

# ECRI REPORT ON SWITZERLAND

(sixth monitoring cycle)



**Adopted on 10 December 2019**

Published on 19 March 2020

European Commission  
against Racism and Intolerance

**ECRI**  
Commission européenne  
contre le racisme et l'intolérance

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



## TABLE OF CONTENTS

---

<b>FOREWORD .....</b>	<b>5</b>
<b>SUMMARY .....</b>	<b>7</b>
<b>FINDINGS AND RECOMMENDATIONS .....</b>	<b>9</b>
<b><i>I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS.....</i></b>	<b>9</b>
A. EQUALITY BODIES.....	9
B. INCLUSIVE EDUCATION.....	10
C. IRREGULARLY PRESENT MIGRANTS .....	11
D. LGBTI EQUALITY .....	12
<b><i>II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE .....</i></b>	<b>13</b>
A. HATE SPEECH .....	13
B. HATE-MOTIVATED VIOLENCE.....	19
<b><i>III. INTEGRATION AND INCLUSION .....</i></b>	<b>21</b>
A. MIGRANTS .....	21
B. YENISH, SINTI/MANOUCHE AND ROMA .....	27
<b><i>IV. TOPICS SPECIFIC TO SWITZERLAND.....</i></b>	<b>29</b>
<b>INTERIM FOLLOW-UP RECOMMENDATIONS.....</b>	<b>33</b>
<b>LIST OF RECOMMENDATIONS .....</b>	<b>35</b>
<b>BIBLIOGRAPHY .....</b>	<b>37</b>



## FOREWORD

---

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI’s country monitoring deals with all member States on an equal footing. The work takes place in five-year cycles. The reports of the first cycle were completed at the end of 1998, those of the second cycle at the end of 2002, those of the third cycle at the end of 2007, those of the fourth cycle at the beginning of 2014, and those of the fifth cycle at the end of 2019. Work on the sixth cycle reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth cycle country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

**The following report was drawn up by ECRI under its own responsibility. It covers the situation up to 19 June 2019; developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.**



## SUMMARY

**Since the adoption of ECRI's fifth report on Switzerland on 19 June 2014, progress has been made and good practices have been developed in a number of fields.**

The Network of Counselling Centres for Victims of Racism ensures easy access to initial legal counselling and support in all cantons. The Federal Commission against Racism maintains an impressive and useful database on racist hate speech and crime.

In 2014 the Cantonal Integration Programmes (CIPs) were launched and the whole country now pursues the same set of targeted goals, including protection against discrimination. The Integration Agenda provides for an earlier and intensified promotion of integration of refugees and temporarily admitted persons and the Confederation tripled its funding to 18 000 CHF per person. Asylum seekers are allowed to work after three months. Operation Papyrus was launched in Geneva to regularise well-integrated undocumented migrants living in the canton.

In 2015 the Federal Council set up a working group on "Improving conditions for the nomadic way of life and promoting the culture of Yenish, Sinti/Manouche and Roma in Switzerland". The three-year pilot project *Lernen unterwegs* (learn on the go) was launched in Bern in 2016, giving children from itinerant families the possibility to take part in classroom teaching during the winter months and distance learning in the summer, with free laptops and Internet access.

**ECRI welcomes these positive developments in Switzerland. However, despite the progress achieved, some issues give rise to concern.**

There is still no general anti-discrimination legislation. The Federal Commission against Racism does not adequately correspond to an equality body. The Counselling Centres for Victims of Racism are under financial constraints and are understaffed and there is no state support for LGBTI victims.

There has been a sharp rise in intolerant discourse against Muslims, particularly in the media. Rejected asylum seekers who cannot be expelled after 140 days remain in limbo; they are not permitted to work and live for long periods in emergency shelters before a solution is found.

Since cantons and municipalities are able to pursue the integration goals in their own manner there is a broad spectrum of approaches resulting in

disparities in standards and considerable inequalities.

The shortage of places to stop continues to be a major problem for travelling Yenish and Sinti/Manouche; it is also a large contributor to the prejudice and hostility they face as well as an important impediment to inclusion. Non-Swiss travelling Roma are increasingly excluded and frequently totally forbidden from stopping in certain sites; this approach reinforces xenophobia and prejudice leading to conflicts between the different groups.

Institutional and structural racism continues to be a problem in the police, manifested in racial profiling and identity checks targeting notably persons with itinerant ways of life and Black persons. A number of police activities have ended in the death of Black persons.

**In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.**

A fully independent equality body with sufficient staff and having the functions and competences set out in ECRI's GPR No. 2 should be set up. The Counselling Centres for Victims of Racism should be strengthened by increased funding and human resources.\*

Intersex children's right to physical integrity and bodily autonomy should be effectively protected and medically unnecessary sex-"normalising" surgery and other treatments prohibited until the child is able to participate in the decision.

A regular residence status should be granted to persons who cannot be returned to their country of origin after a maximum period of six years.\*

Investment should be made in the creation of a sufficient number of sites to meet the needs of travelling Yenish, Sinti/Manouche and Roma, in consultation with the communities concerned.

Further training should be given to police on the issue of racial profiling and on the use of the reasonable suspicion standard. A body independent of the police and prosecution authorities, entrusted with the investigation of alleged cases of racial discrimination and racially-motivated misconduct by the police should be set up.

\* This recommendation will be subject to a process of interim follow-up by ECRI not later than two years after the publication of the report.



## FINDINGS AND RECOMMENDATIONS

---

### I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

#### A. Equality bodies<sup>1</sup>

1. The Federal Commission against Racism (FCR), established by the government in 1995, is an extra-parliamentary commission performing public tasks for the government and the administration. It was not established by constitutional provision or legislation passed by parliament, as called for in § 1 of ECRI's General Policy Recommendation (GPR) No. 2 on equality bodies to combat racism and intolerance at national level. Although the FCR performs its tasks objectively and independently, as noted in ECRI's fifth report, it is not a separate legal entity placed outside the executive and legislature (GPR No. 2 § 2) but is administratively attached to the Federal Department of Home Affairs and has its offices in the government premises. Moreover, the FCR's mandate is to combat discrimination on grounds of "race", colour, origin, ethnic/national background and religion; it does not deal with the grounds of sexual orientation or gender identity, as called for in GPR No. 2 § 4b.
2. While the FCR has some of the functions and competences listed in GPR No. 2 §§ 13 and 14, it is not mandated to provide extensive legal advice; conduct inquiries; have recourse to conciliation procedures; provide legal representation to people exposed to discrimination or intolerance; pursue strategic litigation and bring cases before institutions and courts; or obtain evidence.
3. Concerning independence regarding its internal structure, budget, recruitment and deployment of staff, ECRI notes that the president of the FCR is elected by the Federal Council (government), as are the members. Staffing is determined by the Federal Department of Home Affairs, which is also the decision-making body for recruitment. These aspects are not in line with ECRI's GPR No. 2 §§ 23 and 27. However, the FCR decides independently on the use of its annual budget. It has suffered in recent years from general budgetary restrictions decided by the government and parliament; for example, it is not able to conduct awareness campaigns at national level. Commendably, the 16 members come from a broad range of areas, including from Yenish, Roma, Jewish and Muslim groups, as well as trade unions, media, businesses and universities. The office consists of three part-time staff members who are civil servants.
4. ECRI concludes that there are substantial shortcomings with regard to the independence and effectiveness of the FCR. This is confirmed by the fact that the FCR continues to have only C status reflecting non-compliance with the Paris Principles on National Institutions for the Promotion and Protection of Human Rights. For the reasons mentioned above, the FCR does not adequately correspond to an equality body within the sense of ECRI's GPR No. 2. Indeed, the authorities have indicated that it is not intended to be such a body but rather a consultative observatory of the situation in the country. ECRI continues to insist that the authorities remedy this important lacuna which is all the more urgent since there is no federal ombudsperson in Switzerland and only six cantons and six municipalities have ombudsperson offices. Equality bodies play an essential role in advancing equality and eliminating racism and intolerance in a sustained manner, making people and institutions aware of the importance of equality and assisting them to take steps towards making equality a reality.

---

<sup>1</sup> See [ECRI Glossary](#).

5. ECRI again strongly recommends the setting-up of a fully independent equality body with sufficient staff and having the functions and competences set out in its General Policy Recommendation No. 2 on Equality Bodies to combat racism and intolerance at national level.
6. ECRI welcomes the Network of Counselling Centres for Victims of Racism which was set up in 2005 as a joint venture between the FCR and the association [humanrights.ch](http://humanrights.ch). There are centres in all cantons throughout the country ensuring easy access to initial legal counselling and support, funded through the Cantonal Integration Programmes (see §§ 66-68). However, financing varies from one canton to another and in general they are struggling with limited funds. ECRI's delegation visited the centre in Fribourg which was staffed with only two persons (one full-time and one half-time), one of whom was fully financed by Caritas. ECRI considers that there is scope for much needed work at local level which should be better supported.
7. ECRI strongly recommends that the Counselling Centres for Victims of Racism are strengthened by increased funding (from a budget separate from the Cantonal Integration Programmes) and human resources.

## **B. Inclusive education**

8. ECRI strongly supports inclusive education which ensures that children are afforded equal opportunities in education by respecting diverse needs and abilities and eliminating all forms of discrimination.
9. In its GPR No. 10<sup>2</sup> ECRI recommends that human rights education<sup>3</sup> is an integral part of the school curriculum at all levels and across all disciplines. In Switzerland, public education is entirely within the competence of the cantons and municipalities are the main providers. In 2014, new common curricula were approved for pre-primary, primary and secondary schools. The authorities stated that schools are obliged to incorporate human rights and the promotion of equality under these regional study plans. Nevertheless, each canton is free to choose how it implements all aspects of the curriculum.
10. The *Lehrplan 21* (LP21), is the curriculum used in the German-speaking areas.<sup>4</sup> Under the subject "Ethics, Religions, Community" pupils develop competences for living with different cultures, religions, worldviews and values, and reflect on basic human experiences and gain an understanding of values and ethical principles. In the French-speaking areas, under the *Plan d'études romand* (PER),<sup>5</sup> human rights issues are covered mainly under the subject "Living together and exercising democracy". Topics include discovering different communities and developing an attitude of openness towards others; identifying and analysing the relations uniting each individual and each social group to the world and others; and developing civic and cultural competences in order to exercise active and responsible citizenship. The curriculum of the Italian-speaking canton of Ticino (*Piano di studio*) has a similar structure to the PER.<sup>6</sup>
11. While the curricula emphasize mutual respect regardless of culture, religion or way of life,<sup>7</sup> ECRI regrets that questions of racism and homo/transphobia are not expressly mentioned under human rights topics. ECRI considers that these issues should be raised in schools to promote respect for diversity and inclusion.

<sup>2</sup> ECRI General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.

<sup>3</sup> Human rights education is teaching and education to promote respect for human rights and freedoms.

<sup>4</sup> [www.lehrplan.ch/](http://www.lehrplan.ch/).

<sup>5</sup> [www.plandetudes.ch/](http://www.plandetudes.ch/).

<sup>6</sup> [www.educa.ch/en/digitization-and-education/curricula](http://www.educa.ch/en/digitization-and-education/curricula).

<sup>7</sup> Commission fédérale contre le racisme CFR 2016.

12. ECRI's GPR No. 10 also recommends setting up a system to monitor racist and intolerant incidents at school. While there is no such system in place in schools, the Counselling Centres for Victims of Racism (see above) record racist cases reported to them including those occurring in schools. The latest report of the FCR shows that out of all the 301 reported cases that centres provided counselling for in 2017, 42 took place in schools, day care or other educational platforms. Out of these cases, 31 happened at compulsory school level.<sup>8</sup> However, it may not be obvious for pupils or parents to turn to these centres and ECRI considers that schools themselves should develop policies and measures to deal effectively with racist and homo/transphobic incidents.
13. ECRI recommends that all schools are encouraged to put in place a policy to prevent and respond to racist and homo/transphobic incidents, including bullying, with guidelines for pupils, teachers and parents.

### C. Irregularly present migrants

14. ECRI's GPR No. 16 calls for the creation of effective measures ("firewalls") to ensure that irregularly present migrants have access to services in the fields of education, health care, housing, social security and assistance, labour protection and justice. Such firewalls should separate the activities of immigration control and enforcement from the provision of services, so that irregularly present migrant do not refrain from accessing their rights due to fear of deportation (see in particular §§ 3, 11 and 12 of GPR No. 16).
15. A national study commissioned in 2015 by the State Secretariat for Migration estimated that there were some 76 000 irregularly present migrants living in Switzerland.<sup>9</sup> The authorities informed ECRI that in June 2018 the National Council (parliament) requested the Federal Council to draw up a detailed report on the situation of undocumented migrants in the country by June 2020, focusing specifically on social security, access to schools, training, exchange of data between different authorities in contact with irregular migrants, application of criminal law, regularisation of status and work permits, and to propose solutions for the management of such persons. ECRI welcomes this step which should provide important data on this particularly vulnerable group.
16. ECRI is also pleased to note some **promising practice** regarding firewalls. In the health sector, neither the health insurer nor health care providers may transmit any personal data of undocumented patients to a third party. Moreover, eight medical or social drop-in centres run by non-profit organisations provide health care to irregularly present migrants and do not require any documents of patients (in line with GPR No. 16 § 22). In the field of education, schools and teachers are not allowed to pass on information about undocumented children to the police, thus ensuring access to education for irregularly present migrant children (GPR No. 16 § 19). In the employment sector, all employees regardless of their residence status are entitled to insurance against disability/invalidity and to a small pension even if they return to their home countries (GPR No. 16 § 31).
17. Although GPR No. 16 does not call for regularisation of persons in an irregular situation, ECRI particularly applauds as **good practice** Operation Papyrus which was launched in Geneva from February 2017 to December 2018 to regularise well-integrated undocumented migrants who had been living in the canton for ten consecutive years (five years for families with children in school). To be eligible, persons had to demonstrate full financial independence, A2 level in French and the absence of a criminal record. Information was made widely available about the

<sup>8</sup> Commission fédérale contre le racisme CFR 2018.

<sup>9</sup> The data for the study was collected by combining 60 qualitative interviews with 12 cantonal authorities, existing data from the *Ordonnance sur le système d'information central sur la migration* (SYMIC), data on pension insurances, and data on demographics and civil status from the Federal Statistical Office.

operation, including for employers on regularising the status of their employees and conforming with labour legislation. The authorities informed ECRI that some 1 700 people (many were female domestic workers from South America) obtained a residence permit under the operation, including around 500 children, and that another 1 500 cases are still pending a decision. The operation not only provided a stable and secure future for those who had made efforts to integrate but also helped to combat irregular labour and exploitation of vulnerable migrants, notably in the domestic work sector. ECRI strongly encourages other cantons to follow the example set by Geneva.

#### **D. LGBTI equality<sup>10</sup>**

18. In its fifth report, ECRI recommended that the authorities adopt comprehensive legislation against discrimination on grounds of sexual orientation and gender identity and to include these grounds in Article 261bis of the Criminal Code. As concerns civil law, the situation remains unchanged (see Topics specific to Switzerland and the recommendation in § 109). Regarding criminal law on the other hand, ECRI is pleased to note that an amendment extending Article 261bis of the Criminal Code to include the ground of sexual orientation was adopted by the Swiss Parliament in December 2018.<sup>11</sup> While the amendment (if finally enacted<sup>12</sup>) represents a significant step forward, ECRI regrets that transgender persons are still not afforded this protection under criminal law.
19. ECRI reiterates its recommendation to include the ground of gender identity in Article 261bis of the Criminal Code.
20. ECRI notes a number of legislative developments and proposals promoting LGBTI equality. In January 2018, amendments to the Swiss adoption law entered into force allowing stepchild adoption for cohabiting same-sex couples and for registered partners. Previously this option had only been available to married couples. The Federal Council has proposed modification of the Civil Code to facilitate change of gender and first name for transgender and intersex persons.<sup>13</sup> All that would be required is a simple self-declaration before the civil registry officer, with no medical examination needed or modification of marital status or registered partnership. Another proposal concerns either the introduction of a third gender or the removal of gender from civil status documents.<sup>14</sup> Equal marriage is also under discussion in the National Council, following an initiative submitted in 2013. ECRI strongly encourages the authorities to take into account the views of relevant LGBTI organisations in order to meet the needs of the people directly concerned.
21. As regards intersex persons,<sup>15</sup> ECRI is aware that many of these persons suffer as a result of medical interventions and are exposed to stigmatisation, discrimination, violence, isolation and invisibility. An intersex NGO informed ECRI that its main objective is to put an end to irreversible and medically unnecessary surgical and hormonal treatments performed on children, which are not justified by psychosocial concerns nor the family and cultural context. The NGO also advocated for parents to be fully informed about any “variation of sexual development” in their child and

<sup>10</sup> See [ECRI Glossary](#).

<sup>11</sup> This came about as a parliamentary initiative calling for inserting the ground of sexual orientation into Article 261bis of the Criminal Code. The Commission on legal affairs of the National Council proposed also including gender identity. The Federal Council rejected this, finding the notion of gender identity to be too vague and lacking sufficient foreseeability (see [www.bk.admin.ch/ch/f/pore/ff/cr/2018/20181644.html](http://www.bk.admin.ch/ch/f/pore/ff/cr/2018/20181644.html)).

<sup>12</sup> An optional referendum was filed on 8 April 2019 and the Federal Chancellery confirmed on 7 May 2019 that the required 50 000 valid signatures were gathered. The Federal Council will set a date for the popular vote. The act will only enter into force if it is approved by a simple majority of the people.

<sup>13</sup> The Local 2018a.

<sup>14</sup> ILGA Europe 2018.

<sup>15</sup> According to consensus among intersex associations and international institutions, it is estimated that around 1.7 % of births are intersex. See Blackless, M. and others 2000.

not pressured into making decisions having lifelong consequences. It called for the provision of support for parents and for schools to include discussion of intersexuality to promote wider awareness.

22. ECRI supports the position of a growing number of international bodies that children's right to physical integrity and bodily autonomy should be effectively protected and that medically unnecessary sex-“normalising” surgery and other treatments should be prohibited until the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent.<sup>16</sup> In this context, ECRI welcomes two motions approved by the parliament of the canton of Geneva in April 2019 prohibiting non-urgent sex-“normalising” operations on intersex persons without their consent. Indeed, this kind of surgery has not been performed by the University Hospital of Geneva since 2012 and the motions formalised this practice and imposed it on other clinics in the canton. ECRI hopes that this will inspire other cantons and eventually lead to legislation at federal level.

23. ECRI recommends that intersex children's right to physical integrity and bodily autonomy is effectively protected and that medically unnecessary sex-“normalising” surgery and other treatments are prohibited until such time as the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent.

24. ECRI notes that although there is no national action plan to promote LGBTI equality, promising actions have been taken at the local level. In September 2018, the parliament of the City of Zurich voted in favour of developing and implementing, together with trans NGOs, a comprehensive action plan to ensure trans people's human rights and equality.<sup>17</sup> The City of Bern created the new post of LGBTI project leader within its equality office<sup>18</sup> and Geneva established a civil servant position specially dedicated to these issues in 2012.<sup>19</sup> ECRI encourages further initiatives of this kind across the country, which contribute to better understanding the problems faced by LGBTI persons and to finding solutions.

## II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

### A. Hate speech<sup>20</sup>

#### - Data

25. Official data on hate speech under Articles 261 (attack on freedom of faith and freedom to worship) and Article 261bis (incitement to racial hatred and other acts of racial discrimination) are collected by the Federal Office of the Police (Fedpol), the Federal Intelligence Service, the Federal Office for Statistics and the Federal Commission against Racism (FCR). According to OSCE-ODHIR data,<sup>21</sup> the police recorded 179 hate crime<sup>22</sup> incidents in 2017; 164 in 2016; 181 in 2015 and 161 in 2014.

<sup>16</sup> European Parliament 2019; Council of Europe Parliamentary Assembly 2017; Council of Europe Commissioner for Human Rights 2015; EU FRA 2015. At present, Malta and Portugal are the only European countries to have introduced legislation prohibiting such surgery.

<sup>17</sup> ILGA Europe 2018 and Transgender Network Switzerland 2018.

<sup>18</sup> ILGA Europe 2018. The motion also calls inter alia for the provision of free psychosocial support for intersex people and their families.

<sup>19</sup> Rainbow Cities Network.

<sup>20</sup> See [ECRI Glossary](#).

<sup>21</sup> <http://hatecrime.osce.org/switzerland?year=2017>.

<sup>22</sup> In the present report, hate crime should be understood as any criminal offence motivated by hate or prejudice on grounds such as “race”, colour, language, religion, citizenship, national or ethnic origin, sexual orientation or gender identity, whether real or presumed. For further information about the notion of hate crime, see <http://hatecrime.osce.org/what-hate-crime>.

26. The FCR maintains a database of all decisions pronounced by cantonal law enforcement agencies and courts as well as by the Federal Supreme Court under Article 261bis. The database shows that 25 decisions relating to Article 261bis were taken in 2017, 41 decisions in 2016, 57 in 2015, and 22 in 2014. ECRI commends this impressive and useful database which currently contains over 1 000 decisions providing a wealth of information relating to racist hate speech. It is publicly available on the FCR's website and can be searched according to numerous criteria, such as type of act committed, protected ground, target group/victim, perpetrator, age, nationality and canton, but regrettably not gender. The database indicates that in total 89% of cases ended in a guilty verdict with only 9% acquittals. As for the type of act committed, 25% involved oral declarations, 26% written, 13% electronic communications and 4% acts of aggression. 7% of perpetrators were political actors, 4% editors or journalists and 11% rightwing extremists. 27% of victims were Jews, 17% Black people, 5% Muslims and 1% Yenishes/Roma/Manouche/Sinti.
27. ECRI notes that the FCR is in the process of updating and further improving the database. In this context, and once the amendment to Article 261bis of the Criminal Code enters into force (see § 18 above), it is encouraged to duly include the ground of sexual orientation and LGB victims among the search categories.
28. Another official source of data is gathered by the Network of Counselling Centres for Victims of Racism, which recorded 301 racist incidents in 2017. Incidents are recorded in the following categories: acts of violence, communication (such as threats, insults, gestures), exclusion (including unequal or denigrating treatment, harassment, racial profiling) and extreme-right propaganda. The most frequent type of racist incident involved xenophobia (112 incidents), followed by anti-Black racism (95 incidents), hostility towards Muslims (54) and anti-Arab racism (36). Three incidents involved hostility towards Yenish, Sinti/Manouch and Roma, and three involved multiple discrimination including sexual orientation or gender identity. 223 incidents fell under the communication category, of which 93 were insults, 20 threats and 44 other disturbing claims or illustrations. In total, of those victims who communicated their sex, 126 were men and 119 were women.<sup>23</sup>
29. Unofficial data are gathered by civil society organisations including via reporting mechanisms on their websites or dedicated telephone hotlines. The Foundation against Racism and Anti-Semitism (GRA) has been collecting and categorising data on racist incidents since 2005 and has a "report an incident" page on its website. In 2018, out of the 39 incidents reported up to and including September, 29 could be considered hate speech. Of these, over a third targeted Black people; they were presumed to be "African" and were told to "go home". Others, some of a violent nature, targeted asylum seekers and migrants. Nearly a quarter of incidents were antisemitic, some of which were particularly violent and involved praise of the Holocaust. Muslims and presumed Arabs were also told to "go home". Other targets of hate speech were Travellers, Roma and Eastern Europeans, as well as Chinese students.<sup>24</sup>
30. Similarly, the Swiss Federation of Jewish Communities (FSCI) registered 39 antisemitic incidents in the German-speaking part of Switzerland in 2017,<sup>25</sup> while the Intercommunity Coordination against Anti-Semitism and Defamation (CICAD) registered 150 cases in the French-speaking parts of the country.<sup>26</sup> Transgender Network Switzerland (TGNS) informed ECRI that it received around 400 calls for help on its hotline in 2018. InterAction (an intersex organisation)

<sup>23</sup> Réseau de centres de conseil pour les victimes du racisme 2018.

<sup>24</sup> [https://chronologie.gra.ch/?fwp\\_date=2018](https://chronologie.gra.ch/?fwp_date=2018).

<sup>25</sup> Fédération Suisse des Communautés israélites 2018.

<sup>26</sup> Coordination Intercommunautaire contre l'Antisemitisme et la Diffamation (CICAD) 2018.

receives around 10 calls per month on its helpline. PinkCop<sup>27</sup> has a 24-hour LGBT+ Helpline on its website for victims of discrimination or violence and there is a “report incident” feature on its website for reporting hate crime.<sup>28</sup> ECRI applauds the above initiatives which can be highly effective since many people feel more comfortable talking about traumatic incidents with members of their own community.

31. There appears to be an increase in expressions of intolerance toward Roma, Yenish and Sinti/Manoush, including in political discourse and on the Internet.<sup>29</sup> Stereotypes of Roma being thieves and beggars, and having many children and no education are commonplace. There have been protests and demonstrations from local groups against the creation of stopping sites, accompanied by posters describing these communities in offensive language and images.<sup>30</sup> In February 2018, the youth section of the Swiss People’s Party of Berne canton posted a cartoon on Facebook as part of its electoral campaign in which a man in traditional Swiss dress held his nose as he looked at a group of caravans surrounded by a mountain of rubbish. In the background, a man with dark skin could be seen defecating in public and the text stated “*We say no to stopping sites for foreign Gypsies*”.<sup>31</sup> A member of the government, as well as the FCR, publicly criticised the image.<sup>32</sup> In January 2019, the heads of the youth section were found guilty by the district court of discrimination against Sinti and Roma and sentenced to suspended fines.<sup>33</sup>
32. ECRI also notes a sharp rise in intolerant discourse against Muslims particularly in the media. This is believed to be linked to legislation or legislative proposals that affect Muslims in particular.<sup>34</sup> The FCR commissioned a study which was carried out by the University of Zurich from 2014-2017 on the quality of media coverage of Swiss Muslims in 18 print media outlets. It noted that 25% of articles concerned religious symbols in the public space (such as the construction of minarets or wearing the headscarf or Burqa) and 21% concerned radicalisation, while only 2% reported on the daily life of Muslims and 2% covered successful integration.<sup>35</sup> The study looked in depth at media coverage of three events, namely the prohibition of the burqa in Ticino (145 articles); the refusal of two male pupils in Therwil (Basel) to shake hands with a female teacher (64 articles) and the case of the An’Nur mosque in Winterthur, which had been the subject of allegations of radicalisation (241 articles).<sup>36 37</sup> The reporting predominantly condemned a lack of will to integrate and a tendency to radicalisation among Muslims and called for more controls and sanctions. Another study entitled “Notes on experienced, but barely registered hate crime”, conducted by the Swiss Institute gfs.bern, showed that 85% of Muslim respondents experienced the representation of Islam in the media as rather or very negative. Further, 88% were particularly clear on the responsibility of the media for the deteriorated attitude of non-Muslims towards Muslims.<sup>38</sup>

---

<sup>27</sup> PinkCop was set up in 2008 in Zurich as an independent association for homosexuals and transgender people in the police. It promotes acceptance within the police and combats the inhibition of the LGBT community towards the police.

<sup>28</sup> <http://pinkcop.ch/about-us/>.

<sup>29</sup> See Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) 2018.

<sup>30</sup> Council of Europe, FCNM 2018.

<sup>31</sup> Fondation contre le racisme et l’antisémitisme (GRA) 2019; Commission fédérale contre le racisme 2018; Union des Associations et Représentants des Nomades Suisses 2018.

<sup>32</sup> It was removed by Facebook moderators.

<sup>33</sup> The Local 2019a.

<sup>34</sup> For example, paragraph 3 inserted into Article 72 of the Constitution banning the construction of new minarets and regulations relating to the school environment or to attire worn in public. See United Nations, Human Rights Committee 2017.

<sup>35</sup> Ettinger, P. 2018.

<sup>36</sup> Ettinger, P. 2018.

<sup>37</sup> The Local 2017a.

<sup>38</sup> Ademović-Omerčić, N. 2018.

33. Regarding Muslim women, ECRI notes that Ticino became the first canton with a legal ban on burqas, which has been in force since 1 July 2016 following a popular initiative of 2013. In September 2018, St Gallen became the second canton to ban facial coverings, including Islamic veils such as the burqa and niqab, in public spaces.<sup>39</sup> The Islamic Central Council of Switzerland condemned the ban as “another sign of the social Islamophobia that is rampant” in the country.<sup>40</sup> However, five other cantons rejected proposals to ban the burqa.<sup>41</sup> On 10 February 2019, Geneva voted in favour of a controversial new “secularism law”, which will ban elected officials and public employees from wearing visible religious symbols. Critics claim the law will have an oppressive and discriminatory effect especially for Muslim women wearing the headscarf, with some condemning it as Islamophobic.<sup>42</sup> ECRI notes that Muslim women wearing visible religious symbols are particularly vulnerable to hate speech due to the intersectionality of gender and religion, leading to isolation and hindering the building of inclusive societies.

- ***Initiatives to discourage hate speech through counter speech***

34. ECRI considers that states should raise awareness of the dangers posed by hate speech and its unacceptability by combating misinformation, negative stereotyping and stigmatisation; developing educational programmes for children and youth, public officials and the general public; supporting NGOs and equality bodies working to combat hate speech; and encouraging speedy reactions by public figures to hate speech.

35. ECRI welcomes the following actions in this context. The national platform for the promotion of media competence *Jeunes et Médias* (young people and media), set up by the Federal Social Insurance Office to encourage children and young people to use digital media safely and responsibly, is running four pilot projects to develop counter-speech and alternative discourse to extremism on the Internet.<sup>43</sup>

36. In 2015 the FCR launched the campaign *Une Suisse à nos couleurs* (a Switzerland in our colours) to raise awareness about racial discrimination and on-line hate speech, targeting mainly young people.<sup>44</sup> The campaign lasted for nearly six months and involved a public-private partnership representing the sectors of training and culture, economic and sporting circles, as well as NGOs. The *Service de lutte contre le racisme* (SLR) has supported projects linked to hate speech in the digital media, with information available on its website.<sup>45</sup>

37. On 21 March 2018 (International Day for the Elimination of Racial Discrimination) the FCR called for awareness of hate speech on the Internet and social networks. It stressed that criminal law should be applied where justified but that preventive actions should be significantly strengthened, especially for young people.

38. The authorities stated that Federal Councillors regularly intervene and recall the necessity of preserving the *vivre ensemble* (living together) and not to give in to calls for intolerance. For example, Alain Berset, President of the Confederation in 2018, gave numerous speeches calling for cohesion and respect for living together. However, according to the Advisory Committee on the Framework Convention for the Protection of National Minorities, immediate and public condemnation of hate speech was not systematic.<sup>46</sup>

<sup>39</sup> Two legal appeals have been filed against the new text.

<sup>40</sup> Euronews 2018.

<sup>41</sup> Basel-Stadt, Glarus, Solothurn, Schwyz and Zurich.

<sup>42</sup> The Local 2019b.

<sup>43</sup> [www.jeunesetmedias.ch/fr/plateforme/nos-activites.html](http://www.jeunesetmedias.ch/fr/plateforme/nos-activites.html).

<sup>44</sup> [www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-57849.html](http://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-57849.html).

<sup>45</sup> [www.edi.admin.ch/edi/fr/home/fachstellen/frb/domaines-d\\_activites/medien-und-internet/internet.html](http://www.edi.admin.ch/edi/fr/home/fachstellen/frb/domaines-d_activites/medien-und-internet/internet.html).

<sup>46</sup> Council of Europe FCNM 2018.

- **Support to victims of hate speech**

39. As already observed, there are Counselling Centres for Victims of Racism in all cantons. The network's website has brief information in 14 languages directing users to centres where one of these languages is spoken.<sup>47</sup> It also provides a link to an on-line legal guide in German, French and Italian for situations of racial discrimination, produced and managed by the SLR. The new version of July 2017 updates the former 2009 edition. The guide provides a clear overview of the procedures available in case of racial discrimination in different fields of life, such as at work or with neighbours. However, these centres are under financial constraints and are understaffed (see ECRI's recommendation in § 7). Therefore, although state support for victims of racism is available, it is rather limited. Furthermore, there appears to be no state support for LGBTI victims.

- **Self-regulation**

40. ECRI considers that the use of self-regulation can be an appropriate and effective approach to tackling hate speech. Those using hate speech often have affiliations with different bodies, both public and private, such as parliaments, political parties, business organisations, cultural and sport associations. As a matter of responsibility, these bodies should make it clear that the use of hate speech by persons affiliated with them is unacceptable and take action to prevent and sanction such use. ECRI specifically stresses the importance of codes of conduct in self-regulatory schemes.<sup>48</sup>
41. There is no code of ethics for members of parliament, or formal rules of conduct, simply certain principles. There are no internal rules of conduct for political parties either.<sup>49</sup> As actors in a democratic political process, political leaders and members of parliament should be encouraged to look into this matter with a view to tackling the use of hate speech, taking inspiration from the Charter of European Political Parties for a Non-racist Society and the work of the Parliamentary Assembly of the Council of Europe, and adopt relevant codes of conduct.<sup>50</sup>
42. Regarding the media and Internet, where the vast majority of hate speech is generated, and can be countered effectively, ECRI recommends both regulation and self-regulation, reflecting the recognition of their particular significance for combatting hate speech, while ensuring that such action does not violate the right to freedom of expression. As concerns the press, ECRI notes the Declaration of the Duties and Rights of the Journalist of 2000 (revised in 2017). Principle 8 states: "In respecting human dignity, the journalist must avoid any allusion by text, image or sound to a person's ethnic or national origin, religion, gender, sexual orientation as well as to any illness or physical or mental handicap that could be discriminatory in character." The Swiss Press Council serves as an appeals board in regard to editorial content or related questions of professional ethics in all public media. It decides on complaints submitted to it based on the above-mentioned declaration and publishes all decisions on its website.<sup>51</sup> In 2017 a total of 127 complaints were submitted (a record number); 12 concerned discrimination, one of which was found to be a violation.<sup>52</sup> The Press Council cannot enforce its decisions and media organisations have no obligation to publish them.<sup>53</sup>

<sup>47</sup> [www.network-racism.ch/liste-d-adresses-membres/ch-karte-var3.html?changelang=2](http://www.network-racism.ch/liste-d-adresses-membres/ch-karte-var3.html?changelang=2).

<sup>48</sup> GPR No. 15 § 6, and Explanatory Memorandum §§ 114-129.

<sup>49</sup> Council of Europe, Group of States against Corruption 2017.

<sup>50</sup> See <https://rm.coe.int/16806fe48b>.

<sup>51</sup> [www.presserat.ch](http://www.presserat.ch).

<sup>52</sup> [https://presserat.ch/wp-content/uploads/2018/06/Jahresbericht\\_2017\\_SPR\\_f.pdf](https://presserat.ch/wp-content/uploads/2018/06/Jahresbericht_2017_SPR_f.pdf).

<sup>53</sup> <https://medialandscapes.org/country/pdf/switzerland>.

43. As for the Internet, ECRI notes the “flagging mechanisms” introduced by groups such as Facebook and Google which offer the possibility of weeding out fake or offensive content without introducing new laws.<sup>54</sup> The authorities informed ECRI that the National Cyber Competence Centre (NC3) of the Federal Office of Police (Fedpol) is seeking cooperation with relevant Internet service providers to improve the identification of authors of hate speech and to have such content removed as quickly as possible. For example, Fedpol’s status as “trusted flagger” allows it to quickly report hate speech content on YouTube to Google, after which the material is taken down rapidly. In addition, Internet users can denounce online racist hate speech via the GRA website (see § 29) both directly to the service provider and to the police service responsible for coordinating the fight against Internet crime. ECRI is pleased that several interlocutors confirmed that these mechanisms are highly effective in having offending content removed quickly.
44. In addition, the Swiss Internet Industry Association (SIMSA), which gathers several online service providers including Google Switzerland, adopted a Code of Conduct for hosting providers in 2013.<sup>55</sup> The Code states that Internet hosting providers have no monitoring obligation over the content stored, processed and made available by their customers but are permitted to partially or completely block access to a website if they receive notice that it appears “very likely” that the content is illegal - known as the “notice and takedown” procedure. The Code is not legally binding and only affects SIMSA members. SIMSA welcomed the Human Rights Guidelines for Internet Service Providers drawn up by the Council of Europe in Cooperation with the European Internet Services Providers Association (EuroISPA) and states on its website that it is committed to the importance of self-regulation on the Internet.<sup>56</sup>
45. Finally, as concerns on-line fora relating to radio and television programmes, ECRI was informed by the authorities that the main public service broadcaster, the Swiss Broadcasting Corporation, is obliged to establish a so-called “Netiquette” for its user-generated content (videos, opinions, etc.) and to monitor these accordingly. Overall, ECRI welcomes the above-mentioned measures.
- ***Application of civil, administrative and criminal law against hate speech***
46. ECRI recommends that member states clarify the scope and applicability of responsibility under civil and administrative law for the use of hate speech. It also recommends that they take appropriate and effective action against the public use of hate speech which is intended or can reasonably be expected to incite acts of violence, intimidation, hostility or discrimination through the use of the criminal law provided that no other less restrictive measures would be effective, while respecting the right to freedom of expression.<sup>57</sup>
47. Article 28 of the Civil Code prohibits the illegal infringement of personality. ECRI has not been able to obtain any data on its application but has been informed that the article is rarely invoked due to reasons of complexity, length of proceedings, and costs. Moreover, NGOs have no *locus standi* to represent the rights and interests of victims. As a result, civil law is not effective in the fight against hate speech and recourse to criminal law seems the only option.
48. Regarding the media, Article 4 of the Federal Law on Radio and Television states that all radio and television programmes must respect fundamental rights and human dignity, and must not be discriminatory nor contribute to racial hatred or endanger public morals, and must not glorify or trivialise violence. The Swiss Independent Complaints Authority for Radio and Television evaluates complaints,

---

<sup>54</sup> Swissinfo.ch 2017.

<sup>55</sup> [www.cyon.ch/legal/coc](http://www.cyon.ch/legal/coc); Widmer T. and Lechtman D. 2016.

<sup>56</sup> [www.cyon.ch/legal/coc](http://www.cyon.ch/legal/coc).

<sup>57</sup> ECRI GPR No. 15, §§ 8 and 10.

including infringements of Article 4 (it cannot act *ex officio*). Before a complaint can be filed with the Complaints Authority, proceedings must be brought before the office of the ombudsman, which acts as mediator.<sup>58</sup> Only 35 cases have been admitted under Article 4 since 2007<sup>59</sup> and ECRI was informed that only a handful concerned racial discrimination.

49. As for the Internet, there is no law specifically addressing the obligations and scope of liability of online service providers and the EU Directive on Electronic Commerce does not apply in Switzerland.<sup>60</sup> In 2008 the Federal Council concluded that the current general regulation in relation to the criminal responsibility of Internet providers was sufficient to combat network criminality.<sup>61</sup> In December 2015 the Federal Council published a report on providers' liability under civil law concluding that the current legal framework allowed for adequate protection. As noted above, hosting providers can be required to remove unlawful content provided due consideration is given to the principle of proportionality.
50. Specifically regarding social media, the Federal Council, in a report published in May 2017, concluded that there was no need for regulation. It advised remaining vigilant and continued monitoring and stated that existing law combined with revision of data protection legislation and extension of the protection of young people, along with the social media industry's tendency to self-regulate, should be sufficient to protect online users.<sup>62</sup> ECRI encourages the authorities to look into regulatory solutions adopted in other countries which may be effective in reducing hate speech online, as recommended in GPR No. 15 § 7.
51. On the other hand, regarding hate speech of a criminal nature in the public context, Article 261bis of the Criminal Code appears to be an effective remedy. It punishes *inter alia* public incitement to hatred or discrimination against a person or group of persons on grounds of race, ethnic origin or religion.<sup>63</sup> The grounds of colour, language and nationality have not been added, contrary to ECRI's fifth-report recommendation. The additional ground of sexual orientation has been approved by Parliament but is not yet in force. Data on convictions in recent years has been provided above. The FCR informed ECRI that most cases are sanctioned with a fine rather than a custodial sentence.

## **B. Hate-motivated violence**

52. Article 261bis of the Criminal Code also punishes anyone who publicly denigrates or discriminates against another or a group of persons on grounds of their race, ethnic origin or religion in a manner that violates human dignity *inter alia* through acts of aggression or by other means<sup>64</sup>. In its fifth report, ECRI noted that Article

<sup>58</sup> <https://medialandscapes.org/country/pdf/switzerland>.

<sup>59</sup> [www.ubi.admin.ch/fr/decisions/decisions-utilisez-les-criteres-de-recherche/](http://www.ubi.admin.ch/fr/decisions/decisions-utilisez-les-criteres-de-recherche/). Information appears in the language of the case: German, French or Italian.

<sup>60</sup> 2000/31/EC; Widmer T. and Lechtman D. 2016.

<sup>61</sup> [www.bakom.admin.ch/bakom/en/homepage/digital-switzerland-and-internet/internet/criminal-responsibility-of-isps.html](http://www.bakom.admin.ch/bakom/en/homepage/digital-switzerland-and-internet/internet/criminal-responsibility-of-isps.html).

<sup>62</sup> Swissinfo.ch 2017.

<sup>63</sup> The provision also criminalises the public dissemination of ideologies that have as their object the systematic denigration or defamation of the members of a race, ethnic group or religion; encouraging or participating in propaganda campaigns; public denigration or discrimination against another or a group of persons on the grounds of their race, ethnic origin or religion in a manner that violates human dignity, whether verbally, in writing or pictorially, by using gestures, through acts of aggression or by other means; denial, trivialisation or justification of genocide or other crimes against humanity; refusal to provide a service to another on the grounds of that person's race, ethnic origin or religion when that service is intended to be provided to the general public.

<sup>64</sup> Although acts of aggression (*voies de fait*) are defined under Article 126 of the Criminal Code as acts which do not cause any injury to the person or to his/her health, the Swiss Federal Tribunal has ruled that serious assault (under Article 122 of the Criminal Code) can fall under the scope of Article 261bis if it is committed in public and, taking into account all the circumstances, it is clearly recognisable as an act of racial discrimination in the eyes of an average unbiased third party (see BGE 133 IV 308, where this condition was not met even though the victim was dark skinned and the perpetrators were skinheads wearing clothing showing Nazi emblems).

47 of the Criminal Code<sup>65</sup> does not specifically provide that racist or other motivation constitutes an aggravating circumstance for all offences (as per § 21 of its GPR No. 7) and recommended expressly including such a provision. ECRI regrets that this has not been done.

53. ECRI reiterates its recommendation to provide expressly for racist and other hate motivation to constitute an aggravating circumstance for any ordinary offence.
54. In its fifth report ECRI recommended that the authorities improve their system for recording and monitoring incidents of violence in order to obtain more reliable statistics on the racist, homophobic or transphobic motivation of offences under the Criminal Code. The authorities informed ECRI that an efficient, uniform and obligatory data gathering mechanism for police crime statistics remains difficult, particularly in the case of hate crimes based on sexual orientation or gender identity. It is optional and not obligatory for police to record motivations not falling under Article 261bis. ECRI is concerned that this does not permit a complete picture to be drawn of hate-motivated crime, including violence, in order to provide an adequate response.
55. ECRI recommends that a system is set up in the police for recording and monitoring all forms of hate-motivated incidents and that police are clearly instructed to record any hate motivation perceived by the victim or any other person. These data should be made publicly available.
56. According to information provided by OSCE-ODIHR, in 2016 the Network of Counselling Centres for Victims of Racism reported eight incidents of violent attacks against persons and one incident of damage to property. The Intercommunity Coordination against Anti-Semitism and Defamation (CICAD) reported three incidents of violent attacks against persons and four incidents of property damage. The Foundation for Political, Economic and Social Research (SETA) reported two incidents of violent attacks of an Islamophobic nature; one case involved a child who was beaten with a stick and the other involved three worshippers who were shot and injured while attending prayers in a mosque (the perpetrator then killed himself). Jehovah's Witnesses Switzerland reported one violent incident in which two elderly female Jehovah's Witnesses were insulted and physically assaulted.
57. In 2017, the Network of Counselling Centres for Victims of Racism recorded 25 acts of racist violence, 19 of which involved physical violence against persons and 4 involving damage to property. Xenophobia and anti-Black racism were the highest categories. This represents a large increase compared with the previous year.<sup>66</sup> ECRI also heard from NGOs that transgender people suffer everyday violence which has become normalised. Victims do not report incidents to the police but rather to NGOs or the police association PinkCop (see § 30).
58. According to the 2016 survey on diversity and coexistence in Switzerland,<sup>67</sup> which uses a representative sample of 3 000 randomly selected people, 4% reported being subject to physical violence on account of their origin or other grounds of discrimination. Over the period 2010 to 2018, this has remained stable at between 3% and 6%.

<sup>65</sup> Article 47 of the Criminal Code states that culpability is assessed by taking into account, inter alia, the offender's motives and aims.

<sup>66</sup> Réseau de centres de conseil pour les victimes du racisme 2018.

<sup>67</sup> The survey aims to present an accurate picture of the issues raised by the coexistence of different groups currently living in Switzerland. It allows monitoring of trends in society in several areas such as racism, xenophobia, hostility – in particular towards Muslims, Black people and Jewish people – and discrimination ([www.bfs.admin.ch/bfs/en/home/statistics/population/surveys/zids.html](http://www.bfs.admin.ch/bfs/en/home/statistics/population/surveys/zids.html)).

59. ECRI also notes some recent cases of police brutality against Black persons; it addresses this in the section on Topics specific to Switzerland (see §§110-112).
60. While ECRI notes that the scale of hate-motivated violence remains overall quite low, it does occur and has specific targets. The authorities are advised to remain vigilant and explore preventive measures in cooperation with the relevant groups, in particular Black and transgender communities.
61. ECRI recommends that authorities encourage and facilitate closer cooperation and dialogue between the police and groups at risk of hate-motivated crime, in particular Black and transgender communities.

### III. INTEGRATION AND INCLUSION

#### A. Migrants

62. Switzerland, like many European countries, is dealing with the entry and stay of large numbers of migrants who will most likely remain for a long time and may have children born in Switzerland. ECRI considers that this reality brings huge potential and value and that states should invest in integration and inclusion. In this section, ECRI examines the situation of migrants, including refugees, temporarily admitted persons<sup>68</sup> and asylum seekers, under the principle that the earlier integration begins the better the outcome.
63. A quarter of all people living in Switzerland are foreign nationals. The majority come from other European countries, predominantly Italy (15%), Germany (14%) and Portugal (13%), while 15% come from non-European states.<sup>69</sup> According to information available on the website of the State Secretariat for Migration (SEM), on 31 January 2019 Switzerland hosted 38 184 refugees, 46 710 temporarily admitted persons and 14 588 asylum seekers. The authorities informed ECRI that their main countries of origin continue to be Eritrea (19%), Syria (9%), and Afghanistan (8%).
64. According to the Migrant Integration Policy Index 2015, Switzerland was ranked 21 out of 38 states.<sup>70</sup> ECRI notes, however, that the cities of Geneva and Neuchâtel are in the Intercultural Cities network with the latter currently having the highest score in intercultural integration in the Intercultural Cities Index.<sup>71</sup>
65. Switzerland's integration policy is based on the new Federal Law on Foreigners and Integration of 1 January 2019 which provides measures for all foreigners moving to Switzerland for the purpose of establishing long-term legal residence. It aims to improve integration in the country and to favour the coexistence of foreign nationals with Swiss nationals. Article 53 stipulates that integration support is a joint task of the communal, cantonal and federal authorities.
66. In 2014 the Cantonal Integration Programmes (CIPs) were launched and since then the whole country (26 cantons) has pursued the same set of targeted integration goals. At the same time, in order to take account of local needs and circumstances, the cantons and municipalities are free to set their own implementation priorities. Each CIP is governed by a programme agreement with the State Secretariat for Migration (SEM)<sup>72</sup> and is financed by the Confederation

<sup>68</sup> According to the website of the State Secretariat for Migration (SEM), temporarily (or provisionally) admitted foreign nationals are persons who have been ordered to return to their native countries but in whose cases the enforcement of this order has proved inadmissible (violation of international law), unreasonable (concrete endangerment of the foreign national) or impossible (for technical reasons of enforcement). Thus their provisional admission constitutes a substitute measure. Provisional admission may be ordered for a duration of twelve months and extended by the canton of residence for another twelve months at a time. The cantonal authorities may grant temporarily admitted foreign nationals work permits for gainful employment, known as Permit F.

<sup>69</sup> Federal Chancellery 2018.

<sup>70</sup> [www.mipex.eu/switzerland](http://www.mipex.eu/switzerland).

<sup>71</sup> [Neuchâtel Intercultural Profile](#).

<sup>72</sup> State Secretariat for Migration (SEM) 2016.

(50%) and the cantons (50%). The next set of programmes will run from 2018-2021.<sup>73</sup>

67. The eight goals of the CIPs are divided into three pillars: 1) information and counselling, 2) education and employment and 3) mutual understanding and social integration.<sup>74</sup> Since one of the main barriers to integration is racism and discrimination against members of minority/vulnerable groups by members of the majority population, ECRI is pleased to note that protection against discrimination is one of the goals and that anti-discrimination measures have been intensified. For example, several cities and cantons run an annual anti-racism week and a guide on tackling discrimination in the public service has been produced.<sup>75</sup>
68. An evaluation of the CIPs was carried out after two years. According to the authorities, there have been many successes while considerable challenges remain. Integration happens at the local level and since the CIPs came into force some municipalities now take a more active part in the provision of orientation and social integration services and there is a greater willingness to invest in integration support efforts. However, ECRI notes that the length and scope of these measures vary from one canton to another and the differences can be considerable. In addition, financing is acknowledged to be insufficient.
69. As concerns refugees and temporarily admitted persons, the authorities informed ECRI that the Confederation and the cantons have agreed on an Integration Agenda providing for an earlier and intensified promotion of integration for these persons, notably through language, vocational and labour market measures. As of March 2019, the Confederation tripled its one-off contribution from 6 000 to 18 000 CHF per person and ensures continuous case management. It is up to the cantons to request this additional funding.

- **Language courses**

70. Since language is a key factor in integration and inclusion, ECRI is pleased to note that one of the main areas of action of the CIPs is acquisition of the local language. It is obligatory for cantons to subsidise courses at levels A1 to B1; literacy classes are also subsidised. The “fide label” was created to guarantee the quality of language teaching provided as part of integration support efforts. It is offered in German, French and Italian and is oriented towards communication in daily life. A large number of teachers qualified to teach under the fide label (130 between 2015 and 2016).
71. Concerning refugees and temporarily admitted persons, as observed above the Confederation pays the cantons a one-off amount per person, which can be used to finance language classes.<sup>76</sup> Asylum seekers in the federal accommodation centres can attend language courses free of charge. However, for other migrants, although classes in the local language are available in all areas of the country, often provided by NGOs receiving grants from CIPs, many of the language schools are private businesses and prices can be high.<sup>77</sup> Demand for courses outstrips supply and classes are over-subscribed.<sup>78</sup> ECRI therefore strongly encourages the authorities to seek new ways to meet the language learning needs of all migrants.

---

<sup>73</sup> SEM 2018a.

<sup>74</sup> SEM 2016.

<sup>75</sup> SEM 2016.

<sup>76</sup> SEM 2018b.

<sup>77</sup> Migraweb 2018.

<sup>78</sup> SEM 2016.

- **Legal status**

72. Each year, there are between 30 000 and 40 000 applications for permanent residence (known as C permits) lodged in Switzerland. Under the Law on Foreigners and Integration, the authorities may only grant or extend a residence permit if certain criteria are met, including respect of legal order and Constitutional values; knowledge of one of the national languages (minimum level A2 oral and A1 written); knowledge of Swiss values and lifestyle; and willingness to contribute to the local economy and to be adequately trained.<sup>79</sup> Those who show no willingness to integrate may be obliged to sign an integration agreement setting out the expectations to be met. Failure to comply could affect the renewal of the residence permit or downgrading to a B permit (temporary residence). However, the cantons are not obliged to conclude such agreements. Refugees and temporarily admitted persons receiving social assistance, on the other hand, may be obliged to participate in integration or job-training programmes. If they do not do so without good reason, social assistance benefits may be reduced.
73. As these new rules only recently came into effect ECRI is not in a position to evaluate how they function in practice. However, it is concerned about the punitive approach which seems more oriented towards restricting migration than promoting integration and will further marginalise those who have difficulties integrating. Indeed, according to a survey,<sup>80</sup> Switzerland was one of the countries in which language and civics were used as an obstacle to integration (*demanding without supporting*).
74. ECRI is particularly concerned about one specific group of persons, namely failed asylum seekers<sup>81</sup> who cannot be expelled after 140 days (see § 89). They have no legal status and are not permitted to work. Accommodation is provided in emergency shelters and each person receives 8 CHF per day to live on. Many interlocutors informed ECRI about the extremely harsh living conditions and long duration of stay (in some cases up to 10 years) before a solution is found. Often their only way out is to be considered “hardship” cases by the canton, whereby they are granted a residence permit on humanitarian grounds. At the time of ECRI’s visit, around 4 000 people (largely Eritreans and Tibetans) were in this dire situation. ECRI is very concerned that these people, through no fault of their own, are left in limbo and have no possibility to lead a normal life. It considers that a reasonable time limit should be set following which they are automatically regularised.
75. ECRI strongly recommends 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.
76. ECRI believes that people are most likely to become integrated if they obtain the citizenship of the country in which they live and have the same rights as nationals. Naturalisation is also an important factor in improving migrants’ well-being<sup>82</sup> and states should facilitate the process rather than set obstacles. A new Swiss citizenship law entered into force in January 2018. It reduces the duration of residency required from 12 to 10 years and time spent in the country between the age of 8 and 18 years counts double. On the other hand, the eligibility criteria have

<sup>79</sup> [www.legalexpatgeneva.com/update-swiss-federal-law-foreigners-integration/](http://www.legalexpatgeneva.com/update-swiss-federal-law-foreigners-integration/); [www.swissinfo.ch/eng/society/good-behaviour\\_renewal-of-swiss-residence-permits-contingent-on-integration/44325176](http://www.swissinfo.ch/eng/society/good-behaviour_renewal-of-swiss-residence-permits-contingent-on-integration/44325176).

<sup>80</sup> Council of Europe Commissioner for Human Rights 2016.

<sup>81</sup> Those whose asylum applications have been rejected by a final decision in the asylum procedure. The possibility of voluntary return remains available.

<sup>82</sup> Council of Europe Commissioner for Human Rights 2016.

been tightened with respect to “successful integration”.<sup>83</sup> The SEM makes a preliminary assessment within eight months and the cantonal authorities must then make a decision within 12 months. Cantons and municipalities have their own requirements that must be met and these vary considerably, as does the duration of the process.<sup>84</sup> ECRI considers that these factors create uncertainty and inequalities and should be streamlined. ECRI also regrets that there is no provision for facilitated naturalisation of refugees.<sup>85</sup>

- **Family reunification**

77. ECRI regrets that family reunification for persons granted refugee status under the Law on Asylum was further restricted in 2012 to cover only spouses and minor children. Temporarily admitted persons can only apply for family reunification after a 3-year waiting period and if they fulfil additional requirements, such as not depending on social assistance. ECRI considers that the result of restricting or delaying family reunion is unnecessary human suffering and poorer integration outcomes.<sup>86</sup> Family reunification procedures should be accessible, affordable, proportionate and timely.

78. ECRI recommends that the Law on Asylum is amended to provide for more categories of persons eligible for family reunification and that temporarily admitted persons have access to family reunification earlier, bearing in mind the right to respect for family life, in order to enhance integration.

- **Education**

79. In Switzerland, child and youth policy is primarily a cantonal responsibility. Regarding early education, the authorities informed ECRI that every canton develops and implements a range of measures for migrant children, targeting those aged 0 to 4 years, their parents and staff of care services. These may be comprised of playgroups, courses to foster parenting skills and advanced training for staff. Almost all cantons have made preschool obligatory for one or two years to encourage acquisition of the language of learning. ECRI was informed that the cantons also actively support classes in the language and culture of origin for pupils with a migration background alongside compulsory schooling.

80. At primary level, the authorities indicated that specific assistance either in the form of a welcome class or support classes were available to migrant children with the aim of integrating them into regular classes. At secondary level, foreign children attend regular education and apprenticeships. Integration activities are put in place only if such additional measures are necessary. In higher education there is no specialised support for migrant young people. NGOs also informed ECRI that there are very few possibilities for adult migrants to access education.

81. ECRI is pleased to note some **promising practices**. To assist in the integration process, the City of Fribourg has set up the School-Parent Contact Service aiming to promote contact between immigrant families and the city’s schools.<sup>87</sup> Families can discuss school-related matters, including sensitive questions such as racism, with a contact person regardless of the cultural background or the language the family speaks.<sup>88</sup> Families with an immigrant background are also offered a

<sup>83</sup> Applicants must meet language requirements (A2 level writing ability and B1 spoken skills) and must not be in receipt of welfare benefits in the three years prior to their application. There is also a requirement of familiarity with the Swiss way of life as concerns geography, history, politics and society, as well as participation in social and cultural life and contacts with Swiss people.

<sup>84</sup> Swissinfo.ch 2018a.

<sup>85</sup> Article 34 of the 1951 Convention Relating to the Status of Refugees provides that States shall make every effort to expedite naturalisation proceedings for refugees. UNHCR considers, as a matter of best practice, that the required period of residency for naturalisation should not exceed five years for refugees.

<sup>86</sup> See Council of Europe Commissioner for Human Rights 2016.

<sup>87</sup> Ville de Fribourg 2018.

<sup>88</sup> Ville de Fribourg 2018.

workshop programme called *EcolePlus*, which addresses the role expected of parents as well as cooperation between the home and the school.<sup>89</sup>

82. Despite these efforts, according to a recent OECD report, academic underperformance among pupils with an immigrant background is particularly pronounced in certain countries, including Switzerland. Immigrant pupils (native- or foreign-born, who have two foreign-born parents) are more than twice as likely as those without an immigrant background to fail to achieve baseline academic proficiency.<sup>90</sup>
83. ECRI recommends that the authorities look into any underperformance of pupils with an immigrant background and take steps to close the gaps. They should also ensure that adult migrants have access to learning programmes and possibilities to continue their education in Switzerland.

- **Employment**

84. According to information provided by the Swiss authorities, 95.4% of public administration employees have Swiss nationality. 4.4% have citizenship of other European countries and 0.2% are citizens of other continents. The Swiss Labour Force Survey provides information on the structure of the work force and employment behaviour patterns of permanent residents aged 15 and over. The survey, which is carried out on a quarterly basis, is based on telephone interviews with 105 000 randomly selected persons. On 31 August 2018, 29.4% of those with refugee status were in employment (permit B); 36.1% of persons with temporary admission were employed (permit F); and 7.1% of asylum seekers were in work (permit N). In each category the percentage of men in work was around double that of women.
85. The Integration Agenda for refugees and temporarily admitted persons recognises that a large number of these persons do not manage to find work after several years, remain dependent on social aid and have little contact with the local population. One of the objectives of the agenda is that five years after their arrival, two-thirds of those aged 16-25 follow further training. Another is that seven years after arrival, half are sustainably integrated in the labour market.<sup>91</sup> The authorities also informed ECRI that the Confederation launched a pre-apprenticeship programme for refugees and persons with temporary admission; 1 000 places per year are foreseen over a period of four years. ECRI welcomes these measures.
86. ECRI is pleased to note that asylum seekers are allowed to work after three months, although it is up to cantons to grant permits. Regarding temporarily admitted persons, ECRI was informed that in practice employers are reluctant to hire them due to the assumption that their stay will be short. To remedy this, since July 2018, social services register temporarily admitted persons (as well as refugees in receipt of social assistance) who are seeking a job with the public employment service, provided they are considered employable.<sup>92</sup> The authorities also indicated that they were looking into changing the name of this group of persons to something more appropriate, which ECRI encourages. ECRI also welcomes the repeal of the special 10% income tax for asylum seekers and temporarily admitted persons which came into effect in 2018.

- **Housing**

87. ECRI notes that housing is not an aspect covered by the CIPs, although it is vital for security, well-being and prospects of integration. Refugees and temporarily admitted persons can choose freely their place of residence. According to a 2017

<sup>89</sup> Commission fédérale contre le racisme 2016.

<sup>90</sup> OECD 2018a.

<sup>91</sup> See [www.sem.admin.ch/dam/data/sem/integration/agenda/faktenblatt-integrationsagenda-f.pdf](http://www.sem.admin.ch/dam/data/sem/integration/agenda/faktenblatt-integrationsagenda-f.pdf).

<sup>92</sup> OECD 2018b.

study,<sup>93</sup> they live under precarious conditions with half the number of rooms and space per person compared to Swiss nationals. They tend to rent in large apartment blocks in city centre areas, alongside other people from similar countries. They experience difficulties obtaining contracts due to prejudice from landlords.

88. As concerns asylum seekers, amendments to the Law on Asylum established a new accelerated asylum procedure taking effect on 1 March 2019. All asylum seekers must now be accommodated in one of 18 federal centres run by the SEM in six asylum regions. Account is taken of the special needs of different groups (such as unaccompanied minors and families with children) and health care and obligatory schooling are ensured. Every asylum seeker is assigned a legal representative and is entitled to free legal aid. A test centre was opened in Zurich in 2014 and has been running for five years. A recent evaluation found that the “everyone under one roof” model yielded positive results. ECRI welcomes the focus on occupation rather than control or security. However, it regrets that integration measures will not be part of the new system and will only begin once refugee or temporary admission status has been granted.
89. Asylum seekers will only be assigned to one of the 26 cantons if their application cannot be processed within 140 days. Reception conditions are regulated by cantonal legislation and differ significantly from one canton to another. The type of accommodation facilities, as well as the amount of financial allowance is specific to each canton. Some are known to be restrictive in terms of reception conditions, or even lacking adapted structures for the needs of vulnerable persons.<sup>94</sup> Several types of housing are offered, such as collective centres, family apartments or hostels. Therefore, the allocation to a canton may result in large inequality. ECRI refers to its recommendation below.

- ***Political inclusion***

90. Participation in decision-making via the right to vote and stand for election at local level is a crucial aspect of integration of migrants who consider themselves, and are considered, as fully-fledged members of society.
91. At the *cantonal* level, only two cantons, Neuchâtel and Jura, grant the right to vote for non-nationals. Neuchâtel limits this right to those who have lived in the canton for at least five years, while Jura grants voting rights to those who have lived in Switzerland for 10 years, including at least one year in the canton. No canton grants the right to stand for election. At the *communal* level, the cantons of Fribourg, Vaud, Neuchâtel and Jura grant the right to vote and to stand for election of non-nationals under certain conditions (living in Switzerland for 10 years and in the canton for between one and five years). Geneva provides for the right to vote but not to stand for election.
92. In view of the fact that a quarter of the population of the country is non-Swiss, ECRI considers that the rules in place for their participation are unreasonably restrictive. Moreover, with its system of semi-direct democracy, Switzerland could be expected to be more open to the value of inclusive democracy.
93. In conclusion, ECRI welcomes Switzerland’s efforts in recent years to establish integration policies and measures. However, challenges and gaps remain, as pointed out above, and the aspect of inclusion is not always evident. Further efforts are needed in respect of temporarily admitted persons, who despite their name, in fact often stay in the country for a very long time (up to 20 years) but are subject to restrictions which negatively affect their integration prospects.<sup>95</sup> In addition, since

---

<sup>93</sup> Office fédéral du logement 2017.

<sup>94</sup> Swiss Refugee Council.

<sup>95</sup> See UN CERD 2014.

cantons and municipalities are able to pursue the integration goals in their own manner, there is a broad spectrum of approaches resulting in disparities in standards across the country, and consequently considerable inequalities. This shortcoming was raised time and again during ECRI's country visit. ECRI considers that ways to achieve greater coherence in approaches to integration should be explored so that all migrants are treated in an equal manner and have equal opportunities wherever they may be in the country.

94. ECRI strongly recommends facilitation of the exchange of good practices in the approaches taken to integration and inclusion in order to harmonise cantonal policies and maximise equality of opportunity for all migrants. ECRI further recommends increasing the funding of the Cantonal Integration Programmes; meeting the language learning needs of all migrants; and including asylum seekers in integration programmes.

### **B. Yenish, Sinti/Manouche and Roma**

95. According to the Federal Office of Culture, there are around 30 000 Yenish living in Switzerland, of whom around 10% practice a nomadic or semi-nomadic way of life. Precise data on Sinti/Manouche are not available but they are far less numerous than Yenish.<sup>96</sup> Data on Roma is less specific but according to NGOs in Switzerland their number is around 80 000. 99% of Roma are sedentary and most are well integrated in Swiss society.<sup>97</sup> In addition, there are estimated to be some 3 000 non-Swiss travelling Roma in the country during the summertime.<sup>98</sup>
96. According to the Society for Threatened Peoples, the Yenish and Sinti, as well as the Roma, are exposed to institutionalised discrimination, prejudice and racism.<sup>99</sup> ECRI considers that targeted integration efforts are required where these communities face severe discrimination and rejection by the majority population. In this section, ECRI will look into the two main areas which particularly affect the integration and inclusion of Yenish, Sinti/Manouche and Roma communities in Switzerland: housing and education.
97. In 2015 the Federal Council set up a working group on "Improving conditions for the nomadic way of life and promoting the culture of Yenish, Sinti/Manouche and Roma in Switzerland" led by the Federal Office for Culture. It is composed of a large range of actors including Yenish, Sinti/Manouche and Roma representatives (50%) and state authorities such as members of federal offices, cantonal conferences, and communal and city associations (50%).<sup>100</sup> Initially Roma were not included in the working group (because they are predominantly sedentary) but have since been invited to take part.
98. In June 2016, the working group adopted an action plan with a set of recommendations<sup>101</sup> in five areas: stopping sites; education and training; social matters; culture and identity; and renewal of the Foundation on the Future of Swiss Travellers as the link between the State and the relevant groups. ECRI notes that the document is vague and merely sets out the challenges that arise with regard to the itinerant lifestyle. NGOs and representatives of the relevant communities considered the action plan a disappointment, stating that it was project based with no time frame and that it remains inadequately implemented. A report on

<sup>96</sup> [www.bak.admin.ch/bak/fr/home/sprachen-und-gesellschaft/les-yeniches-et-les-manouches-sont-une-minorite-nationale/autres-informations.html](http://www.bak.admin.ch/bak/fr/home/sprachen-und-gesellschaft/les-yeniches-et-les-manouches-sont-une-minorite-nationale/autres-informations.html).

<sup>97</sup> Society for Threatened Peoples 2017a.

<sup>98</sup> Rroma Foundation.

<sup>99</sup> [www.gfbv.ch/en/campaigns/for-the-rights-of-roma-sinti-and-yenish/](http://www.gfbv.ch/en/campaigns/for-the-rights-of-roma-sinti-and-yenish/).

<sup>100</sup> [www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-56424.html](http://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-56424.html).

<sup>101</sup> Département fédéral de l'intérieur, Office fédéral de la culture 2018a.

implementation was published in December 2018.<sup>102</sup> It noted that improvements were needed in infrastructure and in certain practices of the authorities and in society, and that concrete solutions should be found to support the initiatives of the groups concerned.

99. Concerning issues of identity and culture of Yenish and Sinti/Manouche, ECRI refers to the latest Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities.<sup>103</sup> It nevertheless draws attention to the rejection by the Federal Council in 2018 of a request for Roma to be granted national minority status under the above-mentioned convention, which is a matter of great bitterness to them.<sup>104</sup> ECRI considers that excluding one group in this way is not helpful to promoting inclusion. Despite this, ECRI notes that other steps have been taken to recognise the Roma as a part of Swiss society. For example, there is now a Roma member in the Federal Commission against Racism (FCR)<sup>105</sup> and for the first time, in 2017, the Federal Council mentioned Roma as victims of the Holocaust, which they appreciated.

- **Housing**

100. In its fifth report ECRI recommended that the authorities, as a matter of urgency, satisfy the encampment area needs of nomadic communities. ECRI recalls that according to a decision of the Federal Supreme Court, the cantonal land use plans must provide a sufficient number of sites on which itinerant persons can live in accordance with their tradition. However, numerous interlocutors informed ECRI that this obligation is not respected, mainly due to lack of political will particularly at communal but also at cantonal level. As a result, the shortage of places to stop continues to be a major problem for the communities concerned. It is also a large contributor to the prejudice and hostility they face (see § 31) as well as an important impediment to inclusion.
101. It appears that every year more sites are closed and the authorities informed ECRI that there are currently only around 30 official stopping places in Switzerland while double that amount is needed. Some of these are available all year round, while short-stay areas are only open during certain parts of the year and transit sites are mainly used by non-Swiss travellers. Many sites are near motorways or sewage areas and do not have the necessary infrastructure for decent living, including access to electricity and drinking water. Yenish and Sinti expressed their anxiety over shrinking “living” spaces for them. Moreover, amendments to the Federal Law on Itinerant Traders, which came into force in July 2018, have made the traditional practice of spontaneous stopping with the consent of the landowner more difficult and complex. This practice, previously based on an oral agreement with the farmer, helped to compensate for the shortage of official sites.
102. An additional difficulty arises for non-Swiss travelling Roma (often referred to as “foreign travellers”). They tend to move in larger groups and stay in Switzerland for several months at a time. They are increasingly excluded and frequently totally forbidden from stopping in sites designated for Swiss Yenish and Sinti/Manouche.<sup>106</sup> In fact, more than half of the existing sites are no longer open to “foreign travellers”. ECRI notes that on 13 February 2019 the Swiss Federal Tribunal ruled that this practice in the canton of Neuchâtel did not constitute discrimination based on nationality, and that it served a public interest (to find places for each of the itinerant communities according to their different needs) and

---

<sup>102</sup> Département fédéral de l'intérieur, Office fédéral de la culture 2018b.

<sup>103</sup> Council of Europe FCNM 2018.

<sup>104</sup> Swissinfo.ch 2018d; Rroma Foundation.

<sup>105</sup> Federal Council 2018.

<sup>106</sup> Rroma Foundation.

complied with the principle of proportionality.<sup>107</sup> ECRI nevertheless remains concerned that this approach reinforces xenophobia and prejudice against non-Swiss travelling Roma, leading to conflicts between the different groups in the sites which they share. These tensions are exacerbated by the acute shortage of sites and living space.

103. Therefore, for all the above reasons, ECRI considers it urgently necessary to set up more halting sites.<sup>108</sup> Although the authorities informed ECRI that progress is being made (for example, the canton of Fribourg opened a new transit site in 2017) and that the amount of 300 000 CHF has been allocated by the Confederation per year for the period 2016-2020 towards creating sites, this is clearly insufficient.
104. ECRI strongly recommends investment in the creation of a sufficient number of sites to meet the needs of travelling Yenish, Sinti/Manouche and Roma, in close consultation with the communities concerned.

#### - **Education**

105. In its fifth report ECRI recommended that the authorities implement as quickly as possible a project or measures to ensure effective education for traveller children with due regard for their families' way of life. ECRI notes that the action plan acknowledges the need to create conditions for reconciling compulsory schooling and the right of children to education with the right of travellers to practise their itinerant way of life. The major difficulty for these children, due to their long absence during the summer months and shorter period of class attendance during wintertime, is that their schooling is likely to be incomplete.<sup>109</sup>
106. As already observed, education is within the competence of the cantons and ECRI is pleased to note some **promising practice**. The canton of Bern and the city of Bern started, in 2016, a three-year pilot project called *Lernen unterwegs* (learn on the go), which gives children from itinerant families in the halting site of Buech a possibility to take part in classroom teaching and attend pedagogical workshops during the winter months as well as distance learning during the summer months using web-based teaching methods; children receive free laptops and schools ensure that families have Internet access.<sup>110</sup> ECRI met with families and children who expressed enthusiasm and satisfaction with this system. It encourages other cantons and cities to implement similar creative and child-friendly projects.
107. ECRI is also pleased to note that the Service for Combating Racism of the Federal Department of Home Affairs has contributed 78 000 CHF to various projects supporting the itinerant way of life and culture, of which 8 000 CHF to developing teaching materials about Swiss Yenish, Sinti/Manouche and Roma for primary schools in the German-speaking part of Switzerland. In 2019, it intends to develop (with other partners) a module on the theme of racism linked to the itinerant way of life.<sup>111</sup>

#### IV. TOPICS SPECIFIC TO SWITZERLAND

##### - **Absence of comprehensive anti-discrimination legislation**

108. ECRI notes that there is still no general anti-discrimination legislation and that isolated provisions remain spread over sectoral laws. The Swiss Centre of Expertise in Human Rights conducted a large-scale study on access to legal protection in cases of alleged discrimination based on gender, sexual identity,

<sup>107</sup> Humanrights.ch 2019.

<sup>108</sup> Society for Threatened Peoples 2017a.

<sup>109</sup> Conseil fédéral 2017.

<sup>110</sup> Stadt Bern 2016.

<sup>111</sup> The Omnibus 2019 intermediate module on the "Itinerant way of life", which is part of the main survey on Living together in Switzerland.

sexual orientation, race, religion or disability. Its report published in 2015 rejected calls for a general law against discrimination. The Federal Council stated in 2016 that the current laws in force guarantee sufficient protection against discrimination and recalled that a general anti-discrimination law had repeatedly been rejected by Parliament.<sup>112</sup> ECRI regrets that the situation remains the same as described in its fifth report and stresses that this constitutes an obstacle to access to justice because victims of discrimination do not benefit from special measures recognising the difficulty of proving such cases, notably the shifting of the burden of proof.

109. ECRI reiterates its recommendation to adopt comprehensive anti-discrimination legislation covering all grounds and all areas, in line with its General Policy Recommendation No. 7.

- **Police abuses**

110. ECRI notes numerous reports<sup>113</sup> drawing attention to allegations of police abuses, including racial profiling and brutality. Representatives of the Yenish and Sinti/Manouche communities have all raised concerns about a possible profiling of persons with itinerant ways of life and repeated identity checks.<sup>114</sup> A 2016 poster campaign against begging run by the Lugano police stereotyped Roma exploiting women and children as part of criminal organisations.<sup>115</sup> Black people are also particularly targeted for police checks which frequently involve arrest and strip searching for drugs.<sup>116</sup> ECRI is particularly alarmed that a number of police activities have ended in the death of Black persons. For example, in March 2018, a Nigerian man in Lausanne died following a police arrest during which he was pinned down and handcuffed;<sup>117</sup> in October 2017, a 23-year old Gambian man died in police custody in Vaud;<sup>118</sup> and in November 2016, a young Congolese man was fatally shot during a police patrol in Lausanne.<sup>119</sup> Criminal proceedings relating to these cases in the canton of Vaud are ongoing. According to the NGO humanrights.ch, lawsuits in cases of police violence are often long and burdensome and rarely find in favour of the complainant, resulting in a system where victims feel helpless and that police are above the law.<sup>120</sup>

111. The Federal Commission against Racism, referring to Black people being victims of racial profiling, recommended training for police to combat the problem of institutional and structural racism.<sup>121</sup> According to a police trainer and government advisor, around 20% of police interventions do not respond to objective criteria. Lack of training was put forward as an explanation as well as the absence of an independent body to investigate complaints against police.<sup>122</sup>

112. ECRI recommends further training for the police on the issue of racial profiling and on the use of the reasonable suspicion standard. It also strongly recommends setting up a body independent of the police and prosecution authorities, entrusted with the investigation of alleged cases of racial discrimination and racially-

<sup>112</sup> Conseil fédéral 2016. See also [www.humanrights.ch/en/switzerland/internal-affairs/national/disappointing-federal-council-report-protection-discrimination](http://www.humanrights.ch/en/switzerland/internal-affairs/national/disappointing-federal-council-report-protection-discrimination).

<sup>113</sup> UN Human Rights Committee 2017; Conseil de l'Europe, Commissaire aux Droits de l'Homme 2017; and Council of Europe FCNM 2018.

<sup>114</sup> Council of Europe FCNM 2018.

<sup>115</sup> [www.liberatv.ch/news/cronaca/1291543/non-dare-denaro-per-strada-lugano-lancia-la-campagna-contro-l-accattonaggio-ecco-i-numeri-di-un-fenomeno-dietro-il-quale-si-nascondono-racket-e-sfruttamento-di-minorenni](http://www.liberatv.ch/news/cronaca/1291543/non-dare-denaro-per-strada-lugano-lancia-la-campagna-contro-l-accattonaggio-ecco-i-numeri-di-un-fenomeno-dietro-il-quale-si-nascondono-racket-e-sfruttamento-di-minorenni).

<sup>116</sup> Conseil de l'Europe, Commissaire aux Droits de l'Homme 2017.

<sup>117</sup> Le Temps 2018.

<sup>118</sup> Carrefour de réflexion et d'action contre le racisme anti-Noir (CRAN) 2017.

<sup>119</sup> Afrique Connection 2016.

<sup>120</sup> Humanrights.ch 2018.

<sup>121</sup> Commission fédérale contre le racisme 2018.

<sup>122</sup> Le Temps 2016.

motivated misconduct by the police, in line with its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing.



## INTERIM FOLLOW-UP RECOMMENDATIONS

---

The two specific recommendations for which ECRI requests priority implementation from the authorities of Switzerland are the following:

- (§ 7) ECRI strongly recommends that the Counselling Centres for Victims of Racism are strengthened by increased funding (from a budget separate from the Cantonal Integration Programmes) and human resources.
- (§ 75) ECRI strongly recommends 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.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.



## LIST OF RECOMMENDATIONS

---

The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 5) ECRI again strongly recommends the setting-up of a fully independent equality body with sufficient staff and having the functions and competences set out in its General Policy Recommendation No. 2 on Equality Bodies to combat racism and intolerance at national level.
2. (§ 7) ECRI strongly recommends that the Counselling Centres for Victims of Racism are strengthened by increased funding (from a budget separate from the Cantonal Integration Programmes) and human resources.
3. (§ 13) ECRI recommends that all schools are encouraged to put in place a policy to prevent and respond to racist and homo/transphobic incidents, including bullying, with guidelines for pupils, teachers and parents.
4. (§ 19) ECRI reiterates its recommendation to include the ground of gender identity in Article 261bis of the Criminal Code.
5. (§ 23) ECRI recommends that intersex children's right to physical integrity and bodily autonomy is effectively protected and that medically unnecessary sex-“normalising” surgery and other treatments are prohibited until such time as the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent.
6. (§ 53) ECRI reiterates its recommendation to provide expressly for racist and other hate motivation to constitute an aggravating circumstance for any ordinary offence.
7. (§ 55) ECRI recommends that a system is set up in the police for recording and monitoring all forms of hate-motivated incidents and that police are clearly instructed to record any hate motivation perceived by the victim or any other person. These data should be made publicly available.
8. (§ 61) ECRI recommends that authorities encourage and facilitate closer cooperation and dialogue between the police and groups at risk of hate-motivated crime, in particular Black and transgender communities.
9. (§ 75) ECRI strongly recommends 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.
10. (§ 78) ECRI recommends that the Law on Asylum is amended to provide for more categories of persons eligible for family reunification and that temporarily admitted persons have access to family reunification earlier, bearing in mind the right to respect for family life, in order to enhance integration.
11. (§ 83) ECRI recommends that the authorities look into any underperformance of pupils with an immigrant background and take steps to close the gaps. They should also ensure that adult migrants have access to learning programmes and possibilities to continue their education in Switzerland.
12. (§ 94) ECRI strongly recommends facilitation of the exchange of good practices in the approaches taken to integration and inclusion in order to harmonise cantonal policies and maximise equality of opportunity for all migrants. ECRI further recommends increasing the funding of the Cantonal Integration Programmes; meeting the language learning needs of all migrants; and including asylum seekers in integration programmes.
13. (§ 104) ECRI strongly recommends investment in the creation of a sufficient number of sites to meet the needs of travelling Yenish, Sinti/Manouche and Roma, in close consultation with the communities concerned.

14. (§ 109) ECRI reiterates its recommendation to adopt comprehensive anti-discrimination legislation covering all grounds and all areas, in line with its General Policy Recommendation No. 7.
15. (§ 112) ECRI recommends further training for the police on the issue of racial profiling and on the use of the reasonable suspicion standard. It also strongly recommends setting up a body independent of the police and prosecution authorities, entrusted with the investigation of alleged cases of racial discrimination and racially-motivated misconduct by the police, in line with its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing.

## BIBLIOGRAPHY

---

This bibliography lists the main published sources used during the examination of the situation in Switzerland. It should not be considered as an exhaustive list of all sources of information available to ECRI during the preparation of the report.

### European Commission against Racism and Intolerance (ECRI)

1. ECRI (2017), Conclusions on the implementation of the recommendations in respect of Switzerland subject to interim follow-up, CRI(2017)25.
2. ECRI (2014), Fifth report on Switzerland, CRI(2014)39.
3. ECRI (2012a), Conclusions on the implementation of the recommendations in respect of Switzerland subject to interim follow-up, CRI(2012)30.
4. ECRI (2009a), Statement on the ban of the construction of minarets in Switzerland.
5. ECRI (2009b), Fourth report on Switzerland, CRI(2009)32.
6. ECRI (2004a), Third report on Switzerland, CRI(2004)5.
7. ECRI (2000a), Second report on Switzerland, CRI(2000)06.
8. ECRI (1998a), First report on Switzerland, CRI(98)27.
9. ECRI (1996), [General Policy Recommendation No. 1](#): Combating racism, xenophobia, antisemitism and intolerance, CRI(96)43.
10. ECRI (2018), [General Policy Recommendation No. 2 \(revised\)](#): Equality bodies to combat racism and intolerance at national level, CRI(2018)06.
11. ECRI (1998b), [General Policy Recommendation No. 3](#): Combating racism and intolerance against Roma/Gypsies, CRI(98)29.
12. ECRI (1998c), [General Policy Recommendation No. 4](#): National surveys on the experience and perception of discrimination and racism from the point of view of potential victims, CRI(98)30.
13. ECRI (2000b), [General Policy Recommendation No. 5](#): Combating intolerance and discrimination against Muslims, CRI(2000)21.
14. ECRI (2001), [General Policy Recommendation No. 6](#): Combating the dissemination of racist, xenophobic and antisemitic material via the Internet, CRI(2001)1.
15. ECRI (2003), [General Policy Recommendation No. 7 \(revised\)](#): National legislation to combat racism and racial discrimination, CRI(2003)8rev.
16. ECRI (2004b), [General Policy Recommendation No.8](#): Combating racism while fighting terrorism, CRI(2004)26.
17. ECRI (2004c), [General Policy Recommendation No.9](#): The fight against antisemitism, CRI(2004)37.
18. ECRI (2007a), [General Policy Recommendation No.10](#): Combating racism and racial discrimination in and through school education, CRI(2007)6.
19. ECRI (2007b), [General Policy Recommendation No.11](#): Combating racism and racial discrimination in policing, CRI(2007)39.
20. ECRI (2009c), [General Policy Recommendation No. 12](#): Combating racism and racial discrimination in the field of sport, CRI(2009)5.
21. ECRI (2011), [General Policy Recommendation No.13](#): Combating anti-Gypsyism and discrimination against Roma, CRI(2011)37.
22. ECRI (2012b), [General Policy Recommendation No.14](#): Combating racism and racial discrimination in employment, 2012, CRI(2012)48.
23. ECRI (2016a), [General Policy Recommendation No. 15](#): Combating Hate Speech, CRI(2016)15.
24. ECRI (2016b), [General Policy Recommendation No. 16](#): Safeguarding irregularly present migrants from discrimination, CRI(2016)16.
25. ECRI (2019), ECRI Glossary, CRI(2019)14 rev1.

### Other sources (listed in alphabetical order)

26. Ademović-Omerčić, N. (2018), Islamophobia in Switzerland, National Report 2017, in Bayrakli, E. and Hafez, F. (2018), European Islamophobia Report, Foundation for Political, Economic and Social Research (SETA).

27. Afrique Connection (2016, novembre 14), La famille du jeune congolais abattu par la police suisse parle, [www.afriqueconnection.com/article/14-11-2016/la-famille-du-jeune-congolais-abattu-par-la-police-suisse-parle](http://www.afriqueconnection.com/article/14-11-2016/la-famille-du-jeune-congolais-abattu-par-la-police-suisse-parle).
28. Amnesty International (2018, Januar 24), «Lex Fahrende»: Amnesty warnt vor Diskriminierung Medienmitteilung.
29. Amnesty International (2018), Amnesty International Report 2017/18: The State of the World's Human Rights, [www.amnesty.org/en/documents/pol10/6700/2018/en/](http://www.amnesty.org/en/documents/pol10/6700/2018/en/).
30. Arcinfo (2017, octobre 14), Lausanne: le carré musulman du cimetière du Bois de Vaux saccagé dans la nuit de vendredi à samedi, [www.arcinfo.ch/articles/suisse/lausanne-le-carre-musulman-du-cimetiere-du-bois-de-vaux-saccage-dans-la-nuit-de-vendredi-a-samedi-708379](http://www.arcinfo.ch/articles/suisse/lausanne-le-carre-musulman-du-cimetiere-du-bois-de-vaux-saccage-dans-la-nuit-de-vendredi-a-samedi-708379).
31. Bilger, V. and others (2011), Health Care for Undocumented Migrants in Switzerland, Policies – People – Practices.
32. Blackless, M. and others (2000, February 11), How sexually dimorphic are we? Review and synthesis, in American Journal of Human Biology (March/April 2000), Volume 12, Issue 2, pp. 151-166.
33. Carrefour de réflexion et d'action contre le racisme anti-Noir (CRAN) (2017, octobre 24), Le CRAN dénonce encore une fois un profilage racial qui met en danger les vies Noires en Suisse, [www.cran.ch/04\\_PageCentrale/2\\_Communique/2017/CRAN\\_CP\\_Noir\\_Mort\\_dans\\_Locaux\\_de\\_la\\_Police\\_24\\_Oct2017.pdf](http://www.cran.ch/04_PageCentrale/2_Communique/2017/CRAN_CP_Noir_Mort_dans_Locaux_de_la_Police_24_Oct2017.pdf).
34. CBN News (2018, October 15), Switzerland Votes to Criminalize Homophobia and 'Hate Speech', [www1.cbn.com/cbnnews/us/2018/october/switzerland-votes-to-criminalize-homophobia-and-hate-speech](http://www1.cbn.com/cbnnews/us/2018/october/switzerland-votes-to-criminalize-homophobia-and-hate-speech).
35. Centre de Contact Suisses-Immigrés (CCSI) (2018), Operation Papyrus - practical information, <https://ccsi.ch/help-and-information/operation-papyrus-practical-information>, accessed 22 October 2018.
36. Commission fédérale contre le racisme (CFR) (2016), TANGRAM – Bulletin de la Commission fédérale contre le racisme Numéro 37 - L'école.
37. Commission fédérale contre le racisme (CFR) (2018), TANGRAM 41 - Sport et racisme.
38. Confédération suisse, Département fédéral de l'intérieur (2019, avril 15), Atelier du Service de lutte contre le racisme "Le racisme sur la Toile" du 11 décembre 2018, [www.edi.admin.ch/edi/fr/home/fachstellen/frb/domaines-d\\_activites/medien-und-internet/internet.html](http://www.edi.admin.ch/edi/fr/home/fachstellen/frb/domaines-d_activites/medien-und-internet/internet.html).
39. Conseil de l'Europe, Commissaire aux droits de l'homme (2017), Rapport par Nils Muižnieks, Commissaire aux droits de l'homme du Conseil de l'Europe suite à sa visite en Suisse du 22 au 24 mai 2017, CommDH(2017)26.
40. Conseil fédéral (2015, mars 3), Le groupe de travail sur le mode de vie des gens du voyage commence son travail, [www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-56424.html](http://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-56424.html).
41. Conseil fédéral (2015, juin 25), Lancement de la campagne nationale « Une Suisse à nos couleurs », [www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-57849.html](http://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-57849.html).
42. Conseil fédéral (2016), Le droit à la protection contre la discrimination, Rapport du Conseil fédéral en réponse au postulat Naef 12.3543 du 14 juin 2012.
43. Conseil suisse de la presse (2018), Rapport annuel 2017.
44. Coordination Intercommunautaire contre l'Antisémitisme et la Diffamation (CICAD) (2018), Antisémitisme en Suisse romande, Rapport 2017.
45. Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) (2018), Fourth Opinion on Switzerland – adopted on 31 May 2018, ACFC/OP/IV(2018)003.
46. Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) (2017), Fourth Report submitted by Switzerland pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities, ACFC/SR/IV(2017)003, <https://rm.coe.int/168070c2ee>.
47. Council of Europe, Commissioner for Human Rights (2011), Discrimination on grounds of sexual orientation and gender identity in Europe, 2<sup>nd</sup> edition.
48. Council of Europe, Commissioner for Human Rights (2015), Human rights and intersex people – Issue paper.
49. Council of Europe, Commissioner for Human Rights (2016), Time for Europe to get migrant integration right – Issue paper.
50. Council of Europe, Congress of Local and Regional Authorities (2017), Resolution 415 (2017), Text of the Revised Charter of European Political Parties for a Non-Racist Society, CG32(2017)17final.
51. Council of Europe, Education for Democratic Citizenship and Human Rights Education (EDC/HRE) (2017), Learning to live together – Council of Europe Report on the state of citizenship and human rights education in Europe, [www.coe.int/en/web/edc/report-on-the-state-of-citizenship-and-human-rights-in-europe](http://www.coe.int/en/web/edc/report-on-the-state-of-citizenship-and-human-rights-in-europe).

52. Council of Europe, Group of States against Corruption (2017), Fourth evaluation round, Corruption prevention in respect of Members of Parliament, Judges and Prosecutors, Evaluation Report Switzerland, GrecoEval4Rep(2016)5.
53. Council of Europe, Intercultural cities (2011), Neuchâtel Intercultural Profile, <https://rm.coe.int/1680482a86>.
54. Council of Europe, Parliamentary Assembly (2017), Recommendation 2116 (2017), Promoting the human rights of and eliminating discrimination against intersex people.
55. Département fédéral de l'intérieur (DFI), Office fédéral de la culture (OFC) (2016), Groupe de travail "Amélioration des conditions de vie nomade et promotion de la culture des Yéniches, des Manouches et des Roms", Rapport et plan d'action.
56. Département fédéral de l'intérieur (DFI), Office fédéral de la culture (OFC) (2018a), Les Yéniches et les Manouches sont une minorité nationale, plan d'action, [www.bak.admin.ch/bak/fr/home/sprachen-und-gesellschaft/les-yeniches-et-les-manouches-sont-une-minorite-nationale/plan-d-action.html](http://www.bak.admin.ch/bak/fr/home/sprachen-und-gesellschaft/les-yeniches-et-les-manouches-sont-une-minorite-nationale/plan-d-action.html).
57. Département fédéral de l'intérieur (DFI), Office fédéral de la culture (OFC) (2018b), Etat de la mise en oeuvre du plan d'action (2018), Amélioration des conditions de vie nomade et promotion de la culture des Yéniches, des Manouches et des Roms,
58. Département fédéral de l'intérieur (DFI), Service de lutte contre le racisme (SLR), Rapport sur la discrimination raciale en Suisse 2018.
59. Département fédéral de justice et police (DFJP), Secrétariat d'Etat aux migrations SEM et Département fédéral de l'économie, de la formation et de la recherche (DEFR), Secrétariat d'Etat à la formation, à la recherche et à l'innovation (SEFRI) (2018, avril 25), Fiche d'information - L'Agenda Intégration en bref, [www.sem.admin.ch/dam/data/sem/integration/agenda/faktenblatt-integrationsagenda-f.pdf](http://www.sem.admin.ch/dam/data/sem/integration/agenda/faktenblatt-integrationsagenda-f.pdf).
60. Eidgenössischen Kommission gegen Rassismus (EKR) (2018), Rassismuvorfälle aus der Beratungspraxis Januar bis Dezember 2017.
61. Ettinger, P. (2018), La qualité de la couverture médiatique des musulmans de Suisse, Forschungsinstitut Öffentlichkeit und Gesellschaft, Université de Zurich, Une étude mandatée par la Commission fédérale contre le racisme (CFR).
62. Euronews (2018, September 24), Swiss canton votes to ban burqa in public, [www.euronews.com/2018/09/24/swiss-canton-votes-to-ban-burqa-in-public](http://www.euronews.com/2018/09/24/swiss-canton-votes-to-ban-burqa-in-public).
63. European Parliament (2019), Resolution of 14 February 2019 on the rights of intersex people (2018/2878(RSP)).
64. European Union Agency for Fundamental Rights (FRA) (2015), The fundamental rights situation of intersex people, FRA focus paper.
65. Federal Assembly – the Swiss Parliament (2013, March 7), Initiative parlementaire 13.407, Lutter contre les discriminations basées sur l'orientation sexuelle, Submitted by: Reynard Mathias, Groupe socialiste, Parti socialiste suisse, Submission date: 07/03/2013.
66. Federal Assembly – the Swiss Parliament (2016, December 5), Motion 16.3945, Protéger les communautés religieuses contre le terrorisme et la violence extrémiste, Submitted by: Jositsch Daniel, Groupe socialiste, Parti socialiste Suisse, Submission date: 05/12/2016, [www.parlament.ch/en/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20163945](http://www.parlament.ch/en/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20163945).
67. Federal Assembly – the Swiss Parliament (2018, January 26), Motion 18.3005, Pour une législation cohérente sur les sans-papiers, Submitted by: Commission de la sécurité sociale et de la santé publique CN.
68. Federal Chancellery (2018), The Swiss Confederation, A brief guide 2018.
69. Federal Commission against Racism (CFR) (2018), Rassismuvorfälle aus der Beratungspraxis – Januar bis Dezember 2017, [www.ekr.admin.ch/pdf/Rassismusbericht\\_2017\\_D.pdf](http://www.ekr.admin.ch/pdf/Rassismusbericht_2017_D.pdf).
70. Federal Council (2018, June 1), Roma in Switzerland: an integral part of society but not a national minority, [www.admin.ch/gov/en/start/documentation/media-releases.msg-id-70977.html](http://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-70977.html).
71. Federal Office of Communications (OFCOM) (2008, February 27), Criminal responsibility of internet service providers (ISPs), [www.bakom.admin.ch/bakom/en/homepage/digital-switzerland-and-internet/internet/criminal-responsibility-of-isps.html](http://www.bakom.admin.ch/bakom/en/homepage/digital-switzerland-and-internet/internet/criminal-responsibility-of-isps.html).
72. Federal Office of Communications (OFCOM) (2019, April 3), Combating cybercrime, [www.bakom.admin.ch/bakom/en/homepage/digital-switzerland-and-internet/internet/fight-against-internet-crime.html](http://www.bakom.admin.ch/bakom/en/homepage/digital-switzerland-and-internet/internet/fight-against-internet-crime.html).
73. Federal Office of Public Health (FOPH) (2017), Access to healthcare for undocumented migrants in Switzerland – Practices, [www.bag.admin.ch/dam/bag/en/dokumente/nat-gesundheitsstrategien/nat-programm-migration-und-gesundheit/health-care-provision-](http://www.bag.admin.ch/dam/bag/en/dokumente/nat-gesundheitsstrategien/nat-programm-migration-und-gesundheit/health-care-provision-)

- [education/Undocumented%20Migrants%20Practices.pdf.download.pdf/Undocumented%20Migrants%20Practices.pdf](#)
74. [Federal Statistical Office, Survey on diversity and coexistence in Switzerland, www.bfs.admin.ch/bfs/en/home/statistics/population/surveys/zids.html](#).
  75. Fédération suisse des communautés israélites (FSCI) et GRA (2018), Analyse Antisemitismusbericht 2017, [www.antisemitismus.ch/content/analyse-antisemitismusbericht-2017](#).
  76. Fondation Assurer l'avenir des gens du voyage suisses (2016), Gens du voyage et aménagement du territoire - Rapport 2015.
  77. Fondation contre le racisme et l'antisémitisme (GRA) (2019), Chronologie, [https://chronologie.gra.ch/?fwp\\_date=2018](https://chronologie.gra.ch/?fwp_date=2018).
  78. Grenchner Tageblatt (2017, December 13), Illegaler flüchtet von der Moschee-Baustelle – Polizist stürzt bei Verfolgung in die Tiefe, [www.grenchnertagblatt.ch/solothurn/grenchen/illegaler-fluechtet-von-der-moschee-baustelle-polizist-stuerzt-bei-verfolgung-in-die-tiefe-131993734](#).
  79. HR Today (2017, July 21), Alma Medien, 'Absage für anonyme Bewerbungen in der Schweiz', [www.hrtday.ch/de/news/personalsuche-absage-fuer-anonyme-bewerbungen-in-der-schweiz](#).
  80. Huddleston, T. and others (2015), Migrant Integration Policy Index 2015, Switzerland 2014, [www.mipex.eu/switzerland](#).
  81. Humanrights.ch (2016), La violence domestique - Droit des étrangers, [www.humanrights.ch/fr/dossiers-droits-humains/violence-domestique/suisse/droit-des-etrangers/](#).
  82. Humanrights.ch (2016, June 8), Disappointing Federal Council report on protection against discrimination, [www.humanrights.ch/en/switzerland/internal-affairs/national/disappointing-federal-council-report-protection-discrimination](#).
  83. Humanrights.ch (2018, November 11), Suspected police violence in the canton of Vaud: authorities must act.
  84. Humanrights.ch (2019, June 11), Le Tribunal fédéral rejette le recours contre la loi «anti-nomades» du canton de Neuchâtel, [www.humanrights.ch/fr/droits-humains-suisse/interieure/groupes/yeniches-manouches-sintes-roms/tf-rejette-recours-contre-loi-anti-nomades-canton-de-neuchatel](#).
  85. International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)-Europe (2019), Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Switzerland covering the period of January to December 2018.
  86. ILGA-Europe (2016), Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Switzerland covering the period of January to December 2015.
  87. ILGA-Europe (2017), Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Switzerland covering the period of January to December 2016.
  88. ILGA-Europe (2018), Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Switzerland covering the period of January to December 2017.
  89. Le Matin (2018, mars 13), Canton de Zurich - Un néonazi en prison pour avoir craché sur un juif, [www.lematin.ch/suisse/neonazi-retour-prison-crache-juif/story/15028996](#).
  90. Le Temps (2016, décembre 6), Les policiers suisses ciblent-ils les Noirs? [www.letemps.ch/suisse/policiers-suisse-ciblentils-noirs](#).
  91. Le Temps (2018, mars 1), Un homme décède au lendemain d'un contrôle de police à Lausanne, [www.letemps.ch/suisse/un-homme-decede-lendemain-dun-contrôle-police-lausanne](#).
  92. Legal Expat Geneva, Recent update of the Swiss Federal Law on Foreigners and Integration, [www.legalexpatgeneva.com/update-swiss-federal-law-foreigners-integration/](#).
  93. Meier, Werner A. (2019), Switzerland - Media Landscape, European Journalism Centre (EJC), MediaLandscapes.org, <https://medialandscapes.org/country/switzerland>.
  94. Migraweb (2018), Learning a national language, <http://migraweb.ch/en/themen/bildung/sprachkurse>.
  95. NGO Monitor (2017, June 8), NGO Monitor and the Swiss Parliament Vote on NGO Funding, [www.ngo-monitor.org/ngo-monitor-swiss-parliament-vote-ngo-funding/](#).
  96. Office fédéral de la culture (2017, avril 6), Les Yéniches et les Manouches sont une minorité nationale - Autres informations, [www.bak.admin.ch/bak/fr/home/sprachen-und-gesellschaft/les-yeniches-et-les-manouches-sont-une-minorite-nationale/autres-informations.html](#).
  97. Office fédéral de la statistique (2017), Rapport statistique sur l'intégration de la population issue de la migration.
  98. Office fédéral du logement (2017), Conditions de logement des personnes issues de l'asile, Résumé.

99. Organisation for Economic Co-operation and Development (OECD) (2018a), Reviews of Migrant Education, The Resilience of Students with an Immigrant Background, Factors that Shape Well-Being.
100. OECD (2018b), Switzerland in International Migration Outlook 2018, [www.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook\\_1999124x](http://www.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook_1999124x), [https://doi.org/10.1787/migr\\_outlook-2018-42-en](https://doi.org/10.1787/migr_outlook-2018-42-en).
101. Organization for Security and Co-operation in Europe (OSCE), Office for Democratic Institutions and Human Rights (ODIHR) (2018), Hate crime reporting – Switzerland, <http://hatecrime.osce.org/switzerland?year=2017>.
102. Pink News (2018, October 2), Switzerland votes to send people to prison for homophobia and transphobia, [www.pinknews.co.uk/2018/10/02/switzerland-homophobia-transphobia-prison/](http://www.pinknews.co.uk/2018/10/02/switzerland-homophobia-transphobia-prison/).
103. Platform of Swiss NGOs for Human Rights (2018), 4th Swiss report on the implementation of the International Covenant on Economic, Social and Cultural Rights - Contributions for the Civil Society "List of Issues" on the Swiss Government's obligations to respect and protect economic, social and cultural rights, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fICO%2fCHE%2f32282&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fICO%2fCHE%2f32282&Lang=en).
104. Rainbow Cities Network, Geneva (Switzerland) [www.rainbowcities.com/node/81](http://www.rainbowcities.com/node/81).
105. Réseau de centres de conseil pour les victimes du racisme (2018), Incidents racistes recensés par les centres de conseil, Janvier-décembre 2017, [www.ekr.admin.ch/pdf/Rassismusbericht\\_2017\\_F.pdf](http://www.ekr.admin.ch/pdf/Rassismusbericht_2017_F.pdf).
106. Roma Foundation, Alternative report on the fourth reporting cycle of Switzerland on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities.
107. Society for Threatened Peoples (STP) (2017a), Travelling Roma in Switzerland; Needs, challenges and perspectives.
108. Society for Threatened Peoples Switzerland (2017b), Alternative report on the fourth reporting cycle of Switzerland on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities – The situation of Yenish, Sinti and Roma Communities, [www.gfbv.ch/en/campaigns/for-the-rights-of-roma-sinti-and-yenish/](http://www.gfbv.ch/en/campaigns/for-the-rights-of-roma-sinti-and-yenish/).
109. SRF (2018, March 27), Berner Parlament beschliesst abgeschwächte «Lex Fahrende», [www.srf.ch/news/regional/bern-freiburg-wallis/wegweisung-von-fahrenden-berner-parlament-beschliesst-abgeschwaechte-lex-fahrende](http://www.srf.ch/news/regional/bern-freiburg-wallis/wegweisung-von-fahrenden-berner-parlament-beschliesst-abgeschwaechte-lex-fahrende).
110. Stadt Bern (Sozialamt) (2016), Strategie "Standplatz Buech", Massnahmenplan zur Verbesserung der Situation beim Betrieb des Standplatzes für Jenische, Sinti and Roma in Buech, [www.bern.ch/mediencenter/medienmitteilungen/aktuell\\_ptk/neue-strategie-fuer-den-standplatz-buech/dokumente/strategie-standplatz-buech-pdf-369-kb.pdf/view?searchterm=buech](http://www.bern.ch/mediencenter/medienmitteilungen/aktuell_ptk/neue-strategie-fuer-den-standplatz-buech/dokumente/strategie-standplatz-buech-pdf-369-kb.pdf/view?searchterm=buech), accessed 9 October 2018.
111. State Secretariat for Migration (SEM) (2016), Cantonal Integration Programmes 2014-2017 – Interim Report, [www.sem.admin.ch/dam/data/sem/integration/berichte/kip/2016/zwber-kip-2016-e.pdf](http://www.sem.admin.ch/dam/data/sem/integration/berichte/kip/2016/zwber-kip-2016-e.pdf).
112. State Secretariat for Migration (SEM) (2018a), 'Kantonale Inegrationsprogramme (KIP) 2018-2021' [www.sem.admin.ch/sem/de/home/themen/integration/kip/2018-2021.html](http://www.sem.admin.ch/sem/de/home/themen/integration/kip/2018-2021.html), accessed 16 October 2018.
113. State Secretariat for Migration (SEM) (2018b), Migration Report 2017, [www.sem.admin.ch/sem/en/home/publiservice/berichte.html](http://www.sem.admin.ch/sem/en/home/publiservice/berichte.html), accessed 19 October 2018.
114. Statssekretariat für Migration (SEM) (2018c), Sonderabgabe auf Vermögenswerten, [www.sem.admin.ch/sem/de/home/asyl/sozialhilfesubventionen/sonderabgabe.html](http://www.sem.admin.ch/sem/de/home/asyl/sozialhilfesubventionen/sonderabgabe.html).
115. Swiss Centre of Expertise in Human Rights (SCHR) (2018), [www.skmr.ch/](http://www.skmr.ch/), accessed 9 November 2018.
116. Swiss Institute of Comparative Law (2015), Comparative study on blocking, filtering and take-down of illegal internet contents – Switzerland.
117. Swiss Refugee Council, Freedom of movement - Switzerland, European Council on Refugees and Exiles (ECRE) - Asylum Information Database (aida), [www.asylumineurope.org/reports/country/switzerland/reception-conditions/access-and-forms-reception-conditions/freedom](http://www.asylumineurope.org/reports/country/switzerland/reception-conditions/access-and-forms-reception-conditions/freedom).
118. Swissinfo.ch (2016, July 17), 125 years of people's initiatives, [www.swissinfo.ch/eng/multimedia/125-years-of-popular-initiatives/42289848](http://www.swissinfo.ch/eng/multimedia/125-years-of-popular-initiatives/42289848).
119. Swissinfo.ch (2017, May 10), Cabinet sees no need to regulate social media, [www.swissinfo.ch/eng/business/fake-news\\_cabinet-sees-no-need-to-regulate-social-media/43171320](http://www.swissinfo.ch/eng/business/fake-news_cabinet-sees-no-need-to-regulate-social-media/43171320).
120. Swissinfo.ch (2018a, January 3), Becoming a citizen, [www.swissinfo.ch/eng/becoming-a-citizen/29288376](http://www.swissinfo.ch/eng/becoming-a-citizen/29288376).
121. Swissinfo.ch (2018b, February 7), Move to denounce undocumented students causes outcry, [www.swissinfo.ch/eng/business/right-to-schooling\\_move-to-denounce-undocumented-students-causes-outcry/43883126](http://www.swissinfo.ch/eng/business/right-to-schooling_move-to-denounce-undocumented-students-causes-outcry/43883126).

122. Swissinfo.ch (2018c, March 15), Switzerland to set up independent police complaints commission, [www.swissinfo.ch/eng/politics/un-human-rights-council\\_switzerland-to-set-up-independent-police-complaints-commission/43976136](http://www.swissinfo.ch/eng/politics/un-human-rights-council_switzerland-to-set-up-independent-police-complaints-commission/43976136).
123. Swissinfo.ch (2018d, June 1), Roma denied official minority status in Switzerland, [www.swissinfo.ch/eng/minority-rights\\_roma-denied-official-minority-status-in-switzerland/44161476](http://www.swissinfo.ch/eng/minority-rights_roma-denied-official-minority-status-in-switzerland/44161476)
124. Swissinfo.ch (2018e, August 15), Renewal of Swiss residence permits depends on integration, [www.swissinfo.ch/eng/society/good-behaviour\\_renewal-of-swiss-residence-permits-contingent-on-integration/44325176](http://www.swissinfo.ch/eng/society/good-behaviour_renewal-of-swiss-residence-permits-contingent-on-integration/44325176).
125. Swissinfo.ch (2018f, November 25), 'Swiss law first' initiative given short shrift at polls, [www.swissinfo.ch/eng/vote-november-25-2018\\_hotly-debated--swiss-law-first--initiative-awaits-public-verdict/44559238](http://www.swissinfo.ch/eng/vote-november-25-2018_hotly-debated--swiss-law-first--initiative-awaits-public-verdict/44559238).
126. The Guardian ([Flavia Kleiner](#)), (2018, November 15), Switzerland has been a lab for toxic rightwing politics. We took that on, [www.theguardian.com/commentisfree/2018/nov/15/switzerland-laboratory-far-right-politics](http://www.theguardian.com/commentisfree/2018/nov/15/switzerland-laboratory-far-right-politics).
127. The Local (2017a, May 29), Controversial Swiss Mosque to close its doors, [www.thelocal.ch/20170529/controversial-swiss-mosque-to-close-its-doors](http://www.thelocal.ch/20170529/controversial-swiss-mosque-to-close-its-doors).
128. The Local (2017b, December 29), Becoming Swiss will be harder in 2018, [www.thelocal.ch/20171229/becoming-swiss-will-be-harder-from-january](http://www.thelocal.ch/20171229/becoming-swiss-will-be-harder-from-january).
129. The Local (2018a, May 25), Government to lift legal obstacles to registering gender change.
130. The Local (2018b, September 7), Top Swiss court vetoes cantonal vote on school 'headgear' ban [www.thelocal.ch/20180907/top-swiss-court-vetoes-cantonal-vote-on-school-headgear-ban](http://www.thelocal.ch/20180907/top-swiss-court-vetoes-cantonal-vote-on-school-headgear-ban).
131. The Local (2019a, January 15), Swiss court rules 'foreign gypsy' cartoon was racist, [www.thelocal.ch/20190115/gypsy-cartoon-published-by-youth-wing-of-swiss-peoples-party-ruled-racist](http://www.thelocal.ch/20190115/gypsy-cartoon-published-by-youth-wing-of-swiss-peoples-party-ruled-racist).
132. The Local (2019b, February 11), Geneva votes to ban religious symbols on public employees, [www.thelocal.ch/20190211/geneva-votes-to-ban-religious-symbols-on-public-employees](http://www.thelocal.ch/20190211/geneva-votes-to-ban-religious-symbols-on-public-employees).
133. Trade Union Unia and the Swiss Information Centres for Sans-Papiers (2012), Nobody can be illegal – Sans-Papiers – You have rights!, [www.unia.swiss/fileadmin/user\\_upload/Arbeitswelt-A-Z/Migration/Migration-Sans\\_Papiers-en.pdf](http://www.unia.swiss/fileadmin/user_upload/Arbeitswelt-A-Z/Migration/Migration-Sans_Papiers-en.pdf).
134. Transgender Network Switzerland (2018, September 26), Zurich met en œuvre un plan d'action trans\*, [www.tgns.ch/fr/2018/09/zurich-met-en-oeuvre-un-plan-daction-trans/](http://www.tgns.ch/fr/2018/09/zurich-met-en-oeuvre-un-plan-daction-trans/).
135. Tribune de Genève (2017, août 17), Deux UDC en délicatesse avec la norme antiraciste.
136. Union des Associations et Représentants des Nomades Suisses (2018), Rapport sur la situation générale des Gens du Voyage en Suisse, 2018.
137. United Nations (UN), Committee on the Elimination of Racial Discrimination (2014), Concluding observations on the seventh to ninth periodic reports of Switzerland, CERD/C/CHE/CO/7-9.
138. UN, Committee on the Elimination of Discrimination against Women (2016), Concluding observations on the combined fourth and fifth periodic reports of Switzerland, CEDAW/C/CHE/CO/4-5
139. UN, Human Rights Committee (2017), Concluding observations on the fourth periodic report of Switzerland, CCPR/C/CHE/CO/4.
140. Ville de Fribourg (2018), Information in English, 2018, City of Fribourg, [www.ville-fribourg.ch/en](http://www.ville-fribourg.ch/en).
141. Widmer, T. and Lechtman, D. (2016), LALIVE SA, Geneva, chapter from The Internet: Laws and Regulatory Regimes, Second Edition, Juris Publishing, [www.cyon.ch/legal/coc](http://www.cyon.ch/legal/coc).
142. Wikipedia, LGBT rights in Switzerland, [https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Switzerland#Recognition\\_of\\_same-sex\\_relationships](https://en.wikipedia.org/wiki/LGBT_rights_in_Switzerland#Recognition_of_same-sex_relationships).



ECRI Secretariat  
Directorate General of Democracy  
Council of Europe  
Tel.: +33 (0) 3 90 21 46 62  
E-mail: [ecri@coe.int](mailto:ecri@coe.int)

[www.coe.int/ecri](http://www.coe.int/ecri)  
 [@ECRI\\_CoE](https://twitter.com/ECRI_CoE)

[www.coe.int](http://www.coe.int)

The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.

European Commission  
against Racism and Intolerance

**ECRI**  
Commission européenne  
contre le racisme et l'intolérance

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE