2019 to 2021 in the number of documented cases³ registered by the national monitoring system referred to as "DoSyRa" (*Dokumentationssystem Rassismus*), which is managed by the Federal Commission against Racism (FCR) and the humanrights.ch organisation through the Network of Counselling Centres (hereafter "the Network").

Regardless of whether the counselling centres are established as specialist units within cantonal administrations or as external bodies holding service contracts with the cantons, most of their funding is public. As ECRI had already noted in its sixth-cycle report (§6), such funding is notably granted in the framework of the Cantonal Integration Programmes (CIP) as part of the strategy to promote integration of immigrants by protecting them against discrimination.

The Swiss authorities acknowledge that the current funding of the centres is insufficient to maintain and develop high-quality professional counselling services. In this regard, ECRI notes with interest that the authorities are considering, in consultation with the relevant partners, to further strengthen the Network by establishing it as a "competence centre" in the field of protection against discrimination. This point is expected to be included in new CIPs which, however, have not yet been adopted and which, in any event, would only apply as from 2024.

ECRI takes note of the measures taken by the Federal Service for combating Racism (SLR) to strengthen the protection against discrimination by supporting training in this field⁴, as well as the positive experiences of cooperation between certain counselling centres. However, it deplores that no concrete step has been taken by the authorities since 2019 to ensure adequate funding to the counselling centres in all cantons. Furthermore, it regrets to note that the protection against racial discrimination continues to be seen by the authorities as an issue pertaining to immigrants, whereas racial discrimination is a matter of concern for the society as a whole.

The primary role of counselling centres in the provision of support, including legal advice, to victims of racism and racial discrimination and in the documentation of racist incidents should be recognised. Against this background, ECRI urges the authorities to provide counselling centres with an adequate budget that is clearly separate from the CIPs.

In the light of the above, ECRI must conclude that its recommendation has not been implemented.

2) *In its report on Switzerland (sixth monitoring cycle), ECRI strongly recommended that the authorities grant a regular residence status to persons who cannot be returned to their country of origin after a maximum period of six years.*

ECRI notes with regret that the Swiss authorities have not taken any step to facilitate or to harmonise, throughout the country, the regularisation of migrants who are not returned to their country of origin after the rejection of their asylum request. In particular, there has been no change as regards the possibility of granting these persons a regular status, after a maximum period of six years. These migrants continue to depend on emergency assistance for an indefinite period of time while their living conditions reportedly often deteriorate to the point of preventing any further perspective of integration and any return to their country.

The information provided by the Swiss authorities refers to the options that were already brought to the attention of ECRI at the time of its visit, in particular the possibility of regularising migrants in cases of "hardship" (*cas de rigueur*), as provided by Article 14, paragraph 2 of the Law on Asylum. However, ECRI understands from the information received that such a procedure remains unevenly applied by

³ The documented cases of racial discrimination increased from 352 in 2019 to 630 in 2021, according to humanrights.ch (<https://network-racism.ch/fr/rapports-sur-le-racisme/rapport.html>).

⁴ A platform listing the available trainings in the field of combating discrimination has been set up and the National Service against Racism has financed a "train the trainers" project.

the cantonal authorities⁵, which enjoy a wide discretion on the matter and whose decision not to refer a case to the migration authorities cannot be appealed.

ECRI strongly encourages the Swiss authorities to review their policies on this matter in the light of concerns expressed by ECRI and other bodies at international and national level⁶ and to draw on the positive examples set by certain cantons in this field (see §17 of the sixth-cycle report).

In the light of the above, ECRI concludes that the recommendation has not been implemented.

⁵ With the view to ensuring a fair distribution of migrants across the country, they are assigned to cantons by the federal authorities, in co-operation with the cantons.

⁶ <https://www.humanrights.ch/fr/nouvelles/aide-urgence-conditions-precaires-sante-mentale>