

the circumstances of the juvenile; juveniles have access to public defence counsel under a special provision; in forming the judgement the prosecutor shall take into consideration whether the juvenile is receiving care under the auspices of the social services or in some other way, whether the offence was committed out of mischief or rashness, and whether the juvenile showed a desire to compensate for the damage caused by the offence; the possibility to forego prosecution is limited in the case of a relapse into crime; the main hearing in a juvenile case shall be held within two weeks of the date on which the prosecution was instituted; when a person under 21 is prosecuted, hearings may be held behind closed doors if in the best interest of the defendant; and, judgements in cases against persons under 21 are normally given at the main hearing.

The government also stated that there is no absolute prohibition against mixing prisoners under 18 with other prisoners. The government also reported that there is an average of between five and 15 prisoners under 18 in custody in Sweden at any given time, but that attempts are made to avoid sentencing persons under 18 to penalties involving deprivation of liberty. Special provisions in the Care of Young Persons (Special Provisions) Act stipulate that juveniles may not be kept for questioning or apprehended for longer than three hours unless a longer period is required to enable police to hand the child over to the custody of parents or some other adult.

The government also noted that: capital punishment is prohibited; persons under the age of 21 at the time the offence was committed may not be sentenced to life imprisonment; only a very small number of juveniles are sentenced to imprisonment and chiefly for extremely serious crimes; juveniles are also sentenced to pay fines for offences; under the Social Services Act juveniles may be committed for care administered by social services; in some cases a conditional sentence and probation are used as alternatives to imprisonment; and, electronic surveillance has been introduced as another alternative to imprisonment.

Conscientious objection to military service, Report of the S-G to the CHR: (E/CN.4/1997/99, paras. 6, 14)

The report of the Secretary-General notes that conscription exists in Sweden. Under the Total Defence Duties Act, all Swedish citizens between the ages of 16 and 70 are liable for total defence duty. A corresponding obligation applies to aliens residing in Sweden. Service may be undertaken as compulsory military service, compulsory civilian service or compulsory national service, the latter of which refers to duty to serve only during times of alert. The Total Defence Duties Act also stipulates that every Swedish man is liable to attend military inspection and complete compulsory military service or compulsory civilian service with long basic training. The report notes that weapon-free service is no longer regulated as an alternative to compulsory military service but as one of several alternative forms of service within the framework of the total defence duty. Women may voluntarily take an examination for enlistment in compulsory military service or in compulsory civilian service with long basic training.

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SWITZERLAND

Date of admission to UN: Switzerland is not a member of the UN.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Switzerland has submitted a core document for use by the treaty bodies. The report prepared by the government (HRI/CORE/1/Add.29) includes demographic data, and historical background and information on the government structure and the legal framework for the protection of human rights.

Switzerland does not have one single system of justice but rather 26 different systems functioning at the cantonal level. Remedy for violations of human rights exists through administrative law as well as through an application for a "public law remedy" filed with the Federal Tribunal. The Federal Judicial Organization Act stipulates that an action may be applied for in the Federal Tribunal against a cantonal decision or judgement, once cantonal remedies have been exhausted, for a violation of the constitutional rights of citizens, international treaties (in some cases), the right of citizens to vote and the rights relating to cantonal elections and voting, and violations of directly applicable provisions of multilateral human rights conventions. The Constitution provides for, among other rights: equality before the law, the abolition of privileges, equality between women and men, right of ownership, freedom of trade and industry, the political rights of citizens, freedom of conscience and belief, freedom of the press, freedom of association, due process, the prohibition of special courts, the prohibition of corporal punishment and the abolition of the death penalty. The Federal Tribunal has interpreted the Constitution in such a way as to establish, as well, the rights to freedom of expression, freedom of person, freedom of language and freedom of assembly. Each canton also has its own constitution so that rights are elaborated at the cantonal level. Federal and cantonal constitutional provisions are supplemented by the European Convention on Human Rights. International human rights treaties form a part of federal law from the time they enter into force for Switzerland without need of adoption of special laws. The provisions of international treaties, however, are not directly applicable by national courts and are not, therefore, self-executing.

Economic, Social and Cultural Rights

Acceded: 18 June 1992.

Switzerland's initial report (E/1990/5/Add.33) has been submitted and is scheduled for consideration at the Committee's November/December 1998 session; the second periodic report is due 30 June 1999.

Civil and Political Rights

Acceded: 18 June 1992.

Switzerland's second periodic report is due 17 September 1998.

Reservations and Declarations: Paragraph 2 (b) of article 10; paragraph 1 of article 12; paragraph 1, 3 (d) and (f) and 5 of article 14; paragraph 1 of article 20; paragraph (b) of article 25; article 26; declaration under article 41.

Second Optional Protocol: Acceded: 16 June 1994.