

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

*Adopted on 21 March 2012<sup>1</sup>*

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<sup>1</sup> Any developments which occurred after 20 September 2011, date on which the additional 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, are not taken into account in this analysis.



## FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007<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.

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<sup>1</sup> CM/Del/Dec(2007)986/4.1.



1. *In its report on Switzerland (fourth monitoring cycle) published on 15 September 2009, ECRI recommended that the authorities pursue their efforts to train police officers, prosecutors, judges and future legal professionals in the scope and application of Article 261bis of the Criminal Code, which is intended to prohibit racist acts.<sup>1</sup> In particular, provision should be made for training courses allowing the different members of the judicial system to exchange information and expertise in order to speedily bring about an improvement in the application of Article 261bis by all those concerned.*

The Swiss authorities have informed ECRI that various police forces and police schools provide courses on intercultural competence and related topics – with the occasional involvement of NGOs<sup>2</sup>. In ECRI's opinion, these are valuable initiatives.

However, ECRI regrets that these initiatives only concern some of Switzerland's police forces. It also regrets that no training has been organised for judges, prosecutors and future legal professionals on Article 261bis of the Criminal Code. ECRI finds that the above recommendation has not been fully implemented.

2. *In its report on Switzerland (fourth monitoring cycle), ECRI also recommended that the authorities assess the integration measures taken in order to determine which additional measures should be adopted to promote integration and counter racism and racial discrimination. During this assessment special attention should be paid to the integration agreements to verify that the applicable sanctions do not have a counter-productive effect on the integration of the persons concerned or on the climate of public opinion and debate concerning the target groups. Should the assessment result in a finding that the integration agreements are ineffective and counter-productive, all the necessary adjustments should immediately be made to rectify the situation.*

The Swiss authorities have informed ECRI that on 5 March 2010 the Federal Council issued a detailed report on the evolution of the Confederation's integration policy. Moreover, in May 2011 a national conference on integration was organised by the CTA (*Conférence Tripartite sur les Agglomérations*), which brings together the Federal Council, the Standing Conference of Cantonal Governments, the Association of Swiss *Communes*<sup>3</sup> and the Union of Swiss Cities.

In addition, in 2010 the integration agreements of five cantons were evaluated by the Institute for Social Planning and Urban Development of the University of Applied Sciences and Arts of Northwestern Switzerland. The Federal Office for Migration (FOM) is examining the applicability of the Institute's recommendations.

The Swiss authorities have informed ECRI that the FOM's conclusions will be taken into account in the process of examining the feasibility of a draft bill to amend the provisions on integration of the Federal Law on Foreigners. Amending these provisions was one of

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<sup>1</sup> In line with the definitions set out in ECRI's General Recommendation No. 7 on national legislation to combat racism and racial discrimination, all references to these phenomena include grounds such as "race", colour, language, religion, nationality or national or ethnic origin.

<sup>2</sup> LICRA (International League against Racism and Antisemitism) was involved in training at the Police Academy of Savatan.

<sup>3</sup> The smallest local-government unit.

the options discussed in the report of 5 March 2010 - the other being to draft a federal framework law (*loi-cadre*) on integration.

ECRI is satisfied that appropriate follow-up has been given to the above recommendation.

3. *Finally, in its report on Switzerland (fourth monitoring cycle), ECRI recommended that the authorities ensure that all members of the police, whether already in active service or in initial training, follow training and awareness-raising courses regarding the need to combat racism and racial discrimination in policing, including racial profiling. It recommends that structures be set up to enable the exchange of good practice in this field between the various police forces at the federal, cantonal and municipal levels. With regard to these issues and all other issues of relevance to the police, ECRI draws attention to its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, which gives guidelines concerning the measures to be taken in this field.*

The Swiss authorities have drawn ECRI's attention, in this connection, to the intercultural competence training referred to above. Specific training on racial profiling was organised in Lucerne in 2011, with the participation of Zürich's Ombudswoman, who had devoted her 2010 report to this phenomenon.

The December 2010 issue of the Federal Commission against Racism's (FCR) bulletin (Tangram 26) was dedicated to safety and security. Since it contained research and recommendations on how to combat racism and racial discrimination in policing it was presented to all 26 cantons' law-enforcement chiefs. The FCR was not satisfied with the official reaction to this initiative.

ECRI takes into account the findings of the above-mentioned 2010 report which correspond to information recently published in the Swiss media and NGO complaints. It considers that additional steps should be taken to provide training to police officers outside Lucerne on the need to combat racial profiling<sup>4</sup>. ECRI, therefore, regrets that its recommendation has not been fully implemented.

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<sup>4</sup> ECRI already expressed regret that the intercultural competence training initiatives only concerned some of Switzerland's police forces



