

tion 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) was considered at the Committee's 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 was 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.

Racial Discrimination

Acceded: 29 November 1994.

Switzerland's initial report (CERD/C/270/Add.1) was considered at the Committee's March 1998 session; the second periodic report was due 29 December 1997.

Reservations and Declarations: Article 4; paragraph 1 (a) of article 2.

Discrimination against Women

Signed: 23 January 1987; ratified: 27 March 1997.

Switzerland's initial report was due 26 April 1998.

Reservations and Declarations: Paragraph (b) of article 7; paragraph 1 (g) of article 16; paragraph 2 of article 15; paragraph 1 (h) of article 16.

Torture

Signed: 4 February 1985; ratified: 2 December 1986.

Switzerland's fourth periodic report is due 25 June 2000.

Rights of the Child

Signed: 1 May 1991; ratified: 24 February 1997.

Switzerland's initial report is due 23 March 1999.

Reservations and Declarations: Articles 5 and 7; paragraph 1 of article 10; paragraph (c) of article 37; article 40.

REPORTS TO TREATY BODIES

Committee on Economic, Social and Cultural Rights

Switzerland's initial report (E/1990/5/Add.33, September 1996) was considered by the Committee at its November 1998 session. The report prepared by the government is detailed, takes account of the status of legislation as at 1 January 1995, and reflects the federal, cantonal and communal jurisdictions with regard to rights under the Covenant. The report cites case law and rulings of the Federal Tribunal where relevant. Information is provided on, *inter alia*: federal constitutional provisions relative to Covenant rights, equality and non-discrimination; provisions related to equality between women and men and the Federal Act concerning equality between men and women which entered into force in July 1996; permissible restrictions on rights; prohibition of the abuse of rights; the right to work, the labour market situation, unemployment and employment promotion measures, vocational training and guidance; the Disability Insurance Act (1959) and the integration of persons with disabilities into the workplace; conditions of work, minimum and average wages, equal pay for work of equal value; the scope of, and provisions in, the Labour Act; trade unions and workers' rights; permissible restrictions on the freedom to form associations and the right to strike; social security, benefits, health care, the Sickness Insurance Act (1994), pensions, family allowances; protection of family, mothers and children, relevant provisions in the Civil Code, free consent to marriage; the right to an adequate standard of living, poverty, social welfare, food and nutrition, housing; health care and the health system, maternal and infant mortality, substance abuse, youth suicide, environmental health, HIV/AIDS; education and the education system; the right to culture — museums, libraries, the media, theatre, etc.; and science and research, patents and copyright.

The Committee's concluding observations and comments (E/C.12/1/Add.30) welcomed, *inter alia*: that the Covenant has begun to be accepted as an integral part of the Swiss legal system; the range and quality of the services provided to the population as a whole, in particular social benefits for the elderly and persons with disabilities; measures taken to ensure for foreigners residing in the country the realization of their economic, social and cultural rights; and the efforts to integrate foreign workers and their families.

The principal subjects of concern identified by the Committee included, *inter alia*: the government's view that provisions of the Covenant constitute principles and programmatic objectives rather than legal obligations and, consequently, cannot be given legislative effect; failure to accord constitutional recognition to certain rights, e.g., the right to work, to education, and to culture; the existence of unacceptable levels of poverty among certain segments of the population, in particular among women; continuing restrictions on the right to strike for civil servants and reform efforts providing for the privatization of certain public services; the non-ratification by Switzer-