



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2284th meeting

Held at the Palais Wilson, Geneva, on Monday, 17 February 2014, at 10 a.m.

Chairperson: Mr. Calí Tzay

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Seventh to ninth periodic reports of Switzerland (continued) (CERD/C/CHE/7-9; CERD/C/CHE/Q/7-9)

1. *At the invitation of the Chairperson, the delegation of Switzerland took places at the Committee table.*
2. **Ms. Macri-Filli** (Switzerland) said that, in accordance with article 50 of the Federal Aliens Act, spouses subject to a family reunification request could only be granted a separate residence permit upon the dissolution of the relationship if they had important personal reasons which necessitated an extended stay in Switzerland, such as in cases of domestic violence or where reintegration into the country of origin was impossible. According to national jurisprudence, foreign nationals who were victims of domestic violence must prove that the severity of their injuries, be they physical or psychological, were serious enough to warrant continued residence in Switzerland. The Federal Council had rejected the notion of establishing a systematic process for granting separate residence permits for spouses entering Switzerland who were subject to a family reunification request in an effort to avoid an increase in marriages of convenience.
3. As to state efforts to combat domestic violence, the Federal Council had published a report in 2009 containing a series of prevention measures and the Federal Office for Migration had introduced an in-depth training module on the subject for migration personnel. The Federal Office for Migration and the Federal Office for Gender Equality had also organized regional workshops with cantonal migration authorities to harmonize the approach to preventing and combating domestic violence. In more general terms, the State party had also taken several measures to remove structural barriers facing migrants, particularly vulnerable groups.
4. **Ms. Benkais-Benbrahim** (Switzerland) said that the Federal Council had adopted an act in 2012 which prohibited forced marriage and provided for the resulting family reunification process to be suspended and the marriage in question to be annulled. In order to raise national awareness of the issue, a campaign had been launched in 2009. Information leaflets had been provided to young people in several languages; training programmes had been introduced for various target groups and public events, including dance and film festivals, had been organized to combat the practice. Owing to its success, the Federal Council had decided to extend the campaign until 2018 and had allocated 2 million Swiss francs to support its activities. The Federal Office for Migration would continue to manage the project, with support from the Federal Office for Gender Equality, and it was hoped that within five years a national information-sharing network and case monitoring system on forced marriage would be established in all regions of Switzerland.
5. **Ms. Duong** (Switzerland) said that the State party fully supported international efforts to end child, early and enforced marriage and had taken several steps to combat such practices.
6. **Ms. Vollenweider** (Switzerland) said police data frequently showed that the majority of domestic violence victims came from an ethnic minority background and were predominantly migrant women. The Federal Council had therefore implemented a set of measures designed to provide assistance to such persons under the aegis of the Federal Office for Migration and the Federal Office for Gender Equality.
7. **Mr. Lindenmann** (Switzerland) said that the State party was in the process of ratifying the ILO (International Labour Organization) Domestic Workers Convention, 2011

(No. 189) and had also adopted a national decree in 2011, which provided for the protection of domestic workers working in private households.

8. **Ms. Bonfanti** (Switzerland) said that, pursuant to the Code of Criminal Procedure, complaints against the police were handled by the Public Prosecutor's Office, which acted as an independent oversight body. Close attention was also paid to the selection and recruitment of police officers and every new recruit to the police force underwent rigorous psychological testing. Basic police training included modules on ethics and human rights and police officers were required to undergo continuous training on ethics and professional conduct throughout their career. Any person who wished to lodge a complaint against the police could contact the police chief directly and various internal oversight mechanisms had been put in place to evaluate the performance of each individual police force. The State party remained committed to tackling police misconduct, including the use of inappropriate language, and monitored police officers' behaviour regularly.

9. **Ms. Ehrich** (Switzerland) said that the Swiss Centre of Expertise in Human Rights had interviewed police chiefs in 2013 in order to compile a report on the existing police oversight mechanisms. The findings of the report would soon be made available to all cantons and would provide concrete suggestions for future improvements to the police complaints handling process.

10. **Ms. Baraga** (Switzerland) said that national legislation guaranteed the fundamental rights of asylum seekers. She confirmed that no restrictions on freedom of movement had been placed on asylum seekers housed at the federal asylum seeker detention centre in Bremgarten. An agreement had been concluded between the centre and the local community to coordinate the shared use of public facilities, such as school sports centres, but asylum seekers had in no way been prevented from accessing such facilities and would face no criminal sanctions if they used the facilities outside of the agreed hours.

11. Regarding the status and rights accorded to recognized asylum seekers in Switzerland, they were initially issued with a "B" permit upon entry in the country and had the same right to apply for a residence permit after 10 years as any other foreign national. Any person applying for asylum in Switzerland, who either did not meet the criteria of the Convention relating to the Status of Refugees and who could not be returned to their country of origin due to medical or other reasons, was granted a temporary "F" permit. The legal status of "F" permit holders had recently been strengthened as part of a review of the Federal Aliens Act and such persons now had the right to request family reunification and seek employment. As an additional measure, the Federal Council also allocated cantonal authorities an integration grant for every person to whom they issued an "F" permit.

12. Pursuant to the amendments made to the Federal Aliens Act, restrictions had been placed on "F" permit holders' freedom to travel back to their country of origin. Travel to third countries remained possible, but only if the "F" permit holder was deemed to have fully integrated into society and had lived in Switzerland for a minimum period of three years.

13. **Ms. Benkais-Benbrahim** (Switzerland) said that the national review of the Ordinance on the Integration of Foreigners had resulted in an additional national contribution being paid to each canton in order to cover the costs incurred in integrating refugees and "F" permit holders in their communities. The contribution amounted to 6,000 Swiss francs per person and had been introduced in an attempt to promote the integration of refugees and "F" permit holders in the labour market through the provision of language lessons, professional training and personal mentoring.

14. **Ms. Baraga** (Switzerland) said that foreign nationals could apply for naturalization after 12 years of permanent residence in Switzerland. The Federal Council had recently proposed a bill to reduce the required qualifying period to 8 years in accordance with

European norms, but the amendments to the naturalization process had met with great resistance in the Federal Parliament.

15. In order to initiate the naturalization process, foreign nationals must prove that they had “successfully” integrated into Swiss society. The Federal Parliament had decreed that a foreign national could only be considered fully integrated if he or she posed no threat to the internal or external safety of Switzerland, upheld public law and order, respected the values of the Constitution, had knowledge of one of the official national languages and participated in the economic and social life of the country in a manner which was in line with Swiss values.

16. As to the steps taken to harmonize the naturalization application process at the cantonal level, the recent amendments to federal law set forth clear and precise integration criteria for each canton to follow and had established a uniform national procedure for processing applications.

17. **Ms. Macri-Filli** (Switzerland) said that the State party used the terms “persons without legal documents” or “persons without legal status” for any foreign national without legal authorization to remain in Switzerland. The Federal Council continued to reject any suggestion of granting amnesty for persons in an irregular situation but would, in very exceptional cases, issue residence permits if a case of extreme hardship was shown to exist. Factors such as the person’s level of integration, respect for law and order, family circumstances, health and financial situation and length of stay in Switzerland were all taken into account when deciding whether to issue such a residence permit. In 2012, the Federal Council had considered 307 cases of extreme hardship, of which 270 were declared eligible for a residence permit.

18. As to the availability and access to education for foreign nationals, school attendance was obligatory for all foreign children living in Switzerland in accordance with national education guidelines. The Federal Council had also recently amended legislation so that young persons in an irregular situation could continue their training after having completed their basic education.

19. Turning to compulsory health insurance and access to social assistance for persons in an irregular situation, she said that persons working illegally could claim social assistance without having paid into the system if they agreed to subsequently repay any arrears in contributions. Persons in an irregular situation were also eligible for compulsory health insurance, regardless of whether they were in employment. Health insurance coverage was linked to a person’s address and health insurers had access to the personal details of persons in an irregular situation. However, in accordance with data protection legislation, they could not pass on those details to the migration authorities.

20. **Ms. Ehrich** (Switzerland) said that no separate article on racial discrimination had been incorporated in the Constitution as the existing provisions had been shown to offer adequate protection against all forms of discrimination. Any victim of discrimination could bring his or her case to court pursuant to article 28 et seq. of the Civil Code or the various anti-discrimination provisions contained in employment, tenancy and contract law.

21. In order to provide further assistance to victims of discrimination, the Federal Service for Combating Racism had published a legal handbook on racial discrimination containing useful practical advice and had offered training on anti-discrimination law to more than 700 representatives of public and private organizations since 2009.

22. **Ms. Benkais-Benbrahim** (Switzerland) said that since 1 January 2014 a national integration programme had been in force in 26 cantons. The programme covered a four-year period and focused on combating discrimination. It contained a series of objectives and indicators, which evaluated each canton’s progress and stressed the importance of

protecting vulnerable groups, such as “F” permit holders and migrant women. As part of the programme, all cantons had established advisory services for foreign nationals and had carried out a series of anti-discrimination awareness-raising campaigns involving employers, the media, schools and civil society.

23. **Ms. Amarelle** (Switzerland) said that the major cities in Switzerland took a proactive approach to integration policy. For example, the Lausanne municipal authorities had joined the European Coalition of Cities against Racism and had adopted a comprehensive programme of action aimed at raising public awareness, protecting victims of discrimination and promoting equal access to services for all persons. Action weeks to combat racism had also been organized to coincide with the International Day for the Elimination of Racial Discrimination and numerous anti-discrimination projects had been conducted in several other cantons.

24. **Ms. Bonfanti** (Switzerland) explained that racial profiling was the practice of questioning a person solely on the grounds of age, race, ethnic background or other defined criteria. Arbitrary questioning based on those criteria was prohibited by the police code of ethics. There were nevertheless situations in which a targeted search was necessary and strict provisions were applied: they should have a specific aim, be based on factual criteria and be associated with habitual criminal activity, while the purpose of the questioning should be explained to those targeted. The police should ensure that their conduct was lawful and they should not give in to pressure from the judiciary or any other source in order to produce quick results. Police officers should be adequately trained before they were involved in racial profiling activities.

25. **Ms. Wigger-Hausler** (Switzerland) said that the Yenish were a native people who had lived in Switzerland for centuries; the majority had settled while a minority continued to live as travellers. Switzerland had ratified the European Charter for Regional or Minority Languages and had recognized Yenish as a non-territorial language. Teaching in Yenish was not viable in view of the small number of Yenish children who attended school.

26. Most cantons had set aside land for the caravans of travelling people, although the number of sites had been restricted following local referendums. Lack of knowledge concerning travelling people in Switzerland led to misunderstandings and their image was further damaged by a negative image in the media; attempts had been made to rectify the situation through positive information campaigns. Between 40,000 and 60,000 Roma had integrated in Swiss society, although unfortunately attention was often drawn to the very small number of foreign beggars of Roma origin.

27. **Ms. Bonfanti** (Switzerland) said that the police in Switzerland did not practice any form of discrimination but sought to enforce applicable laws irrespective of the ethnic origin of the persons concerned. For example, article 11A of the law of the Canton of Geneva specified that beggars would be subject to a fine: it just happened that the majority of beggars were of Roma ethnicity. Investigations concerning Roma had uncovered a human trafficking network in Switzerland. The police were also obliged to intervene frequently to prevent unauthorized campsites from being set up on public highways.

28. Swiss police cooperated at the international level, including in Romania and Bulgaria and in training police officers in other parts of the world. The international activities of the police demonstrated their willingness to support humanitarian and development projects. Certain types of crime were sometimes found to be propagated by a particular community: for instance, 60 per cent of heroin dealers recently questioned by police were found to be of Albanian origin, a fact that had come to light as part of anti-drug trafficking activities and not because of any discriminatory attitude on the part of the police.

29. **Ms. Amarelle** (Switzerland) said that in Lausanne, attempts had been made to regulate begging without criminalizing poverty. Begging was caused by poverty and was

rarely a public order issue. Beggars no longer had the right to approach passers-by nor to use children; certain public spaces were closed to them. Police officers who spoke the Roma language had been trained to work as mediators between the local authorities and Roma travellers. An information campaign in French and Romanian had accompanied the new regulations that restricted begging. Non-governmental projects had been funded in one of the poorest regions of Romania; a pilot project on teaching Roma children in Lausanne had been established and its success would be evaluated after four months.

30. **Ms. Vollenweider** (Switzerland) said that the Federal Statistical Office collated information, some of which was derived from police crime records. The number of reported crimes concerning racial discrimination had fallen in recent years. No disaggregated socioeconomic statistics were available on the prison population. The fact that 75 per cent of the prison population was composed of non-Swiss nationals was not an indication of discrimination but reflected the criminal activity that had taken place or was simply a result of the number of prisoners on remand awaiting trial. Indicators introduced more recently in population surveys showed that some 6 per cent of Swiss nationals believed they were discriminated against but the figure was three times higher for non-Swiss nationals. The data could be found on the website of the Swiss Federal Statistical Office.

31. **Ms. Wiesendanger** (Switzerland) said that Switzerland collated information on racial discrimination from some 19 different sources of data. In addition to data from police complaints procedures, surveys were conducted on attitudes to racism and on unequal treatment in respect of access to housing, education and health. Not all of the statistics were reliable and their interpretation posed challenges, but some of them did point to the existence of racial discrimination. A report encompassing all areas of racial discrimination was published every two years, including specific analysis of quantitative data. A tool had been developed for the assessment of population trends and attitudes over time.

32. **Mr. Vázquez** joined other Committee members in questioning the lack of federal civil law on racial discrimination. The Constitution prohibited racial discrimination but did not provide remedies for victims. Switzerland was a party to the International Convention on the Elimination of Racial Discrimination, which called for reparation, redress and adequate remedies. There did not appear to be a constitutional barrier to the introduction of a law on racial discrimination, since legislation on the basis of gender and disability already existed. He understood that an employee dismissed on the grounds of racial discrimination could seek damages, but there was no provision for reinstatement of employment. Furthermore there was no remedy for discriminatory hiring or for discrimination suffered during the course of employment. The delegation had cited one example of the use of article 28 of the Swiss Civil Code in a case of discrimination; he sought further instances of where it had been applied. Damages awarded in cases of discrimination appeared to be very low: he questioned whether they fulfilled the requirements of article 6 of the Convention, which called for adequate redress. Since it was often difficult to prove racist motivation, many States had shifted the burden of proof to the defendant once the plaintiff had made a *prima facie* case; if a similar process was not available in Switzerland, he asked whether it could be included in a new comprehensive law on racial discrimination. A recent amendment to federal criminal procedural law meant that criminal cases could not be initiated by public institutions, although that had previously been possible under some cantonal law; he asked whether the cantonal law could be reinstated.

33. **Ms. Crickley** (Country Rapporteur) shared the concerns of Mr. Vázquez in relation to the lack of civil anti-discrimination legislation. She asked why Switzerland selectively applied European directives and why an association could not pursue a direct individual case under criminal procedure law. She was concerned that the programme of cantonal integration seemed closer to assimilation and that “integration” appeared to have replaced the need for anti-discrimination legislation and for direct measures to address racial

discrimination. She did not understand why it would take until 2015 to produce and examine a study on racial discrimination legislation. She welcomed the way in which the provisions for a Federal Commission on Racism had been constituted but that did not obviate the need to establish a national human rights institution in compliance with the Paris Principles.

34. With respect to violence against women from racial minorities, it was a matter of concern in relation to the present Convention on racial discrimination to hear a reference from the Swiss delegation to violence in the context of convenience marriages, since international standards did not provide for differentiation on the basis of levels of seriousness: violence against women was violence against women, irrespective of their situation.

35. She questioned the underlying effectiveness of targeted racial profiling, since she had seen it applied by the British authorities in respect of Irish nationals. The criteria cited by the head of the police force in Geneva did not seem to be specific enough. She commended the remark by the delegate on the need to avoid criminalizing poverty, but she was concerned that the Roma were described as “beggars”, since that language tended towards discrimination rather than towards an understanding of the position of a people who were begging because they could not earn a living in any other way.

36. She joined a number of her colleagues in remarking on the language used in the referendum held on Sunday, 9 January 2014, which had tended towards intolerance, xenophobia and racial discrimination. She wondered how the State party was ensuring that the contribution of migrants to the economy of Switzerland and the benefits they brought were adequately measured and portrayed. Switzerland had always been a country of diversity, but how was the new or emerging Swiss diversity being celebrated and acknowledged? How were minorities being protected in an inclusive process that also acknowledged their minority perspective?

37. **Mr. Schinzel** (Switzerland), explaining the relationship between national and international law in his country, said that in accordance with article 5 of the Constitution, the Confederation and the cantons must respect international law. Article 172 stipulated that, in case of dispute, the Federal Council guaranteed cantonal constitutions and decided on agreements between them. In accordance with article 173, the Federal Assembly ruled on popular initiatives, while article 194 specified that cantonal provisions must not violate mandatory provisions of international law. Furthermore, violation of international norms was prohibited as set out in international covenants and treaties, including those on civil and political rights and human rights.

38. There were three reasons why there was no blanket provision covering every international law: because international law was so broad and detailed that it might contain provisions that had been drafted in relation to circumstances that might not be applicable in Switzerland; because each initiative was examined individually to ascertain whether it was in conformity with the human rights provisions of the Constitution and with international law; and because there should be the possibility to renounce laws that were not compatible with the Constitution.

39. **Mr. Gonin** (Switzerland), responding to questions by Mr. Avtonomov, Mr. Amir and Mr. Vázquez concerning the legal framework in Switzerland, said that a new Swiss Code of Criminal Procedure had been introduced with a view to harmonizing legislation throughout the country. Before the new Code had entered into force on 1 January 2011, various criminal codes of procedure had operated in the 26 cantons, producing very different outcomes. Article 115 of the Code strengthened the rights of victims, while article 261 bis dealt specifically with racial discrimination and the associated penalties. The State could prosecute under the legislation where a crime was reported to it by a non-

governmental organization: in that case the organization concerned had the right to be kept informed but it would not be a party to the proceedings.

40. **Ms. Ehrich** (Switzerland), replying to Mr. Vázquez, said that the Constitution could be invoked in cases of racial discrimination committed by or on behalf of the State but not for those committed in the private sector. She confirmed that the Constitution did not prevent the introduction of legislation on racial discrimination in the private sector. It was possible for a victim of discrimination to seek compensation but there was no law to ensure that a person who had been wrongfully dismissed on the grounds of race could have their employment reinstated.

41. With regard to the establishment of a national human rights institution in accordance with the Paris Principles, a five-year pilot programme had been developed by the Swiss Centre of Expertise in Human Rights (SCHR) with a view to finding a long-term solution to the issue. Since its creation in 2011, the SCHR, which was composed of a network of universities from across Switzerland, had conducted several studies and held debates on a variety of topics. It was entirely independent and could decide for itself which matters to address. On the basis of an evaluation from the SCHR to be published in 2014, the Federal Council would come to a decision regarding a long-term solution.

42. **Ms. Vollenweider** (Switzerland) said that the publication on domestic violence from the Federal Statistical Office had been based on a general methodological approach that had not targeted either foreign or migrant women. The findings, however, had indicated that such women were especially vulnerable to domestic violence, which was why additional support and preventive measures were necessary.

43. **Ms. Benkais-Benbrahim** (Switzerland) said that cantonal integration programmes, which aimed to foster mutual hospitality, were intended to balance the needs of immigrants, local authorities and the native population. They had been implemented following extensive consultations between the relevant institutions and civil society partners. One of the objectives of the overarching federal plan was to ensure that public institutions and other interested parties were informed and consulted about matters related to protection against discrimination. At a cantonal level, steps had been taken to raise awareness of the Action Week against Racism among employers, young people and the media.

44. **Mr. Galizia** (Switzerland) said that his country was very proud of its system of direct democracy and that citizens' rights in that regard were inalienable. The system allowed for broad, open discussions on obligations and potential courses of action in relation to a range of issues, including racial discrimination. In that connection, it was important to have the support of public opinion and the media, which gave more coverage to the topics of migration and integration than in the past.

45. **Mr. Diaconu** said that racial profiling, or targeted searching, should be expressly prohibited by law. The delegation should provide further information on the right to movement within Switzerland. He also wished to know whether, in Geneva, complaints about the police could be brought before a magistrate.

46. Turning to the pilot scheme to educate four Roma children in Lausanne, he asked why the three older children, who were aged 11, 14 and 16, had not received schooling in the past, even though their families had been living in the city for several years. Given that education was compulsory in Switzerland, measures should be taken to implement the law, and local authorities should enforce it without NGOs having to request them to do so. He welcomed the State party's efforts to cooperate with other European countries, as a joint effort was needed in order to help improve the living standards of the Roma community.

47. **Mr. Avtonomov** said that he would appreciate fuller clarification of the relationship between the federal state and the 26 cantons, as article 5, paragraph 4, of the Constitution

appeared to suggest that cantons were individually responsible for the implementation of international provisions. The delegation should also provide information on the application of peremptory norms.

48. He wished to know whether a system was in place to monitor the situation of persons of African descent, particularly in the context of the International Decade for People of African Descent, which would commence on 1 January 2015.

49. Lastly, he asked why the State party's report (CERD/C/CHE/7-9) had been produced in French, German and Italian, but not in Romansh. Given the historical and cultural importance of the language, the Government should encourage its use by providing free information and subsidizing Romansh literature, which was currently expensive and difficult to access.

50. **Mr. Murillo Martínez** said that, in its next periodic report, the State party should provide further information on the reasons why foreign nationals accounted for a comparatively high percentage of the prison population.

51. **Mr. Gonin** (Switzerland) said that, pursuant to article 4 of the Code of Criminal Procedure, the criminal justice authorities, which included prosecutors, were independent in applying the law and bound solely by the law. Victims who wished to appeal a public prosecutor's decision could turn to a court under the European Convention on Human Rights.

52. **Ms. Baraga** (Switzerland) said that persons with temporary residence permits who wished to change their domicile and establish a household in another canton could apply to the Federal Office for Migration, which would invite authorities from the two cantons in question to consider the case and reach a decision. Intercantonal migration was permitted in cases involving family reunion or serious danger. If other reasons were adduced, such as greater employment prospects, the two cantons would have to agree for the move to become lawful.

53. **Ms. Amarelle** (Switzerland) said that authorities in Lausanne were committed to improving the school enrolment rate of undocumented children and facilitating access to vocational training. In the specific case cited by Mr. Diaconu, it had been necessary to establish that the families concerned were in the country legally. The pilot scheme had been implemented thanks to support from civil society and NGOs, which served as intermediaries. A working group on discrimination had been set up within the police force to engage in dialogue with local authorities and associations. Moreover, there was local and national consensus that the promotion of integration should target equal access to political, social and economic rights.

54. **Mr. Spenlé** (Switzerland) said that cantons, which had been an integral part of Switzerland since 1848, had to respect international law. They could exercise their discretion within the federal framework, provided that they upheld the minimum human rights standards laid down in the Constitution. They could also introduce more effective measures than were stipulated at the confederate level.

55. Responding to a question about Switzerland's external commercial relations, he said that a commitment to human rights and the environment was enshrined in the Constitution. A combination of voluntary activities and obligatory measures were undertaken to tackle the issue of human rights in the economy and provide reparations to persons who had been affected.

56. In March 2013, a core report had been published on the trade in raw materials in Switzerland. The report, which would serve as a baseline document, examined the application of human rights and environmental standards in the States where raw materials were mined. It found that, if States were unable or unwilling to establish an adequate legal

framework, economic providers and consumers had a greater responsibility to address the issue of human rights and compensate for any damage caused. In that connection, Switzerland was working to promote advanced standards and encourage multinational companies to ensure that human rights were respected in the course of their activities.

57. **Mr. Galizia** (Switzerland) said that there were Romansh television channels and radio stations, and that a number of publications in the language were subsidized. Romansh was privileged by the national language policy, particularly in comparison to languages such as Serbo-Croatian, of which there were over 300,000 speakers in Switzerland.

58. The Federal Commission against Racism was addressing the issue of discrimination against persons of African descent and had produced a publication on the subject, to which great importance was attached in Switzerland.

59. **Ms. Duong** (Switzerland) said that her country would cooperate with the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action and participate actively in negotiations to be held in April 2014 with a view to agreeing the content of the International Decade for People of African Descent.

60. **Mr. Galizia** (Switzerland) said that the Swiss Football Association had supported the Football Against Racism in Europe (FARE) network, and that Switzerland was aware of the importance of sport as a driving force for the social integration of migrants. Support and training were provided to a number of NGOs that helped to encourage integration through sport. Moreover, Swiss sports associations were working together to promote tolerance and prevent all forms of racial discrimination. On 16 February 2014, a major national campaign had been launched to combat homophobia in sport.

61. Turning to the issue of acts perpetrated by neo-Nazi and right-wing extremist groups, he said that the number of such incidents had fallen significantly. There had also been a reduction in the number of neo-Nazi militants, which had stood as high as 1,800 in 2003 and was currently under 1,000, of which 200 were considered to be violent. The situation was one that Swiss intelligence agencies would continue to monitor closely.

62. **Ms. Crickley** thanked the delegation for the precise and honest answers that it had provided. She said that there had not been time to answer questions on a range of important topics, including media stereotyping, political hate speech, the prohibition of racist organizations and the differences between equality and sameness.

63. With regard to the Committee's concluding observations, the subjects covered would include, but not be limited to, civil anti-discrimination legislation, data collection, awareness of racial discrimination, and the application and extent of the provisions of article 261 bis of the Criminal Code.

64. She was concerned about the trend towards the democratization of discrimination in Switzerland and elsewhere. Although there was a need for migration laws and policies in Europe, the increasingly protectionist way in which they were shaped ignored both history and the fact that, in the not too distant future, economic and political power would have shifted to other parts of the world. While acknowledging all the positive measures that the State party had taken, she was concerned that a differential approach had been adopted in addressing the issue of racial discrimination, particularly when compared to national legislation in the fields of gender equality and disability.

65. **Mr. Lindenmann** (Switzerland) thanked the Committee, and in particular the Country Rapporteur, for the quality of their contribution to the dialogue. The fight against racism was a joint effort with the common objective of recreating a society whose members could live in peace and respect one another's diversity. The Committee's concluding observations would be conveyed to federal and cantonal authorities, and discussions on

how best to act upon them would be held with all interested parties. He added that any questions from Committee members that had not been answered in full would be addressed in Switzerland's next periodic report.

66. **The Chairperson** thanked the delegation and said that, when the process of economic globalization had begun, some groups had predicted that it would fuel racial discrimination. Those fears had since been realized, which was why it was important for the Committee to draw the attention of the State party to the need to ensure that any measures taken through the system of direct democracy were not to the detriment of the majority of the population.

The meeting rose at 1 p.m.