

Racial Discrimination

Acceded: 29 November 1994.

Switzerland's initial report (CERD/C/270/Add.1) has been submitted but is not yet scheduled for consideration by the Committee; 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 is 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 26 June 2000.

Switzerland's third periodic report (CAT/C/34/Add.6) was considered by the Committee at its November 1997 session. The government's report contains information on legal provisions related to physical integrity, psychological pressure, abuse of authority, and sexual integrity. Other legal information deals with subjects such as extradition, asylum, expulsion, applications filed with the European Commission of Human Rights, cases referred to the Committee against Torture, changes to the Criminal Code related to racial discrimination, cooperation with the ad hoc tribunals on the former Yugoslavia and Rwanda, the right of the defence and people held in pre-trial detention, basic training for prison personnel, conditions of and in prisons, and complaints filed in local or national courts concerning alleged violations of the Convention.

The Committee's concluding observations and comments (CAT/C/SWI) noted positively the prohibition in law of racial discrimination, the cooperation extended by the government and Parliament to the International Tribunals, changes in law to strengthen the rights of the defence and those held in preventive detention, and the establishment of a police medical centre, run by the University Institute of Forensic Medicine in Geneva, which assists police when necessary to take evidence of injuries to individuals under arrest or to police officers. The Committee also welcomed Switzerland's contributions to the UN Voluntary Fund for Victims of Torture.

The principal subjects of concern identified by the Committee were: frequent allegations of ill-treatment during arrest or in police custody, particularly by foreigners; the absence of independent mechanisms in all of the cantons to register and follow-up on complaints of ill-treatment; in some cantons, the absence of legal guarantees related to contact with a family member or lawyer on arrest, an examination by an independent physician during police custody or from the moment of appearance before a judge; the failure to provide and ensure a suspect's right to remain silent; and, the participation of physicians in facilitating the deportation or involuntary return of some foreigners.

The Committee recommended that the government:

- ▶ ensure the establishment of independent mechanisms in all cantons to receive complaints of ill-treatment during arrest, police custody and/or interrogation;

- ▶ harmonize the different laws in the cantons related to the penal procedure to ensure fundamental guarantees during police custody and incommunicado detention;
- ▶ ensure the right of suspects to have contact with defence counsel or a family member and to be examined by an independent doctor at the time of arrest, after each interrogation and prior to appearance before a judge or release from custody;
- ▶ include in the penal code the definition of torture set out in the Convention;
- ▶ investigate complaints of ill-treatment by public authorities, identify those responsible and apply appropriate sanctions;
- ▶ adopt legislative measures to guarantee the right to remain silent; and,
- ▶ investigate the allegations concerning the role doctors have played in cases of involuntary return.

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.

THEMATIC REPORTS*Mechanisms of the Commission on Human Rights*

Religious intolerance, Special Rapporteur: (A/52/477, paras. 21, 25, 30, 38, 44)

The Special Rapporteur's interim report to the General Assembly notes that communications were sent to the government related to reports that in certain public schools in some cantons courses on the Church of Scientology describe the faith as a sect and that parents belonging to the Church have been refused permission to establish a private school. The government replied to concerns and provided information indicating that members of the Church of Scientology were not treated in a discriminatory way in comparison with other religious communities, particularly in the area of public and private education. The government's response also stated that representatives of the Church of Scientology had been able to secure enforcement of the rights they were claiming through legal means at the federal and cantonal levels.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 474-476)

The report notes that three newly reported cases were transmitted to the government. Two of the cases related to Turkish Kurds who had been granted political refugee status and were arrested by police. Medical reports indicated both had been injured. The third case related to a Gambian national who was expelled and information indicating that the expulsion had followed arrest and ill-treatment while in custody. The reply from the government on these cases was received too late to be included in the addendum to the main report.

An urgent appeal was sent, in conjunction with the Special Rapporteur on the Sudan, on behalf of a Sudanese national who was refused political asylum and feared arrest and torture if returned to Sudan. The government indicated