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**Federal Commission against Racism FCR**

**Bern, 27 March 2020**

**Report of the Federal Commission against Racism (FCR) to the UN Committee  
on the Elimination of Racial Discrimination (CERD)**

**as part of Switzerland's reporting on its 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> country report to  
CERD**

**on 22 and 23 April 2020**

The Federal Commission against Racism (subsequently referred to as FCR) provides an assessment of the political, social and legal situation in this report as part of its activities and the mandate<sup>1</sup> assigned to it by the Swiss government (Federal Council).

This report supplements Switzerland's detailed country report to the UN Committee on the Elimination of Racial Discrimination (CERD)<sup>2</sup> and the report of civil society (subsequently referred to as the NGO report) coordinated by humanrights.ch<sup>3</sup> for the attention of the same committee.

► IF DOCUMENTS IN ENGLISH ARE NOT AVAILABLE, REFERENCE IS MADE TO THE FRENCH VERSION.

Text by Alma Wiecken, Director of the FCR

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<sup>1</sup> Also see the FCR's mandate at: <http://www.ekr.admin.ch/orgfr/f159.html>

<sup>2</sup> See Switzerland's country report to the CERD at:

[https://www.eda.admin.ch/dam/eda/fr/documents/aussenpolitik/voelkerrecht/CERD-Bericht-2018\\_fr.pdf](https://www.eda.admin.ch/dam/eda/fr/documents/aussenpolitik/voelkerrecht/CERD-Bericht-2018_fr.pdf)

<sup>3</sup> The NGO report is published by [www.humanrights.ch](http://www.humanrights.ch)

## Table of contents

<b>1</b>	<b>The key points of the FCR assessment for the period 2014–18</b>	<b>4</b>
<b>2</b>	<b>Supplementary statement of the FCR on specific CERD recommendations</b>	<b>5</b>
2.1	Application of the convention in national law (para. 6 to 8).....	5
2.2	Data on racial discrimination (para. 9) .....	6
2.3	National human rights organisation (para. 10) .....	7
2.4	Racism and xenophobia in politics and the media (para. 12) .....	8
2.5	Racial profiling and excessive use of force (para. 14) .....	9
2.6	National minorities (para. 15) .....	10
2.7	Persons without Swiss citizenship (para. 16 and 17).....	12
2.8	Information and raising awareness of racism (para. 18).....	13
<b>3</b>	<b>The work of the FCR</b>	<b>14</b>
3.1	New FCR appointment order from the Swiss Federal Council .....	14
3.2	The status of the FCR vis-à-vis the NHRI International Coordinating Committee.....	14
3.3	Products of the FCR 2014–19 .....	15

## **1 The key points of the FCR assessment for the period 2014–18**

1. The legal protection against racial discrimination is poorly established. Particularly in the field of civil law, the legal basis to effectively enable victims of racial discrimination to use legal redress for protection is inadequate.
2. Racially motivated hate crimes are not recorded in Switzerland. Uniform and mandatory recording of racially motivated offences is important to ensure effective monitoring of racist incidents in Switzerland. To guarantee correct recording, specific modules to identify and determine racist motives need to be developed for the police and integrated into regular mandatory training and development programmes.
3. The plans to establish a national human rights institution (NHRI) are expedient and important. However, such a human rights institution must be given adequate financial resources to allow it to perform its tasks.
4. Stigmatising statements and verbal errors of judgement at the expense of minority groups are regularly heard in the political arena in Switzerland.
5. Racial profiling is carried out by the police authorities and the Swiss Border Guard even though efforts to provide human rights training have been stepped up by the security and law enforcement authorities. Furthermore, there are no adequate nationwide complaints mechanisms for victims of racial profiling and police violence.
6. The Yenish, Sinti and Roma communities still suffer discrimination and stereotyping.
7. Asylum-seekers are sometimes subjected to unjustified restrictions of their fundamental rights and discrimination due to their legal status.
8. Racist hate speech on social media is a serious issue. As there is constant interaction between online and offline racism, it is vitally important that anti-racism strategies also address the internet and the way in which it works. Law enforcement also often falls short due to the international dimension of digital communication.
9. There is a lack of awareness-raising anti-racism campaigns.

## 2 Supplementary statement of the FCR on specific CERD recommendations

In the following thematic points, the FCR report follows up the concluding remarks of CERD of 13 March 2014 on Switzerland's 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> periodic report, section C, points 6 to 18. As this report supplements Switzerland's country report and the NGO report, the FCR has restricted itself to highlighting individual points that it deems of particular importance and/or which are not covered by the other two reports.

### 2.1 Application of the convention in national law (para. 6 to 8)

In general, it should be noted that the recommendation regularly repeated by CERD to develop the legal basis of protection against discrimination has not been implemented. The study by the Swiss Centre of Expertise in Human Rights (SCHR) entitled 'Access to Remedy' concludes that the legal basis for protection against discrimination is inadequate and that gaps exist. Although the SCHR does not consider a general anti-discrimination law expedient, the report clearly underlines that the legal basis – especially in civil law, but also in criminal law – is inadequate and that access to remedy is obstructed by existing procedural hurdles. There is urgent need for action in this respect.

#### Civil and administrative law

While art. 8 of the Swiss Federal Constitution provides for comprehensive legislation on gender equality (para. 3) and the elimination of inequalities that affect persons with disabilities (para. 4), such legal specification for combatting racial discrimination and further proscribed grounds of discrimination is lacking in art. 8 of the Federal Constitution. All political attempts to introduce a general anti-discrimination law have failed to date.

In the opinion of the FCR, the **gaps in civil and administrative legislation against racial discrimination have serious consequences**. Victims of racial discrimination are poorly protected in important spheres of life (housing, employment), especially with regard to discrimination by private individuals. As long as there is no clear legal framework outside of criminal law that covers racial discrimination, it remains difficult to impossible to seek legal remedy against experienced discrimination in practice. Other more diffuse forms of legal redress must be used which are not perceived as 'discrimination protection' at first glance. Substantial financial resources are required to use these forms of legal redress due to their complexity, e.g. for legal representation. This is illustrated by the extremely low number of civil law judgements on racial discrimination. There are also significant procedural hurdles, e.g. the deposit on court costs.

The **online legal handbook on racial discrimination**<sup>4</sup> published by the Service for Combatting Racism in cooperation with the FCR underlines how complex and inaccessible the individual legal remedies which have to be used for protection against racism are. In the case of legal violations in the field of racial discrimination, the legal consequences are often not appropriate and are unpredictable, making the risk of litigation difficult to assess.

## **Criminal law**

The prohibition under criminal law of discrimination on the basis of race, ethnicity or religion (art. 261<sup>bis</sup> Swiss Criminal Code (SCC)) has generally proven successful. Overall, the practice of the courts is well balanced and criminal law provision contributes to awareness-raising and deterrence. There are nevertheless still some specific weaknesses.

The formulation of criminal law provision only covers discrimination on the basis of race, ethnicity and religion. However, the Federal Supreme Court has observed that while nations and nationalities are not covered as legal categories of art. 261<sup>bis</sup> SCC, criminal law provision is applicable if not the legal status but instead the ethnic characteristics associated with the nation are meant by the nationality.<sup>5</sup> The association with the legal status may also be covered by art. 261<sup>bis</sup> SCC according to the Federal Supreme Court's judicial precedent if terms such as 'foreigner' and 'asylum-seeker' are used synonymously for certain races or ethnicities or as collective terms for a number of specific individual races or ethnicities.<sup>6</sup> With regard to protection against racial discrimination, it is therefore extremely important that the courts and public prosecutors interpret the **subject of protection of art. 261<sup>bis</sup> SCC** in accordance with the Federal Supreme Court's judicial precedent.<sup>7</sup>

## **2.2 Data on racial discrimination (para. 9)**

As set out in Switzerland's country report, Switzerland has various **monitoring instruments**, each of which covers specific aspects of racial discrimination. Every two years, the Service for Combating Racism publishes the report 'Racial Discrimination in Switzerland' which collates and evaluates various data. The SCRA and the Federal Statistical Office (FSO) conduct the survey entitled 'Diversity and Coexistence in Switzerland' biannually. This examines attitudes towards various forms of racism and xenophobia. A separate in-depth survey entitled 'Diversity' is conducted on a specific

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<sup>4</sup> <https://www.rechtsratgeber-frb.admin.ch/introduction/f115.html>

<sup>5</sup> Decisions of the Swiss Federal Supreme Court 6B\_610/2016

<sup>6</sup> Decisions of the Swiss Federal Supreme Court 140 IV 67

<sup>7</sup> In the light of art. 8 para. 2 of the Federal Constitution, the Federal Supreme Court nevertheless rejected that temporarily admitted persons constitute a group protected by the prohibition on discrimination under constitutional law (judgement 1D\_3/2014 of 11 March 2015)

topic in the interim years. It would be welcomed if the in-depth survey could also focus on the areas of life particularly affected by discrimination – housing and employment – in future.

**A gap in the monitoring of racial discrimination exists in the recording of hate crimes.** The number of convictions for racial discrimination (art. 261<sup>bis</sup> SCC) are published by the FSO in the statistics on criminal convictions<sup>8</sup> whereas other racially motivated criminal offences are not systematically recorded. While the opportunity to record any racial motives for criminal offences in the police crime statistics exists, this instrument is not mandatory for the cantonal police forces and is rarely used. The FCR sees need for action in this regard. Standardised and mandatory recording of racially motivated criminal offences is important to ensure effective monitoring of racist incidents in Switzerland. Specific modules on identifying and determining racist motives need to be developed for the police and integrated into regular mandatory training and development programmes in order to guarantee correct recording.

### 2.3 National human rights organisation (para. 10)

In the opinion relative to the creation of a **national human rights institution** of 1 May 2015, the extra-parliamentary commissions, the Federal Commission for Women's Issues (FCWI), the Federal Commission on Migration (FCM) and the Federal Commission against Racism (FCR), supported a continuation of the SCHR or the commencement of work leading to the transition to a national human rights institution.

The solution for a national human rights institution now planned by the Federal Council is fully in line with the Paris principles in terms of the legal basis, mandate and required independence. However, the FCR's view is that the funds earmarked of one million Swiss francs will not be sufficient to effectively fulfil such a broad mandate as that of the planned human rights institution.

The **FCR's mandate** was amended in May 2013 in view of the approach established by the Commission over the years, taking account of the reality of the current situation.<sup>9</sup> The changes also concerned the FCR's counselling activities provided for in the old appointment order of 1995 which was the responsibility of the President of the FCR at the time. The secretariat is now responsible for providing persons concerned with information and answering queries. Counselling in the narrower sense is now no longer provided for in the FCR's mandate. The FCR's mandate was amended again on 25 November 2015 to now provide independent representation for the Roma community, who are exposed to specific forms of discrimination, with a 16<sup>th</sup> mem-

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<sup>8</sup> <https://www.bfs.admin.ch/bfs/fr/home/statistiques/criminalite-droit-penal/justice-penale/jugements-mineurs-adultes.assetdetail.8946449.html>

<sup>9</sup> Decision on the Appointment of the Federal Commission against Racism FCR of 22 May 2013.

ber.<sup>10</sup> The FCR's funding was neither drastically cut nor significantly increased during the reporting period.

## 2.4 Racism and xenophobia in politics and the media (para. 12)

**Racist images and stereotypes** were repeatedly used during political campaigns:

- In 2011, the Swiss People's Party (SVP) published a poster during the campaign on the vote on the 'stop mass immigration' initiative containing the title: "Kosovans slash Swiss people open."<sup>11</sup> The Federal Supreme Court concluded in 2017 that the poster presented Kosovans generally as murderers and was therefore in violation of art. 261<sup>bis</sup> SCC.
- The youth wing of the SVP was also subject to a conviction in 2018 for publishing a poster in the run-up to the cantonal elections, which presented Roma people generally as being dirty and criminal. The illustration shows a Swiss person wearing traditional alpine costume holding his nose in front of a pile of rubbish at a caravan site. In the background, a caravan occupant can be seen answering nature's call. The words "We say no to transit sites for foreign gypsies" appear on the poster. The Cantonal Supreme Court of Bern deemed it to constitute disparagement of an ethnic group and convicted the two persons responsible of violation of art. 261<sup>bis</sup> SCC.

These two examples illustrate a **pleasing development in judicial precedent in relation to art. 261<sup>bis</sup> SCC**. The judicial practice protected by the Federal Supreme Court previously attached greater importance to freedom of expression when weighing up between the fundamental right of freedom of expression and protection against racial discrimination, particularly in the context of political debate. The courts regularly underlined that a generous interpretation of freedom of expression was required in the process of direct democracy, even if a message could be perceived as provocative. The two judgements on the posters now appear to point in a different direction: the freedom of expression has limits even in political discourse if the human dignity of minorities is violated.

The expression of discriminatory views by politicians on social media and in other formats is still being observed.<sup>12</sup> They are sometimes contradicted, but also some-

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<sup>10</sup> Decision on the Appointment of the Federal Commission against Racism FCR of 25 November 2015. The Commission was reduced to the regular size of 15 members during its complete re-appointment. There is now just one representative of the Christian churches on the Commission.

<sup>11</sup> <https://www.nzz.ch/schweiz/bundesgericht-zu-schlitzer-plakat-bleiben-martin-baltisser-und-silvia-baer-die-verantwortlichen-fuer-das-kosovaren-plakat-der-svp-verurteilt-ld.1086039>

<sup>12</sup> See NGO report p. 7.



times lauded. Particularly when such views are based on characteristics such as ‘culture’ or ‘religion’ instead of biological theories, they are often not recognised as racist due to a narrow interpretation of racism.

The perception of minorities is heavily influenced by media coverage. In view of this, the FCR published two studies that address the quality of reporting on the Roma community (2014) and Muslims (2018). The study’s authors showed that coverage of Muslims focuses heavily on the issues of radicalisation and terror. They also observed distance-creating reporting in many cases which is of particular concern if it involves generalisation, i.e. negative, undifferentiated stereotyping related to all Muslims in Switzerland. This type of reporting – even according to the ethical code of journalists themselves – can be regarded as discriminatory.<sup>13</sup>

In the **coverage on the Roma community**, a difference in the thematic contexts of reporting on Roma was clearly evident: the coverage of Roma abroad, primarily in the quality press and on television news, predominantly focuses on discrimination against Roma people or efforts to combat such discrimination through integration measures. In contrast, issues arising from the failure of individual Roma families to settle, on one hand, and, delinquency-related issues, such as begging, crime and prostitution, on the other, are predominant in the reporting on Roma living in Switzerland. In terms of thematic diversity, a bias towards deviant and criminal behaviour is observed and this thematic context influences the perception of the Roma minority and – through generalisation – also the Yenish people in a concerning way.<sup>14</sup>

## 2.5 Racial profiling and excessive use of force (para. 14)

**Racial profiling remains an issue in Switzerland.** It does not only concern police work, but also the work of the Swiss Border Guard in particular. The counselling centres close to the border of the ‘Beratungsnetz für Rassismuskritische’ (Network of Counselling Centres for Victims of Racism) are reporting an increase in cases where checks have been systematically carried out on Black people based on their skin colour, sometimes in a demeaning way.<sup>15</sup>

Even though training measures have increased in the police forces,<sup>16</sup> there are still no mandatory training modules for the police and Swiss Border Guard on racism and racial profiling. There are also very few independent cantonal complaints and om-

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<sup>13</sup> Qualität der Berichterstattung über Muslime in der Schweiz (Quality of Reporting on Muslims in Switzerland), FCR 2018, p. 28; ([https://www.ekr.admin.ch/pdf/Studie\\_Qual\\_Berichterst\\_F.pdf](https://www.ekr.admin.ch/pdf/Studie_Qual_Berichterst_F.pdf))

<sup>14</sup> Qualität der Berichterstattung über Roma in der Schweiz (Quality of Reporting on Roma in Switzerland), FCR 2014, p. 17. (<https://www.ekr.admin.ch/publikationen/f107/1120.html>)

<sup>15</sup> Report of the ‘Network of Counselling Centres for Victims of Racism’ 2019, p. 19, for further information and examples, see the NGO report, p. 11 et seq.

<sup>16</sup> Racial discrimination in Switzerland, FCR report 2018

budsman bodies in Switzerland. **It is still difficult to file complaints against the police authorities.** In its recommendations on the issue of racism against Black people in Switzerland<sup>17</sup>, the FCR underlines the importance of the independence of procedures. This is a major concern and is essential, especially where proceedings are taken against the state (police) as is commonplace in cases of racial profiling and police violence. It is vitally important that awareness is raised amongst the police, the office of the public prosecutor and judges that their neutrality and independence is a key factor in ensuring due process, especially in such cases.

In addition to raising awareness amongst the police forces and Swiss Border Guard and the introduction of independent complaints mechanisms, open **dialogue between the police and the communities concerned** is also important. Some police forces regularly engage in such dialogue. However, this dialogue cannot replace the measures called for above. It is important that racial profiling is not regarded as an issue or misconduct that concerns individual persons. Instead, addressing this issue is a continuous institutional task for police forces and the Swiss Border Guard.

## **2.6 National minorities (para. 15)**

In Switzerland, the members of the Jewish communities and the Swiss Yenish Sinti/Manouch communities are recognised as national minorities in accordance with the Council of Europe's Framework Convention for the Protection of National Minorities (subsequently referred to as the 'Framework Convention'). In addition to other groups, such as the Black and Muslim population, the two national minorities are particularly affected by racial discrimination and disparagement.

### **Yenish, Sinti and Roma**

Although a working group has been set up to address the specific improvement of the living conditions of Yenish, Sinti and Roma communities, action is still required in many places.<sup>18</sup>

The FCR wishes to draw particular attention to a law in the canton of Neuchâtel (**Loi sur le stationnement des communautés nomades (LSCN)**) which governs the stays of travelling communities.<sup>19</sup> The new law in the canton of Neuchâtel, which entered into force on 1 April 2018, is the second special law enacted in Switzerland to govern the stays of Roma, Sinti and Yenish communities in cantonal territory. In 2014, the canton of Basel Landschaft became the first to pass a law on stopping and transit places for travelling communities. In contrast to the law in the canton of Basel Landschaft, which provides for measures to create the places required and to ease

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<sup>17</sup> [https://www.ekr.admin.ch/pdf/Studie\\_AntiRassismus\\_F.pdf](https://www.ekr.admin.ch/pdf/Studie_AntiRassismus_F.pdf)

<sup>18</sup> For further information on this point, see the NGO report p. 15-19.

<sup>19</sup> Loi sur le stationnement des communautés nomades (LSCN)  
(<http://rsn.ne.ch/DATA/program/books/20186/htm/7272.htm>)

financial pressure on the communes, the new law in the canton of Neuchâtel focuses on governing the stays of travelling communities in cantonal territory. The law also provides for various special law obligations for travelling communities and makes their stays subject to various formal, financial and temporal restrictions. As the law in the canton of Neuchâtel – as well as the law in the canton of Basel Landschaft – is the first of its kind and may be used as a model by other cantons for their own laws to govern the stays of travelling communities, the question of the conformity of the law with the Federal Constitution and international law is of general importance to the status of those people in Switzerland who lead a nomadic or semi-nomadic existence. An expert report commissioned by the FCR concluded that the LSCN violates various standards of constitutional and international law.<sup>20</sup> An objection was consequently filed against the law with the Federal Supreme Court, which ruled that the law did not violate standards of constitutional and international law and rejected the objection.<sup>21</sup> An analysis of this Federal Supreme Court ruling commissioned by the FCR now concludes that the Federal Supreme Court attached too little importance to Switzerland's obligations to respect and protect the rights of Roma, Sinti and Yenish communities and to promote their identity in this ruling and wrongly rejected the objection.<sup>22</sup> An individual communication based on the Federal Supreme Court's ruling is pending before the CERD. The complainants believe that the law violates various articles of the International Convention on the Elimination of All Forms of Discrimination (ICERD). The FCR is very concerned that further cantons may enact laws that could unreasonably restrict the rights of travelling communities and have discriminatory effects. The FCR will formulate recommendations to the cantons based on the analysis of the Federal Supreme Court decision.

The rejection of **recognition of Roma as a national minority** in accordance with the Framework Convention for the Protection of National Minorities has led to great disappointment amongst those concerned. The FCR believes it is now especially important to underline that the Roma community enjoys the same protection against racial discrimination as all other minorities. Even if formal recognition as a national minority cannot be granted due to the reasons set out by the Federal Council, the Federal Council should nevertheless more clearly recognise, protect and value this community as an integral part of our diverse Swiss society.

The differentiation between Swiss and foreign travelling communities made at some stopping places is of concern. Some stopping places can explicitly only be used by

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<sup>20</sup>Loi sur le stationnement des communautés nomades du Canton de Neuchâtel: Avis de droit (<https://www.ekr.admin.ch/publications/f107/1327.html> )

<sup>21</sup> Decisions of the Swiss Federal Supreme Court 145 I 73 ([http://relevancy.bger.ch/php/clir/http/index.php?highlight\\_docid=atf%3A%2F%2F145-I-73%3Ait&lang=it&type=show\\_document](http://relevancy.bger.ch/php/clir/http/index.php?highlight_docid=atf%3A%2F%2F145-I-73%3Ait&lang=it&type=show_document))

<sup>22</sup> Analysis of the Federal Supreme Court's ruling 145 I 73, S. 4. (<https://www.ekr.admin.ch/publications/f107.html>)

Swiss travelling communities. Some stopping places implemented different requirements, depending on the communities concerned. Sometimes the various travelling-groups have different needs in terms of stopping places. From the perspective of protection against discrimination, it is an issue if foreign groups of travellers (usually larger groups of travelling Roma) do not have enough transit places available and they are not permitted to use the places intended for Swiss travelling communities.

## **Jewish minority**

Antisemitism is rarely expressed in violent attacks in Switzerland and usually concerns the expression of **antisemitic views on social media** and other platforms. A total of 137 convictions were recorded in the FCR's judgement records for the period 2014–18. Jews were the victims in 65 cases and 48 of these cases concerned statements and threats made on social media.<sup>23</sup> The prosecution authorities face major challenges when taking criminal proceedings against racist statements on social media. If statements are posted anonymously, it is relatively complex to identify the authors. If such postings are made on the sites of US companies, such as Facebook or Twitter, the prosecution authorities are dependent on the goodwill of the companies concerned, and even then is admissible in court. If the release of the data is denied, the only option that remains is to make a request for assistance in criminal matters. However, this kind of legal assistance is subject to the principle of double punishability which often does not apply to racist statements because antisemitic and racist statements in the USA can fall under the protection of freedom of expression. In order to ensure the effective criminal prosecution of antisemitic and racist statements on social media and on the internet, it is important to amend the legal basis for law enforcement. This view is also shared by the Federal Council. It recommended the adoption of a motion that requires a delivery address in Switzerland for social networks and calls on the Federal Council to work towards a solution to the problem of law enforcement on the internet at international level.

## **2.7 Persons without Swiss citizenship (para. 16 and 17)**

The regulation of **temporary admission (F permit)** restricts the rights of the persons concerned in fundamental and personal areas of life. For example, they have no legal entitlement to a family life and cannot freely settle in Switzerland. These restrictions are a concern as they occur in combination, add up and often have a long-term effect. Persons discriminated against due to their legal status cannot rely on protection against discrimination under constitutional law.<sup>24</sup>

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<sup>23</sup> See the FCR's judgement records: <https://www.ekr.admin.ch/dienstleistungen/f518.html>

<sup>24</sup> Judgement 1D\_3/2014 of 11 March 2015

Asylum-seekers are subject to both legal and de facto restrictions during their asylum procedure. Cases were made public in the media where the **freedom of movement of asylum-seekers was restricted**. Examples of such measures are the refusal of access to public facilities (such as swimming pools), exclusion from certain public places (e.g. children's playgrounds), implicitly or explicitly communicated exclusion orders through house regulations in accommodation facilities and the restriction of times when they are allowed to go out through curfews. In an expert report, the FCR examined the conformity of the restriction on the freedom of movement of asylum-seekers with fundamental rights and the protection against discrimination. Based on the expert report, the FCR recommended the federal and cantonal authorities:

- not to issue restriction or exclusion orders collectively aimed at asylum-seekers living in a particular accommodation facility.
- to ensure through the drafting of the service agreements that the house rules of accommodation facilities comply with fundamental rights and that the freedom of movement of asylum-seekers is not unlawfully restricted in agreements with private service providers.
- to review the regulations on curfew times and the refusal of permission to go out (art. 11 and art. 12 Federal Department of Justice and Police Ordinance) in relation to unlawful restriction of freedom of movement.<sup>25</sup>

## 2.8 Information and raising awareness of racism (para. 18)

In 2015, the FCR launched the 'Multicoloured Switzerland' campaign which aimed at raising awareness amongst young people about the issue of racial discrimination, online hate speech and the need to combat such phenomena.

Regular national awareness-raising campaigns with large reach on the issue of racism are not feasible for the FCR or other organisations given the resources available. It is important to ensure the provision of adequate financial resources in this respect.

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<sup>25</sup> Asylsuchende im öffentlichen Raum (Asylum-seekers in public space), legal expert report commissioned by the FCR, <https://www.ekr.admin.ch/publications/f107/1311.html>

### **3 The work of the FCR**

#### **3.1 New FCR appointment order from the Swiss Federal Council**

The FCR received a new appointment order from the Swiss government on 22 May 2013<sup>26</sup>. The substantive changes made concern:

- a) The emphasis of the independence of the FCR whereby it only has to notify the Federal Department of Home Affairs (FDHA) of its work;
- b) The direct involvement of the FCR in internal administration work which may concern combatting racism via the office consultation procedure;
- c) Closer cooperation with the internal Service for Combatting Racism;
- d) The establishment of the independent opinion of the FCR vis-à-vis the bodies of the UN, the Council of Europe, the OSCE and other supranational bodies;
- e) The delegation of the counselling of private individuals who believe they are victims of racial discrimination to the FCR secretariat.

On the basis of this appointment order, the FCR monitors media reporting, current events and legal practice. It analyses social and political developments and makes its analysis public. It draws conclusions on current problem areas from the counselling of private individuals. Based on the knowledge acquired, effective prevention and awareness-raising measures are to be introduced in dialogue with public and private contact persons.

#### **3.2 The status of the FCR vis-à-vis the NHRI International Coordinating Committee**

In 2010, the FCR was relegated from a B status to a C status by the NHRI Coordinating Committee (ICC) in a more rigorous evaluation procedure. At the ICC plenary assembly, the FCR's work was expressly praised and it was announced that it could continue to submit independent opinions to the UN Human Rights Council and the bodies of the UN.

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<sup>26</sup> <http://www.ekr.admin.ch/pdf/D%25C3%25A9cision+instituant+de+la+CFRca66.pdf>

### 3.3 Products of the FCR 2014–19

#### TANGRAM bulletin

The FRC identifies relevant topics and mandates experts and opinion leaders to carry out researches and analysis. Those articles are published in FRC's review: TANGRAM."

The following topics were covered from 2014 to 2019:

- 2014 TANGRAM 33: Anti-Black racism; TANGRAM 34: Humour, satire and irony
- 2015 TANGRAM 35: 20 years; TANGRAM 36: What multicoloured Switzerland?
- 2016 TANGRAM 37: School; TANGRAM 38: Racial discrimination and access to justice
- 2017 TANGRAM 39: Antisemitism; TANGRAM 40: Islamophobia
- 2018 TANGRAM 41: Sport and racism; TANGRAM 42: Integration measures and combatting racism
- 2019 TANGRAM 43: The freedom of expression and combatting racism

➔ *This publication is available in three languages (German, French and Italian) and sometimes contains articles in English. For downloads visit:*

<https://www.ekr.admin.ch/publications/f108.html>

#### Expert opinions

As part of its mandate, the FCR analyses social problems and racist phenomena at national/international level and provides recommendations on political action in position papers and expert opinions.

The following expert opinions and position papers were published in 2014–19:

- 2015 The judgement in the Perinçek case has no direct consequences for anti-racism criminal law provision
- 2016 'Mein Kampf' (My Struggle) can only be circulated as part of critical publications



- 2017 Religious symbols in public space
- 2018 FCR position paper on the popular initiative 'Swiss law, not foreign judges'

➔ For downloads of the FCR's position papers and expert opinions see:

<https://www.ekr.admin.ch/actualite/f109.html>

## Studies and reports

Since 2007, the FCR and humanrights.ch have been coordinating the 'Beratungsnetz für Rassismusopfer' (Network of Counselling Centres for Victims of Racism) in a joint venture, in collaboration with a growing number of counselling centres. The cases are recorded in a standardised way and constitute the basis in anonymised form for the monitoring of cases of racism that become apparent in counselling situations. The results of this monitoring have been recorded in a report since 2009. It is clear that racial discrimination takes place in all areas of life and that people of dark skin colour and foreigners are the group most affected.

➔ To download the 'Rassismuskvälle in der Beratungspraxis' (cases of racism in counselling practice) annual reports for 2015, 2016, 2017 and 2018 visit:

<https://www.ekr.admin.ch/publications/f602.html>

The FCR published five reports and studies – independently and together with research institutes – during the reporting period:

- 2017 Asylum-seekers in public space
- 2017 Anti-Black racism. Legal analysis of the phenomenon, challenges and need for action
- 2018 Legal expert opinion on the 'Loi sur le Stationnement des communautés nomades' in the canton of Neuchâtel
- 2018 The quality of reporting on Muslims in Switzerland
- 2019 Brief expert opinion on the Federal Supreme Court ruling 145 I 73

➔ To download the studies in French visit:

<https://www.ekr.admin.ch/publications/f107.html>

## Press releases



The FCR's press releases reflect social reality in Switzerland from the perspective of the FCR and highlight its products.

➔ *FCR's press releases published since 1995 are available online. They can be found in French at:*

<http://www.ekr.admin.ch/dokumentation/00144/index.html?lang=fr>