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Switzerland: Political leaders should stress that xenophobic propaganda is unacceptable

Bern, 23/02/2012 - "More determined efforts are needed to combat tendencies of racism and xenophobia in Swiss society" stated the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, at the end of a four-day visit to Switzerland during which he held a series of meetings on issues relating to the protection against all forms of discrimination.

"The visit clarified how the Swiss federal political system works for the enhancement of human rights protection", noted the Commissioner. "However, there are some areas where further vigorous and concerted efforts are necessary in order for Switzerland to fully meet European and international standards".

In spite of being an inherently pluralistic society, intolerance and racism are dangerously on the rise in Switzerland, as shown by the frequency of anti-migrant public manifestations by some major political forces. "Certain popular initiatives, such as those concerning the ban of minarets and the automatic expulsion of migrants having committed a certain crime would target and stigmatise migrant communities. They raise serious issues of compatibility with human rights standards, notably those of the European Convention on Human Rights. At the same time, the positive efforts undertaken or envisaged in the field of migrants' integration, such as the establishment of the Advisory Council of Foreigners in the city of Zurich, demonstrate a clear determination to tackle these challenges."

There are still gaps in the Swiss legislation when it comes to the protection of vulnerable social groups from discrimination. "The 1995 provision of the Criminal Code aimed at fighting public incitement to racial hatred or discrimination and its application by courts are weak and cannot provide effective protection against all racist manifestations. Anti-discrimination law and policy should be overhauled. There is a clear need of a new, comprehensive anti-discrimination law, coupled by an independent and effective mechanism of supervision, redress and prevention of human rights violations."

Naturalisation of persons of immigrant origin is of crucial importance for their full integration and requires the authorities' particular attention. Arbitrariness in such decisions should be avoided. "I also urge the Swiss authorities to proceed to the accession to the 1997 European Convention on Nationality, containing a number of very useful standards on naturalisation".

The Swiss human rights protection system is in need of a robust institutional framework. "The Federal Commissions against Racism and on Migration should be further supported and substantially strengthened. It would also be very useful to establish Ombudspersons in all cantons, building on the examples of successful institutions that already exist in some parts of the country. The recently-established Swiss Centre of Expertise in Human Rights is a positive initiative worthy of being further promoted, and should lead to an independent and efficient National Human Rights Institution", added the Commissioner.

Commissioner Hammarberg recognises the merits of the broad consultation processes in Switzerland preceding accession to European and international human rights treaties. He urged the authorities to give particular priority to the accession to the European Social Charter, signed already in 1976, and to the UN Convention on the Rights of Persons with Disabilities, two treaties that set human rights standards to which Switzerland is

already largely adhering in practice.

The Commissioner's more detailed findings and recommendations will be transmitted to the authorities shortly and subsequently published.

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member states of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Thomas Hammarberg, took up his function on 1 April 2006