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**Human Rights Council**

**Fifty-first session**

Agenda item 9

**Racism, racial discrimination, xenophobia and related**
**forms of intolerance, follow-up to and implementation of**
**the Durban Declaration and Programme of Action**

 Visit to Switzerland

 Report of the Working Group of Experts on People of African Descent[[1]](#footnote-2)\*, [[2]](#footnote-3)\*\*

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| *Summary* |
|  The report transmitted herewith contains the findings of the Working Group of Experts on People of African Descent on its visit to Switzerland from 17-26 January 2022. In the report, the Working Group presents the current legal, institutional and policy framework and measures taken to prevent racism, racial discrimination, xenophobia, and related intolerance faced by people of African descent in Switzerland, underscoring positive developments as well as gaps in implementation. The Working Group describes the situation, highlights good practices and the main challenges identified, and makes concrete recommendations. |
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Annex

 Report of the Working Group of Experts on People of African Descent on its mission to Switzerland

 I. Introduction

1. At the invitation of the Government, the Working Group of Experts on People of African Descent undertook a visit to Switzerland from 17-26 January 2022.[[3]](#footnote-4) The delegation included Dominique Day (Chairperson), Catherine S. Namakula (Vice-Chairperson), and Barbara Reynolds.[[4]](#footnote-5)

2. During the visit, the Working Group assessed the human rights situation of people of African descent living in Switzerland, and gathered information on racism, racial discrimination, xenophobia, and related intolerance. The Working Group studied official measures and mechanisms to prevent systemic racial discrimination and to protect victims of racism, as well as responses to multiple forms of discrimination.

3. The Working Group visited Bern, Zurich, Lausanne, and Geneva and met with senior officials of the Swiss Federal and Cantonal Governments including the Federal Departments of Foreign Affairs, Home Affairs, and Economic Affairs, Education and Research; the Federal Office of Public Health, Office for Customs and Border Security, Office of Justice, the Federal Statistical Office, and the State Secretariat for Migration. It also met with the Conference of Cantonal Justice and Police Directors. The Working Group also met with Parliamentarians of the Council of States, officials from the Federal Commission against Racism, and the National Commission for the Prevention of Torture, and visited the Pöschwies Correctional Facility in Zurich and the Centre de la Blécherette-Police Cantonale in Lausanne.

4. The Working Group met with local authorities in Zurich, including the public prosecutor and officials from the Cantonal and Municipal Offices of Integration; the Canton of Vaud and municipal authorities of the city of Lausanne, including police, integration, and anti-racism officials from the city and the canton; the Canton of Geneva including a Minister, representatives of the Office for integration of Foreigners, the Department of Education, the Office for the Promotion of Equality and Prevention of Violence, C-ECR Centre Ecoute Contre le Racisme, the judiciary and the public prosecutor, the General Inspection of police services, and Administrative Mediation Office (BMA); and the City of Geneva, including representatives of the Executive Council, the Agenda 21 – Sustainable city department, and municipal politicians of African descent. Through the Swiss Conference of Communal, Regional and Cantonal Integration Delegates, the Working Group also met with the Municipal Office for Migration and Racism Issues of the City of Berne and the Integration Delegate of the City of Neuchâtel.

5. In each city, the Working Group met with many people of African descent, including families of victims, incarcerated people, human rights activists, lawyers, academics, and representatives of non-governmental organizations. It received additional, written input preceding, during, and after the visit. The Working Group thanks contributors for their valuable testimonies, research, and efforts to end anti-Black racism and to promote and protect the human rights of people of African descent in Switzerland.

6. The Working Group thanks the Government of Switzerland for accepting the request of the Working Group to visit the country and the Federal, Cantonal and Municipal authorities in Bern, Zurich, Lausanne and Geneva for their cooperation. The Working Group thanks the Federal Department of Foreign Affairs for their support during the visit. The Working Group also expresses its appreciation to civil society organizations, including CRAN, UPAF, PAWA and ISHR, for their assistance in organizing virtual and physical meetings with people of African descent throughout the country.

 II. Background

7. Switzerland is a federal republic, composed of Cantons, Communes, and Regions. The Swiss Confederation is comprised of 26 cantons and 2,223 municipalities.

8. People of African descent in Switzerland include those born as Swiss citizens, foreign migrants, asylum-seekers, and refugees residing in the country, naturalized persons and expatriates working for multinational corporations, diplomatic missions, or UN agencies. 38% of the people living in Switzerland have a migration background. Civil society estimates that people of African descent comprise 3-4 percent of those living in Switzerland.

9. Although Switzerland was never a colonial power, it played a significant role in several aspects of the transatlantic triangular trade and trafficking in enslaved Africans, between the 16th and 19th centuries. Swiss state entities, including Zurich and Bern (and Swiss individuals), directly purchased shares in the companies and individual expeditions involved in the trade and trafficking in enslaved Africans, including the South Sea Company, as reliable, interest-bearing investments.[[5]](#footnote-6) Swiss banks reportedly owned as much as a third of the Compagnie des Indes, a French company with a monopoly over the West African trade in enslaved Africans. Swiss trading houses financed and did business with slave traders. Highly popular human zoos, “accompanied by cultural devices including the dissemination of colonial iconography” were held in Switzerland in the 19th and 20th centuries.[[6]](#footnote-7) Swiss merchants, bankers, insurers and military invested in colonial societies; engaged in the transatlantic trade; and participated in expeditions and repression of revolts.

10. The Swiss also imported industrial quantities of cotton, coffee and cocoa, available at rates reflecting extractive colonial and slave labour conditions. Artificially favourable market conditions enabled developments wherein raw materials became luxury goods, via processes honed to a quality that continues to define the markets for chocolate, coffee, and more. Switzerland built considerable wealth, opportunity, and technological dominance while catalysing a transnational industrial revolution entirely reliant on extraction, exploitation, and systematic violence, deceit, and legalized racism. In a contrived global market where enslaved labor and ongoing monopolistic control of colonized natural resources was a policy priority, Switzerland’s wealth and stability leveraged favorable conditions to exploit escalating profit opportunities. Yet, these conditions promoted instability in regions producing essential goods that persist today, widened the gap between Europe and the global south. The asymmetric extraction of raw materials from colonized spaces, adoption of monoculture and demand-driven policies, and the denial or suppression of technologies of production, refinement, marketing, and sales in the global south were normalised.[[7]](#footnote-8)

11. Recognition of the wealth, power, and profit associated with Swiss participation in the trade and trafficking of enslaved Africans – and of the cooperation of Swiss public institutions (including courts) and Swiss neutrality to neutralize ties to enslavement and exploitation of people of African descent[[8]](#footnote-9) – has grown. National and private archives reveal that, in every Swiss region, families accumulated fortune via the triangular trade[[9]](#footnote-10) and the sale of Black bodies. This includes the Escher family.[[10]](#footnote-11) Alfred Escher, considered the founder of modern Switzerland, had complex ties to racial slavery spanning three generations, including, *inter alia*, direct inheritance of over 1 million francs from a slavery profiteer uncle, direct involvement in the sale, profit, and cover-up of a three-decade, family-owned plantation in Cuba,[[11]](#footnote-12) financial investments in the trade and trafficking of enslaved Africans, profits directly tied to the use of enslaved labor to produce cotton, sugar, tobacco, and coffee, and direct involvement in developing a modern credit economy, including maturing instruments like financial leverage, insurance, and credit market speculation in the trade and trafficking in enslaved Africans.[[12]](#footnote-13) As importantly, Escher was actively a creator of the culture of denial that continues to enable systemic racism today: despite affirmative engagement in the slavery economy and significant profits, Escher sought to hide his inheriting and ultimately selling the Cuba plantation, seeking to conduct the transaction secretly.[[13]](#footnote-14) Escher also instrumentalized state institutions in developing a culture of denial; he used the courts to silence or penalize those who would amplify his connections to slavery by suing for abuse, slander, and insult at even the accusation of involvement in or profit from the trade and trafficking in enslaved Africans.[[14]](#footnote-15) Escher is a subject of an active discourse in Switzerland, including a call to visibilise these truths in Zurich's cityscape[[15]](#footnote-16).

12. Citizen concern at monuments and public recognition of persons involved in racial atrocity occasioned some reform. In 2019, the city of Neuchâtel re-named a plaza to honour Tilo Frey, the first person of African descent elected to the National Council of Switzerland. The plaza had been named for Louis Agassiz, an eminent 19th-century scientist who leveraged his credibility in glaciers into an advocacy platform for ‘scientific racism,’[[16]](#footnote-17) claiming people of African descent were different species (polygenism), conducting failed attempts to prove white supremacy (including by photographing enslaved people naked[[17]](#footnote-18)) in the United States and Brazil, maintaining support the trade and trafficking in enslaved Africans, opposition to racial intermingling, and denialism of Darwinian evolution. Recent responses to petitions to remove the statue of David de Pury, a banker whose fortune relied on exploitation of enslaved Africans, Neuchâtel convened a working group, adopted a roadmap, in the interim, marked the location with historical information acknowledging enslavement and current victims of racism.

13. Important longer-term initiatives in this area include a discourse-based trajectory to situate the contributions, philanthropy, and wealth of Swiss founders within a context that acknowledges the subtext of exploitation of people of African descent in the philanthropy and principles of Swiss public institution-building. Responding to public and political demand, the city of Geneva is reflecting upon its tributes to people involved in racism, colonialism, or racial atrocity, including via a powerful study and exemplar, published in March 2022 that notes that “[t]he past is not synonymous with heritage”, contemplates the “trinomial of race, public space and history” as permanent site of reflection and action, acknowledges that “talk of racism without racists [is] a formulation that applies to the case of Switzerland and Geneva” and defines a spectrum of potential action.[[18]](#footnote-19) In Neuchatel and Zurich, the revision of public narratives includes plaques with historical context added to public buildings. Other initiatives include tenders for monuments and public works of art; creation of an educational itinerary of the historical past and modern links; a permanent exhibition on Neuchatel citizens’ involvement in the triangular trade; and a website to situate these truths within the official municipal history. In Zurich, an important study in 2020, conducted by the University of Zurich, may inform further efforts.[[19]](#footnote-20)

14. The Working Group welcomes the emerging public discourse involving the State and civil society on the presence of racist and/or colonial monuments, statues, streets, cafes, squares and symbols, as well as to truthfully portray those valorised by Switzerland’s history. However, valuable municipal initiatives and important studies conducted in Geneva and Zurichare not necessarily mirrored by greater understanding. For example, despite the renaming in Neuchatel, Agassiz remains valorized in public nomenclature like the Agassizhorn peak in the Alps, after at least two inter-cantonal public reviews.[[20]](#footnote-21) In this regard, the Working Group welcomes initiatives to teach the history of people of African descent in Switzerland through important sites of memory.[[21]](#footnote-22) Including people of African descent at all stages of addressing and remembering legacy is essential.[[22]](#footnote-23)

 III. Legal framework and steps taken for the protection of the human rights of people of African descent

1. Legal framework

15. Switzerland has ratified all major international human rights treaties including the ICERD. Switzerland has a monist tradition; international treaties ratified by the Federal Council are part of the Swiss legal order without any need to additionally transpose them into domestic law.

16. Switzerland maintains a strong federalist structure. A complex distribution of competencies between Confederation and cantons governs Swiss life. Under Article 3 of its Constitution, Swiss cantons may exercise all rights not delegated to the Confederation, i.e. powers are delegated from below (the cantons) to above (the Confederation). This principle of subsidiarity seeks align public action with the citizenry. In concept, federalism allows cantons with differing size, population, culture, and economy to find appropriate solutions, to combat racism at all levels of state action.

17. Racial discrimination is prohibited under Article 8 of the Swiss Constitution. Article 261bis of the Swiss Criminal Code prohibits racist incitement addressed to the public, and public racial discrimination.

18. Nevertheless, as the Committee on the Elimination of all forms of Discrimination (CERD) has stated, Switzerland’s existing legal framework is not adequate to address racial discrimination.[[23]](#footnote-24) There is an absence of legislation that would clearly prohibit direct and indirect racial discrimination in public and private life and at the lack of effective and accessible remedies for victims under, *inter alia*, the civil and administrative legal regimes and in the areas of education, employment and housing. The CERD has called on Switzerland to adopt a federal law defining direct and indirect racial discrimination fully in accordance with article 1 of the Convention. In addition, although Swiss courts may choose to recognize racist motivations via Article 47 of the Criminal Code, the CERD reiterated its concern at absence of a specific classification for racist motives as an aggravating circumstance in Swiss law.

 B. Institutional and policy measures

19. The general policy on combating racial discrimination in Switzerland provides protection largely within the framework of cantonal integration programmes. In addition, the Service for Combating Racism (SCRA) is a federal body tasked with preventing racism. It develops and coordinates relevant activities at federal, cantonal and communal levels, including awareness-raising, prevention measures, legal protection, reporting, and financial support for projects that combat racism, largely within annual Week Against Racism. The Federal Commission on Racism is an extra-parliamentary commission established following Switzerland’s ratification of the International Convention on the Elimination of All Forms of Racial Discrimination in 1995.

20. The Working Group appreciated open discussion by public officials on racial discrimination faced by people of African descent in Switzerland and the Government’s acknowledgement of the Durban Declaration and Programme of Action (2001) as a foundation for the fight against racism. It welcomes launch of the International Decade of People of African Descent in Zurich in 2020 and calls for implementation of its programme of activities on Recognition, Justice, and Development.

21. The Working Group welcomes the 1 October 2021 amendment to the Federal Act on Measures pertaining to Civilian Peacebuilding and the Strengthening of Human Rights, allowing for the establishment of a national human rights institution. Nevertheless, full compliance with the Paris principles requires a mandate to adjudicate complaints of racial discrimination, absent from Switzerland’s national human rights institution as contemplated, and adequate resources for its work.

22. The planned working group to assess implementation of the 2021 recommendations of the CERD is an important step that could address many concerns of people of African descent.

23. The Swiss state supports relevant civil society initiatives combatting racism, racial discrimination, xenophobia and related intolerance. Laudable programs curate new possibilities, including Project Farafina in Vaud and the Week Against Racism celebrated annually in several cantons and cities.

24. Since 2016, the Canton and the City of Geneva have recognized anti-Black racism as a particular form of human rights violation in fighting racial discrimination.[[24]](#footnote-25) The Working Group welcomes this example and many good practices which could be replicated in other cities and cantons. The Municipal Council of Geneva approved a budget line for “the prevention of and the fight against anti-Black racism”, supplementary budget lines for UPAF (Popular African University) and the Couleur Café Festival, and other discrete initiatives.[[25]](#footnote-26) A recent study, commissioned by the City of Geneva, offers a nuanced and comprehensive interrogation of Switzerland’s heritage of racism, colonialism, and enslavement, as reflected in public spaces today, a model that should be replicated throughout Switzerland.[[26]](#footnote-27) The cantonal Human Rights Commission is examining legislation addressing anti-Black racism and links to colonialism and the trade in enslaved Africans. The Listening Against Racism Counselling Centre (*Centre Ecoute contre le racisme*) offers space for dialogue, support and advice. Perhaps most significant, consultations convened in 2020 by the Canton of Geneva and with the participation of the City of Geneva, comprised exclusively of people of African descent from across the Diaspora, amidst public demand for change and the Black Lives Matter protests in 2020, formulated 12 measures to inform anti-racism activities of the Canton and the City.

25. The Federal Commission against Racism and the Cantonal Integration Programme (CIP), overseen by the State Secretariat for Migration and the Conference of the Cantonal Governments, improves access to justice for people of African descent. Addressing discrimination in the promotion of integration on a nationwide basis, including a separate funding instrument, has facilitated regional and national counselling services and contact points for racism throughout Switzerland.

26. A racial profiling motion was submitted in National parliament on 15 December 2021, seeking independent federal ombudsman centres for law enforcement. It seeks independent conciliation bodies in the Border Guard Corps, Federal Police and Transport Police, a complaint mechanism for cases of racial and ethnic profiling, and consideration of a receipt system to retrospectively identify officers involved in misconduct.[[27]](#footnote-28)

 IV. Manifestations of racial discrimination

27. In Switzerland, public awareness of systemic racism and racial discrimination is growing. Reporting mechanisms, civil society advocacy, and individual stories are creating awareness. Nearly 60% of the Swiss population believe racism is a serious social problem. Among them, 30% believe the state should take action against racism.[[28]](#footnote-29) The violence adjacent to racism is well-understood; 80% of the Swiss population would sign petitions, report racist speech, or share anti-racist information on social media, but only 8% would intervene in police racially profiling, racism on public transport, or racist jokes at work.[[29]](#footnote-30)

28. The Working Group heard many reports of pervasive forms of systemic racism, interwoven throughout Swiss life across cantons, and tolerated by mainstream Swiss society. People of African descent experience racism in school, work, travel, and in their communities. Everyday life involves navigating everyday racism, including in cantons with robust anti-racism initiatives and from highly educated medical and educational personnel. Asylum-seekers and refugees of African descent reported intersectional racism and xenophobia, including a lack of translation facilities, persistent, shifting barriers to opportunity, and harsh, racialized treatment by police and prison personnel, sometimes with impunity. People of African descent reported racialized misconduct in public administration including in drivers’ license enforcement and regularization of residency. Residency officials encouraged people of African descent to join Swiss churches, and to eschew traditional religious practices, to promote regularization of residency status, violating human rights and Swiss freedom of religion.

29. Credibility in Switzerland was reported highly racialised. Barriers in civic leadership, e.g., to register a football club or a church, met applicants lacking a white “sponsor”. Credible complaints of racism required a white witness or a non-white aggressor. Persistent racial harassment by neighbours, colleagues, or supervisors was dismissed by public officials. One man in Ticino faced a racial harassment campaign when he refused to leave the community with his infant child, after his wife died. Yet, repeated racist snail-mail spamming, car-keying, and animal carcasses at his home were dismissed by police.

30. The Network of counselling centres for victims of racism[[30]](#footnote-31) a one-stop location for advice and support, recorded 630 complaints of racial discrimination in 2021, under representative yet enlightening.[[31]](#footnote-32) Complaints of racial discrimination occurred most often in the workplace or education/school/childcare, most often involving unequal treatment or insults. Anti-Black racism (207 cases) was only surpassed by xenophobia (218 cases). Anti-Black racism was reported in education/school/kindergarten (40 cases), workplace (37 cases), public spaces and neighbourhoods (26 cases each), and among police (23 cases). Intersectional discrimination comprised one-third of complaints, most often involving race and residency status, gender, or social status.

 A. The claim of principle to deprioritize anti-racism treaty and policy commitments

31. Although Switzerland has a robust human rights framework, and is signatory to relevant human rights instruments, several officials cited the Swiss federalist system as a barrier to addressing systemic racism that people of African descent experience in everyday life, particularly in policing, education, and areas of cantonal responsibility. In this regard, and despite international treaty obligations, federalism may be inappropriately instrumentalized to license inaction and to excuse the wide gap between anti-racist policy and implementation. Decentralisation was cited as a constraint limiting state action against certain violations of human rights at the federal level, including against a culture of denial at the cantonal level. Notably, in Switzerland, federalism has not prevented a centralized police training system nor a centralized approach to migration decision-making. Nor would it bar deterrence, incentive-driven, or voluntary anti- racism initiatives.

32. The distance of Switzerland’s everyday operations in the local administration of justice from its seat as the home of the United Nations human rights apparatus was evident. In the housing markets, despite awareness of racial discrimination and unequal access to housing, the state is not conducting specific efforts to address known housing discrimination by private actors (landlords).In the prison system, at two facilities visited, detention personnel resisted the Working Group’s request to meet with people who were incarcerated confidentially and, in one case, in-person.[[32]](#footnote-33) The significant negotiation required before private meetings eventually occurred which included statements intended to deter the fulfilment of the Working Group’s mandate and the expectation of impunity in the administration of detention facilities, raised concerns.

33. Similarly, during the Working Group’s visit, ground-breaking UN-OHCHR guidance, published in Switzerland six months earlier and widely covered by the media, was unknown to police leadership, including the Conference of Cantonal Police Commanders. This included the report, *Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers,* A/HRC/47/53.[[33]](#footnote-34) Similarly, the December 2021 concluding observations of the CERD in Switzerland were unknown to police who met with the Working Group, although the government plans to convene a working group to review the measures in 2022.

34. Given their primary responsibility for human rights, Swiss authorities’ claims that they lack ability to address systemic racism suggests a shallow commitment to anti-racism, i.e., deprioritisation beyond individual complaints squarely within the parameters of Article 216bis or certain other exceptions.[[34]](#footnote-35) Some Swiss federal officials claimed only outside authority, like the European Court of Human Rights, could de facto compel federal attention to racial profiling and other forms of systemic racism. *Mohammed Wa Baile v. Switzerland*, No. 25883/2, pending in the European Court of Human Rights, is relevant, although Switzerland need not suspend its anti-racism efforts until judgment issues. The suggestion of powerlessness by several Swiss state officials in the face of systemic racism in policing, education, and elsewhere raises a concern at a lack of political will to fight racism as it actually exists in the lives of people of African descent in Switzerland.

 B. Racial stereotypes, racist political campaigns, and “racial humour”

35. In Switzerland, anti-Black racism is still downplayed or attributed to the susceptibility of its victims. Even Swiss born/naturalized people of African descent are presumed to be “other.”[[35]](#footnote-36) In 2020, 6-11% of the Swiss population showed hostile attitudes towards Muslims, Black and Jewish people.[[36]](#footnote-37) In addition, negative stereotypes persist, portraying people of African descent as drug dealers, social parasites, or unwelcome asylum seekers. These images are reinforced by political campaigns, racial profiling, and abuse of authority, including where police rely on and renew negative racial stereotypes.

36. Legacies of racial hierarchy, supported by “humour”, creates an enabling environment for harassment and violence that many people of African descent face in Switzerland. The use of humour to whitewash the everyday violence of racialized misconduct is systemic. People of African descent reported public strip searches by police invoking racist tropes to ridicule people of African descent’s genitalia, blackface traditions, and confectionaries labelled with racial slurs. Racialised humour not only perpetuates negative racial stereotypes, it feeds a culture of denial where racism is tacitly licensed. In each case cited above, the use of humour, banter, or games signals permissibility of scepticism, surveillance, and control of Black bodies, diffusing anti-racism norms, and implicitly reinforcing racial hierarchy.

37. Racial humour and gameplay also undermine recognition of racial discrimination ‘in effect’. Interpreting gameplay (or children) as inherently racially innocent[[37]](#footnote-38) drives denial of the ordinary, ubiquitous use of terminology. For example, citing its origin in the Middle Ages and the plague, the Swiss government denied the racialized context surrounding the game, ‘Who is afraid of the Black man?’, a form of tag where fleeing the Black man prevents ‘catching Blackness’. Student concerns were dismissed by officials on similar grounds.[[38]](#footnote-39) Yet, even if true, the plague-based origin story of “Who is afraid of the Black man” is unknown, long-lost and irrelevant to gameplay today. This origin story cannot neutralise the present-day implications of the plain language, ‘Black man,’ or the obvious inferences at the fingertips of children and adults. Even if ‘Black man’ was not racialised in Europe’s Middle Ages, the intervening event of the trade and trafficking in enslaved Africans reshaped language, mindset, and interpretations globally. Today, ‘Black man’ is a racialised concept, even among young children.[[39]](#footnote-40) Eradicating the game’s racialised context, born of systemic racism’s persistent reinforcement of racial hierarchy, is not merely an educational enterprise. Instead, defending a game grounded in fearing contamination by Blackness, and avoiding Blackness to win, involves an unreasonable expectation that, ideally, children suspend awareness of the plain language of everyday racism, in favour archaic framings of ordinary language. Words have power, often beyond their original intent and grounded in the context of today. The game’s actual effect, to reinforce racial hierarchy, is a ‘racially discriminatory effect,’ within the definition of the ICERD.

38. People of African descent are under-represented in many sectors of Swiss society, even in mechanisms established to address racism where their lived experience could offer leadership. This may grossly impact the competence, creativity, approachability, and expertise of these mechanisms to effectively deal with racism.[[40]](#footnote-41) People achieving high status in Swiss society still experience racism Also, as one adolescent noted: ‘To grow up as a child and not see yourself in positions has an impact’.

39. Racialized hate speech in political rhetoric is a particularly toxic form of racism, sometimes erroneously characterized as political speech. Curbing racist hate speech in political campaigns is often falsely labelled partisan activity. Political campaigns have openly used xenophobic language and degrading, racist imagery. The “Black sheep" campaign ("Schäfchenplakat") in 2007, offers a powerful example of mobilizing negative racial stereotypes. Notably, this imagery was replicated in other European campaigns, i.e., the renegotiation of political speech to normalize racism is crossing borders.

 C. Law enforcement, racial profiling, and impunity

41. The Working Group is deeply concerned about the treatment of people of African descent by law enforcement and the justice system in Switzerland.[[41]](#footnote-42) Despite overrepresentation as the objects of enforcement activity, there is a clear lack of representation of persons of African descent in policing, the judiciary, and prisons, which sustains a cultural competence gap in the system. Racial profiling and impunity for racialized misconduct remains a significant challenge.

42. During its visit, the Working Group heard testimonies of a lesser liberty experienced by people of African descent.[[42]](#footnote-43) Boys and men of African descent *not* facing criminal charges or individualized suspicion consistently reported experiences of police reinforcing negative racial stereotypes in the public realm. Rampant racial profiling, police controls, invasive searches in the street, public strip searches, cavity searches, racist slurs and “humour”, violence, and the expectation of impunity was described as routine. For many, complex negotiations to minimize ubiquitous racialized harassment and police misconduct are a part of life. Roger Nzoy Wilhelm, shot and killed by police in 2021, adapted routine strategies to minimize police harassment, as he was frequently subject to stops and searches. These included never meeting at the Zurich train station, a frequent place for racialized police stops. He carried his Swiss passport at all times and extra backpacks so he would appear to be a tourist. In his own country, he constantly navigated racialized truths, including the conditional nature of his liberty as a young, Black man - a conditionality evident when he was killed at a distance by police who claimed self-defense, until a video belying this claim emerged. Police misconduct reported throughout Switzerland indicates liberty looks different for people of African descent.

43. The Working Group spoke with the family of Nzoy Roger Wilhelm, who was killed by police on a train platform in Morges (Canton of Vaud) in 2021The Government indicates the criminal investigation continues, by the Public Prosecutor’s Office in Vaud with Detachment of Special Police Investigations (DISPO) investigators, a special unit for criminal investigations relating to police activity. The police officers remain in active service. The Working Group has also followed closely the cases of Mike Ben Peter, asphyxiated by police in Lausanne; Lamin Fatty, found dead in a police cell in Blecherette-Lausanne; Herve Mandundu, killed by police in Bex; Mohammed Wa Baile, seeking justice for unlawful racial profiling in Zurich, and Omar Mussa Ali, shot several times by the police in Zurich. Each of these cases represent the violence of racial profiling, and families’ quest for justice in a system that is sluggish and unwelcoming. Notably, these examples have not prompted an investigation of systemic racism in law enforcement by either cantonal or confederation authorities in Switzerland.

44. The Working Group has serious concerns about excessive use of force and the expectation of impunity by the police. In Vaud, several men of African descent were killed by the police in the past five years. There, despite persistent allegations of police brutality, misconduct, and abuse of authority, police questioned the validity of claims of racial profiling and police misconduct and suggested that citizens should record police encounters, although citizen recordings of police encounters have also triggered arrests and prosecutions. In other cantons, police denied racial profiling was pervasive or systemic and in multiple cantons introduced proxy variables for race, including “hip hop culture.” In policing contexts, violence against people of African descent was sometimes attributed to individual misconduct, although training has mitigated neither citizen concerns nor abuse of authority. The Working Group was informed that there are no official statistics on deaths in police custody. Yet, the state must fulfil its obligation to prevent racial discrimination in intent or effect under the ICERD.

45. In addition, obstacles to access to justice persist. Victims’ families reported pervasive disregard, including refusal to conduct rigorous investigations, premature conclusions of self-defense or suicide-by-cop in advance of an investigation, and requiring families to navigate significant barriers to compel investigations to pursue justice. Families report the need to retain expensive counsel and experts to have evidence considered or to develop a case to for the court,[[43]](#footnote-44) and navigate significant barriers to prove their right of claim. Testimonies and procedural histories in these cases raised concerns of independence and the chilling effect on the victims’ rights to due process. Financially prohibitive citizen litigation is also not viable as a primary means of defending human rights against racism.

46. People of African descent frequently reported reprisals, counter-charges, and lack of redress for police misconduct. Civil society claims State institutions, including the courts, are complicit in excusing police abuse of authority, refusing to acknowledge systemic racism in law enforcement, and licensing police misconduct.[[44]](#footnote-45) The Working Group also heard direct reports of arrests and prosecutions for filming police misconduct. One man of African descent reported CHF4,000 court fines after filming police strip-search and publicly display naked people of African descent in Basel, on the basis of the claim of interference with police.[[45]](#footnote-46) Notably, the Swiss Government could not identify any convictions, acknowledging there were, at most, very few prosecutions, internal investigations, or disciplinary proceedings of police officers involved racialized violence or misconduct descent.

47. Few cantons have adopted the use of body-worn cameras. They are currently or imminently in use in only three police corps. Pilots of body-worn cameras have occurred in Zurich (2015) and Vaud (2019). The city of Zurich will introduce body-worn cameras in 2022. A 2020 evaluation in Vaud and Lausanne recommended adoption, as helpful to professional development, training, forensic activity, and collaboration. Yet, despite preparatory activity, Vaud has not publicized any timeline adoption.[[46]](#footnote-47) Local restrictions may also limit cameras’ utility. For example, cantonal police in Bern carry cameras, but may record only specific crimes. To promote accountability, body-worn cameras must be active for all police-civilian encounters, including but not limited to street stops that do not result in arrest.

 Prisons

48. The Working Group met with people of African descent incarcerated at JVA Pöschwies in Zurich and in the Centre de la Blécherette-Police Cantonal in Vaud. At JVA Pöschwies, multiple people in detention reported verbal harassment, violence, and frequent acts of provocation by prison and security personnel, including the use of racial slurs and negative racial stereotypes with impunity. Centre de la Blécherette has been subject to complaints of brutality, abuse of authority, and serious concerns at the length and condition of detention in police cells there.

49. Concerns existed at prison personnel’s influence in the determination of measures and the extension of measures, and the nature of judicial oversight. Repeated or long-term use of solitary confinement for punishment and/or administrative segregation presents concerns of inhumane conditions of confinement. Under Article 64 (Criminal Code), certain people deemed too dangerous to release may remain interned, a serious concern echoed by the Committee Against Torture.

 Emblematic case of Racial injustice

51. The Working Group has followed closely the case of Brian K., a case of a stolen childhood and a superimposed adult identity with stark racial connotations. Brian K. was a “twice exceptional” child penalized for his special needs, beginning with arrests and detention at the age of eleven and continuing today. The Working Group met with Brian K., in person, at Pöschwies Correctional Facility in Zurich. Racial discrimination and injustice are evident at every stage of this case, from the earliest days, including denial of childhood, access to family, and education. Continued orders of incarceration, often in facilities unsuitable for his young age, and years of solitary confinement suggest the State’s strong reliance on negative racial stereotypes and racialized beliefs about Black men and boys. Brian K.’s situation presents a stark example of systemic racism in Switzerland and fully deconstructing the decision-making at each stage of this case could engender valuable reflective feedback for the state. Given the express concerns of the UN Special Rapporteur on Torture and the UN Working Group on Arbitrary Detention, the Working Group of Experts on People of African Descent notes the recent federal decision mandating improved detention conditions and a review of provocation or justifiable necessity dating back to his earliest arrest on charges later dismissed as unfounded, at the age of 11.

 D. Structural discrimination

52. People of African descent experience significant structural racial discrimination, and anti-Black racism, with serious impact to economic, social, cultural civil, and political rights.

 Employment

53. Racism in the workplace is among the most frequent complaints to the government. Significant research confirms that racial and ethnic discrimination in employment is a persistent problem in Switzerland.[[47]](#footnote-48) These concerns were also raised to the Working Group by people of African descent who had faced racial discrimination on the basis of their names, skin color, race, hair, and other related grounds. Certain normalized practices, including the routine use of photos in job applications, may fuel less transparent racial discrimination at the selection stage. People of African descent report racial discrimination, micro aggressions, sexual harassment, humiliation, unequal treatment, and disparaging behaviour.

54. The Government disclosed certain actions in response to concerns at discrimination in the workplace, including recommendations to deter misconduct toward highly qualified migrants.[[48]](#footnote-49) In Neuchatel, Roadmap for Equality and Diversity was adopted in 2018. Nevertheless, frameworks such as the National Action Plan on Business and Human Rights do not contain standards on racial or ethnic diversity.

 Family Regulation

55. The Working Group heard several reports of family policing and regulation by child protection officials, and the involuntary removal of children from parents of African descent. Often, racialized rationales were offered to justify these extraordinary decisions. The possibility of mediation is often not given to parents of African descent. In some cases, caseworkers or guardians made decisions without speaking to the children, questioned the provenance of the parents’ clothes and property, and interpreted school difficulties as parenting failures, even where no communication with parents occurred. Racial tropes, like the hypersexualization of Black girls, were inappropriately instrumentalized to interpret misconduct and devalue Black parenting. Characteristics of Swiss culture, rather than child development, delineate parenting adequacy, to the disadvantage of parents of African descent.

56. While children are being removed from their parents under the guise of child protection, some calls for child protection by people of African descent are deprioritized. In the case of a 9-year-old child of African descent experiencing many years of sexual abuse by a white parent, persistent delays and a lack of urgency was afforded the case filed by her mother, a woman of African descent, in the Swiss courts. Delays in due process, as court hearings were postponed, have occulted interventions to address the trauma the child has experienced. It appeared that no court order of protection immediately barred or conditioned the alleged abuser’s contact with children, an unusual omission in cases of accused sexual crimes against children. Similarly, asylum-seekers of African descent found their status as children disregarded in asylum decisions, including in evaluating their trauma.

57. At the same time, the racialised experiences and survival skills of children of African descent are reportedly under-served. A psychologist of African descent reported important work with families with Black children with a white parent, to dismantle racism in private spaces. SCRA also reports programming including the "Racism in Family Systems" project focused on transracial adoption.

 Education

58. The Working Group heard reports of racial discrimination in all levels of education from nearly every person of African descent it encountered. In every city, discrimination in schools included bullying, racial slurs, and inferences that children of African descent lacked relevant language skills, even for native Swiss-German speakers, by students and teachers. Students, advocates, and parents reported racialized decision-making by school personnel that revealed a parallel education track for students of African descent. Black children experienced harsh racial disparities in discipline, teacher engagement, ‘benefit of the doubt’, and recognition of the trauma of these incidents. Students of African descent were channeled routinely into “special needs” classes and deterred from mathematics and science education. One ambidextrous child was made to see a psychologist for years by state authorities, when the school claimed using both hands required a mental health intervention. One student who sought to study science was deterred by a teacher who stated, “There will be no one to translate the official documents your mother receives if you go to university.” Another was told, “You don’t need to work so hard; you just need the grades for an apprenticeship.”

59. In addition, attempts to amplify the racialized steering of students was met by a pervasive culture of denial. Teachers reportedly denied even the possibility that children could express racism (*see supra* at ¶37). The Working Group reviewed classroom materials uniquely depicting people of African descent in racially degrading positions, including a woman on her knees in a very short, tight dress and a boy throwing a stone through a glass window, yet initially defended by the school. Consistently, parents of African descent who raised concerns or disagreed were ostracized and excluded from further school communications. The Conference of Cantonal Ministers of Education questioned the validity and the significance of the many, many reports of racism in schools received by the Working Group, seeking to label them as isolated or fabricated despite clear evidence of a systemic problem. Throughout Switzerland, children of African descent are subject to harmful racial stereotypes and assumptions about their ability, their potential, and their proper place in society as adults.

60. Authors of African descent are largely absent from the Swiss curriculum. Swiss students enter university without understanding the historical or analytical contributions of people of African descent to Swiss culture. Although some curricula embed historical context relating to colonialism and transatlantic trade in enslaved Africans, these include false or inaccurate narratives. Graduate students centring Black academics in their research faced criticism and penalties directly linking the lack of white representation. Implicitly and explicitly, students learned credibility and success required situating analyses within existing oeuvres of white academics, rather than the entire body of work in their field. These and other persistent reports, of conduct at multiple universities, point to a systemic racism directly impacting undergraduate and graduate students of African descent who are subject to diminished expectations, as well as racial disparities in grading, mentorship, and opportunity that disappeared with grade-blind or other anonymizing measures. Another concerning inference of systemic racism arises, *i.e.,* that systematically, white, European academics may reflexively or defensively devalue the academic work of researchers of African descent.

 Health

61. Failure to interrogate medical personnel’s racialized beliefs may endanger health and lives. Many people of African descent encountered disdain or disregard when presenting illness, pain, or clinical symptoms to medical personnel. Inadequate translation facilities significantly impacted health care. One psychologist reported durable barriers to psychological or addiction services for patients lacking German fluency, obstructing access for most people of African descent in need of care.

62. Women of African descent reported misconceptions that they were built for childbirth, could endure more pain, and exaggerated pain. Many reported denials of pain medication during childbirth. In multiple cantons, women of African descent reported diagnoses of “Mediterranean Mania,” or “Mamma Mia Syndrome,” medical shorthand for melodramatic. Treatment for one woman with stage 4 fibroids was denied for one year, while excruciating pain was dismissed by medical personnel.

63. Despite Switzerland’s pluralism, medical protocols baselined white experience, routinely fail to include presentations for dark-skinned persons, and failed to serve diverse Swiss patients. Women of African descent were misdiagnosed (including as infertile), experienced treatment delays for conditions impacting reproductive health, including fibroids and endometriosis, and were subject to invasive procedures without notice or consent. One pregnant woman’s symptoms were dismissed and doctors failed to screen for pre-eclampsia, leading to late-term pregnancy loss at 5 months. During the pandemic, one patient reported being ridiculed by medical personnel at concerns that pulse oximeters overestimate O2 levels for Black patients.[[49]](#footnote-50)

64. Young LGBTI persons of African descent report challenges to access appropriate health care and guidance for people with diverse sexual orientation or gender identity. One LGBTI woman of African descent reported prurient questions, microaggressions, and homophobic comments by medical personnel throughout her high-risk pregnancy, from seven different doctors involved in her pregnancy. Her race licensed bald curiosity and a different standard of care, including demands to justify the sperm donor’s race, references to the donor as ‘father’ and to the non-pregnant parent (her wife) as a surrogate, and conduct of medical procedures without information or consent. Pediatric personnel continue to make racialized comments about “strong African babies” and criticizing the infant’s strong will. Others reported intersectional violence occurs regularly in the health field.

65. Chronic racial stress was significant for people of African descent, exacerbated by health interventions characterizing racial tropes as medical advice. For example, a psychologist advised one woman seeking assistance for racial stress occasioned by long-term workplace racial harassment that shifting from gold to silver jewelry and reconsidering her workplace attire could address workplace misconduct, sexualizing her and implying her appearance, rather than her harassers’ misconduct, was driving persistent racial harassment.

66. Foreign doctors experience xenophobia from Swiss patients refusing care. To combat discrimination faced by migrants, the Government indicated that, among other measures, they are participating in the Hospitals for Equity Network, an EU initiative to support migrant populations.

 Housing

67. Racial discrimination persists in the Swiss housing market. The government identifies 3 *de facto* barriers facing many people of African descent, including lack of knowledge of the unwritten rules of the housing market, rental discrimination, and certain legislated exclusions. In Switzerland, only 37% of Swiss own their homes and rent to income ratios are high. Many people in Switzerland gain housing security through cooperatives, whose memberships largely exclude non-European nationals (*Lex Koller*), absent certain exceptions. There is also discrimination in the rental market, particularly impacting Muslims and people of African. In addition, social and spatial racial segregation occurs in housing, irrespective of Swiss nationality, based on appearance or name.

68. Migrants and asylum-seekers of African descent face particular housing challenges, particularly those in limbo after denials of asylum despite fleeing war-torn homelands. Although all children are protected by the Convention of the Rights of the Child, the Working Group heard direct testimonies from Eritrean women, unable to return home, whose children live in precarious, substandard conditions, given restrictions once asylum claims are denied.

69. Private landlords’ use of racial stereotypes and tropes as a proxy for risk assessment for tenants, and government’s minimizing of this misconduct, is a serious but common form of systemic racism, involving both abuses and violations of human rights. The claim that a greater housing supply would remove persistent barriers faced by people of African descent fails to engage the reality of systemic racism, which impacts housing for people of African descent throughout the global north.

 V. Conclusions and recommendations

 A. Conclusions

70. **The United Nations Working Group of Experts on People of African Descent thanks the Government of Switzerland for cooperation in the fact-finding visit and thanks the Federal Department of Foreign Affairs for organizing the visit.**

71. **The Working Group welcomes good practices and positive steps taken to guarantee the human rights of people of African descent including:**

(a) **Steps to establish an operational national human rights institution;**

(b) **Acknowledgement of the Durban Declaration and Programme of Action (2001) as a comprehensive framework for the fight against racism;**

(c) **Zurich’s launch of the International Decade of People of African Descent in 2020;**

(d) **Planned working groups on the December 2021 recommendations of the Committee on the Elimination of all Forms of Racial Discrimination;**

(e) **Incitement of racial hatred prosecutions, including of public officials;**

(f) **state support for civil society anti-racism initiatives, particularly those conducted by people of African descent;**

(g) **Emerging public discourse on racist and/or colonial symbols in public space;**

(h) **Geneva’s specific focus on anti-Black racism as a particular form of human rights violation, financial support for the fight against anti-Black racism, including UPAF and the Couleur Café Festival, and the important work of the Listening Against Racism Counselling Centre;**

(i) **Iterative, recursive, and data-driven processes to improve anti-racism interventions. In Geneva, the Bureau for the Integration of Foreigners’ 2016 shift in its racism-prevention policy specifically recognized anti-Black racism, facilitating a process of refining of tenders and calls over time, to improve outcomes. The Cantonal Integration Programme’s approach to non-discrimination resulted in a separate funding mechanism, counselling centres in each canton, and contact points for racism throughout Switzerland. Further refinement would enhance impact, but an evidence-based approach is laudable.**

(j) **Consultations convened in Geneva comprised exclusively of people of African descent from across the Diaspora, amidst public demands for change in 2020, and 12 formulated measures to inform anti-racism activities, partial implementation of which are underway.**

72. **Despite positive measures referred to above, the Working Group is concerned about the prevalence of racial discrimination and the human rights situation of people of African descent in Switzerland. Notably, the many individual instances of misconduct and racial discrimination cited throughout this report are not outlier incidents. The ubiquity and impunity of this misconduct indicates a serious systemic problem exists.**

73. **Although Switzerland has ratified relevant international human rights instruments, this was sometimes unrecognized at cantonal levels, including the affirmative obligation to prevent and combat racial discrimination in intent or effect. Cantonal independence, as well as the distance between cantonal operations and the primarily federal competence for human rights, was cited as a structural barrier to racial justice even though matters of national priority, like police training and asylum determinations, operate centrally and are effectively federalized.**

74. **Intersectionality implicates distinct experiences, including extremes of violence and vulnerability. The varying experiences of racial discrimination that women, migrants, children, and LGBTI people of African descent experience should inform a complex understanding of systemic racism and relevant interventions.**

75. **Racialized mistreatment of people of African descent is not mitigated by Swiss nationality. Even Swiss-born people of African descent report discrimination and presumptions they are migrants or refugees, i.e., “other”.**

76. **The framework to address racialized acts and omissions is inadequate. Many existing mechanisms lack binding authority. Courts cannot offer a meaningful remedy for many.**

77. **Switzerland’s ties to colonialism and the trade and trafficking in enslaved Africans are relevant to modern manifestations of racial discrimination. Switzerland’s modern-day wealth is directly connected to legacies of enslavement. Swiss municipalities, banks, and individuals invested heavily in the trade and trafficking in enslaved Africans and in the apartheid system. Textile, chocolate, and coffee industries instrumentalized enslavement and colonialism.**

78. **Switzerland does not maintain racially disaggregated data, and therefore struggles to examine political decisions, policy, and practice for their impact to racial discrimination or the racialized violation of human rights, an ongoing, fundamental barrier to recognizing ongoing racial discrimination and injustice across sectors.**

79. **The Working Group heard shocking reports of police brutality and the expectation of impunity. Global demand for policing reform in 2020 appears not to have affected policing practices. Instead, police operations include brutal arrests, racial profiling, degrading treatment and the reinforcing of negative racial stereotypes in public spaces.**

80. **Barriers in access to justice for victims of police brutality and their families persist. Families surmount state-constructed barriers, retain expensive counsel and experts, and prove “close relationships” to pursue justice.**

81. **Inadequate dialogue on systemic racism and the influence of negative racial stereotypes in decision-making by police, prosecutors, or courts has facilitated a culture of denial that obstructs accountability and reforms.**

82. **Inadequate independence insulates the investigation of police misconduct and brutality from undue influence and longstanding relationships within the justice sector or5 the police chain of command. In practice, the proximity of the police, public prosecution, and judiciary, and the exercise of prosecutorial discretion, obstructs independent investigation of misconduct and impacts due process guarantees of fair hearing and fair treatment.**

83. **People of African descent reported hair discrimination, an undue burden that polices Black identity and upholds white supremacy. Formal and informal dress codes and ‘grooming policies’ prohibiting natural hairstyles have inappropriately justified exclusion of people of African descent from employment and advancement.**

84. **Many people of African descent face legal barriers to cooperative ownership. They also experience significant difficulty securing housing in the private market given, according to officials, unwillingness or inability to influence private landlords’ racial discrimination.**

85. **Rejected** **asylum-seekers, despite ongoing conflict in Eritrea for example, live in precarious conditions that may violate human rights. Unfavourable treatment designed to encourage persons denied asylum to leave Swiss territory creates desperation and escalates harm to young children whose parents lack social support and access.**

 B. Recommendations

86. **The following recommendations are intended to assist Switzerland in its efforts to combat all forms of racism, racial discrimination, xenophobia, and related intolerance. The Government should:**

 87. **Implement Switzerland’s international commitments at the cantonal level and below, as well as the recommendations of the CERD, the Universal Periodic Review, and other national, international, and intergovernmental recommendations to address racial discrimination faced by people of African descent.**

88. **Strengthen the forthcoming national human rights institution, including implementing a mandate to adjudicate individual complaints of racial discrimination or operate as an ombudsperson, and allocate human and financial resources adequate to the scope of its responsibilities, in full compliance with the Paris Principles. This includes ensuring effective coordination with the Federal Commission Against Racism.**

89. **The State should assess and scale effective local and international anti-racism initiatives in cantons in a nationwide reckoning with systemic racism and individual racial discrimination. Decentralization should not limit compliance with international treaty obligations, including the ICERD’s prohibition of racism in intent or effect and the affirmative obligation to address racial discrimination.**

90. **Issue a specific country visit invitation to the International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement.**

91. **Urgently review how the use of discretion feeds systemic racism in different sectors (i.e., education, policing, etc.), perpetuating racial inequity. The individual incidents reported herein are not isolated incidents but examples of ways systemic racism impacts human rights in Switzerland and an opportunity to dismantle systemic racism and the culture of denial. The State should engage individuals with relevant expertise to conduct a nationwide racial equity audit across all institutions, centre experiences of people of African descent, define issues and develop productive approaches. With respect to policing, this should include implementing the transformative agenda by the UN High Commissioner for Human rights (*see supra* n. 31 and accompanying text), the recommendations set forth herein, and adopting relevant civil society recommendations.**

92. **Revisit policies on racially disaggregated data, as Switzerland may fail in its human rights and anti-racism commitments without racially disaggregated data to illustrate areas of ongoing concern, show trajectories of improvement, and highlight racial disparities that may inform anti-racism efforts. Expertise in anti-Black racism and the legacies of racialised policy may also assist reform.**

**93. A civilian, independent complaint mechanism with oversight and disciplinary authority is necessary for police in every Canton. It should be competent to review injuries and fatalities during police operations, in custody, and asylum centres. Its determinations should not be reversible by law enforcement leadership.**

94. **Embed genuine independence into investigation and prosecution of public officials’ misconduct. An independent prosecutor should be appointed for all investigations of serious police misconduct. Police charged with violence should immediately be reassigned or suspended until final determination.**

**95. The individual incidents reported herein represent credible concerns that the Working Group heard repeatedly. The government should recognize the systemic nature of the incidents of racial discrimination reported by the Working Group, devise solutions consistent with its anti-racism obligations in partnership with people of African descent, and pilot remedies and reform broadly.**

96. **Body-worn cameras should record all policing activity, including street encounters, and be publicly available.**

97. **Greater oversight of detention facilities should ensure strict compliance with the Mandela rules and applicable law, appropriate conduct, availability of effective complaint mechanisms, and investigate manifestations of systemic racism and racial discrimination. The use of solitary confinement requires immediate review.**

98. **Prohibit racial profiling legislatively.**

99. **Adopt the racial profiling parliamentary motion seeking independent, federal Ombudsman Centers for law enforcement agencies.**

100. **Create Conviction Integrity Units, with independent review of law enforcement interactions, from stops to sentencing for racialized decision-making, inadequate evidence, or disregard of human rights.**

101. **Establish an ombudsperson at the federal level and in all cantons.**

102. **Provide specific guidance to health care personnel about systemic racism, including research demonstrating doctors’ decisions may implicitly reflect anti-Black bias, mechanisms to confront and mitigate individual bias, and education about racialized differences in health, risk, and expression of symptoms.**

103. **Address the role of teachers, school administrators, education leadership, and students in systemic racism that appears pervasive at all levels of education, ideally as a part of evaluation and advancement. Compulsory anti-racism training, opportunities to confront and dismantle their own bias, assessments of learning and impact, and maintaining data showing improvement over time should occur regularly for all education personnel.**

104. **Revise school curricula to include cultural and knowledge production of people of African descent. Exemplar projects exist, like diversifying libraries in Vaud and the use of children’s book, ‘Ticheri a Les Cheveux Crepus’ in Geneva. Creches and schools should provide positive, counter-stereotype examples of people of African descent.**

105. **Adopt measures to increase representation by teachers and academics of African descent in educational institutions.**

106. **Convene public conversations to correct history and ensure truthful understandings of historical figures in the public imaginary. Renaming monuments, revising public recognition, and longer-term initiatives may promote a truthful reckoning with history.**

107. **Affirmatively assess whether negative racial stereotypes may drive child removals, parenting assessments, and family separation in the family courts. Ensure access to counsel and a right to immediate review of child removal decisions. The State should elaborate clear measures families may take to ensure return of removed children with all deliberate speed and in the best interests of the child.**

108. **Urgently address asylum-seekers living conditions, employment restrictions and opportunities, and access to health, including after denials of asylum.**

109. **Liberty of contract should neither override nor countervail racial or xenophobic housing discrimination, preventing regulation or remediation in the private rental market. The state should take affirmative measures to raise awareness, confront bias, and incentivise equality in rentals among landlords.**

109. **Provide multi-year funding for initiatives that openly centre leadership with relevant lived experience and members of impacted communities, and particularly associations and projects led by people of African descent. Cantonal integration funding targeted to the host community should include people of African descent in design, selection, and award of grants.**

110. **The Working Group encourages the Government to fully implement the 12 proposals of the 2020-21 consultations in Geneva and elsewhere, as appropriate, and to engage in similar processes in other Cantons.**

111. **The Working Group reiterates its satisfaction at with the Government’s willingness to engage in dialogue, cooperation, and action to combat racial discrimination. We hope this report will support the process and we stand ready to assist in this endeavour.**

1. \* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only. [↑](#footnote-ref-2)
2. \*\* The present report was submitted after the deadline in order to reflect the most recent information. [↑](#footnote-ref-3)
3. The country visit took place during a surge in the COVID-19 epidemic. The Working Group appreciates the safety protocols, vaccination requirements, and accommodations of the Swiss Government and civil society to ensure a thorough fact-finding, including real-time monitoring of conditions. All requested visits and meetings occurred. [↑](#footnote-ref-4)
4. Ms. Reynolds was unable to travel to Switzerland but participated virtually. [↑](#footnote-ref-5)
5. *See* Brengard, M., *et al.,* *Die Beteiligung der Stadt Zürich sowie der Zürcherinnen und Zürcher an Sklaverei und Sklavenhandel vom 17. bis ins 19. Jahrhundert* (2020), 17-18. [↑](#footnote-ref-6)
6. Mohamedou, M. and Rodogno, D., “Temps, espaces et histoires – Monuments et héritage raciste et colonial dans l’espace public genevois: état des lieux historiques (2022), at <https://www.geneve.ch/sites/default/files/2022-03/monuments-heritage-raciste-colonial-espace-public-etude-2022-ville-geneve.pdf>. [↑](#footnote-ref-7)
7. Fässler, H. *Une* Suisse esclavagiste. *Voyage dans un pays au-dessus de tout soupçon* (2007). [↑](#footnote-ref-8)
8. The Working Group commends public and private fact-finding efforts in Switzerland, including rigorous examination of links between Swiss identity and colonialism and calls to revise the approach to colonial history. *See e.g.,* Ritzer, N., *Die koloniale Schweiz? Die postkoloniale Schweiz!,* Didactica Historica (2020), at 3 (citing cooperation of Swiss public institutions in the trade and trafficking in enslaved Africans and a 2018 academic call by for a revised approach to colonial history). *See also* Brengard, *supra* at n. 3, at 12-13, 38-39; Mohamedou, *supra* n. 4 at 48-54*.* [↑](#footnote-ref-9)
9. *See* database of Swiss involved in the trade and trafficking in enslaved Africans, available at [cooperaxion.org | database](https://www.cooperaxion.org/sklavenhandel/). [↑](#footnote-ref-10)
10. *See* Brengard, *supra* at n. 3, at 32-42. [↑](#footnote-ref-11)
11. Buen Retiro, a coffee plantation, reportedly belonged to Escher’s uncles and enslaved 87 Africans. *See* https://www.tagesanzeiger.ch/alfred-eschers-erbe-gruendet-auf-sklavenarbeit-895926834157. [↑](#footnote-ref-12)
12. See Brengard, *supra* at n. 3, at 41. [↑](#footnote-ref-13)
13. *See* Brengard, *supra* at n. 3, at 38-39. [↑](#footnote-ref-14)
14. *Id.* [↑](#footnote-ref-15)
15. Fässler, H., The Fall of a Monument: Alfred Escher and Swiss (Post)Colonial Awareness (2022). [↑](#footnote-ref-16)
16. *Report of the Presidential Committee on Harvard & the Legacy of Slavery,* pp. 35-38 (2022), https://legacyofslavery.harvard.edu/report. [↑](#footnote-ref-17)
17. Raymond, N., *Harvard must face lawsuit over 'horrific' slave photos -Massachusetts court*, Reuters (23 June 2022). [↑](#footnote-ref-18)
18. *See* Mohamedou, *supra* n. 4*.* [↑](#footnote-ref-19)
19. Brengard, *supra* at n. 3. [↑](#footnote-ref-20)
20. *See e.g., Mountain linked to racist scientist Agassiz to keep its name*, SWI (9 July 2020). [↑](#footnote-ref-21)
21. One site of memory in Valais, the oldest abbey in Europe, is dedicated to St. Maurice, a Black saint who prevented a genocide and was martyred with 6500 Black men. [↑](#footnote-ref-22)
22. *See e.g.,* Huber, S. YOU NAME IT, https://www.thepowerplant.org/Exhibitions/2022/Winter-2022/YOU-NAME-IT.aspx. [↑](#footnote-ref-23)
23. CERD, *Concluding observations on the tenth to twelfth periodic reports of Switzerland* (27 December 2021). [↑](#footnote-ref-24)
24. In 2016, the Bureau for the Integration of Foreigners (BIE) shifted implementation of its racism prevention to specifically target anti-Black racism (which was most prevalent) in tenders. Since 2017, the City of Geneva partners with the Afro-Swiss collective to conduct anti-Black racism interventions. [↑](#footnote-ref-25)
25. *See* <https://conseil-municipal.geneve.ch/conseil-municipal/objets-interventions/detail-objet/objet-cm/1446-177e>); <https://www.geneve.ch/fr/themes/developpement-durable/municipalite/engagements-societe/egalite-diversite/diversite/appel-projets>. [↑](#footnote-ref-26)
26. *See* Mohamedou, *supra* n. 4. [↑](#footnote-ref-27)
27. *See* Motion 21.4462. Although Ombudspersons exist in five cantons and five cities, as well as an independent complaints office in the Canton of Geneva, there is no federal equivalent. [↑](#footnote-ref-28)
28. Federal Statistics Office, *Attitudes towards Diversity and commitment to anti-racism: Survey on diversity and coexistence in Switzerland: results of the 2021 Diversity module* (24 March 2022), at 5. [↑](#footnote-ref-29)
29. *Id.* at 5-7. [↑](#footnote-ref-30)
30. Réseau victimes de racisme monitorage (network-racism.ch). [↑](#footnote-ref-31)
31. https://network-racism.ch/cms/upload/220502\_humanrights\_Rassismusbericht\_2021\_fr\_online.pdf. [↑](#footnote-ref-32)
32. By monitoring COVID-19 levels, Swiss authorities facilitated the Working Group’s visits to requested facilities. [↑](#footnote-ref-33)
33. *See* A/HRC/47/53 (Jun. 2021) and *Conference Room Paper,* A/HRC/47/CRP.1. [↑](#footnote-ref-34)
34. *Compare Lingurar v. Romania,* E.C.H.R. No. 48474/14 (16 Apr. 2019) at ¶80(“[W]here there is evidence of patterns of violence and intolerance against an ethnic minority, the positive obligations incumbent on member States require a higher standard of response to alleged bias-motivated incidents”). [↑](#footnote-ref-35)
35. 21% of people living in Switzerland believe they are not perceived as “Swiss”, including 12% with Swiss nationality. Among non-migrants, 7% believe their physical appearance occults perception as “Swiss”. Yet, 91% of Swiss residents, irrespective of nationality, identify with Swiss culture. *See* Federal Statistics Office, *supra* n. 26 at 2. [↑](#footnote-ref-36)
36. *Id.* [↑](#footnote-ref-37)
37. See e.g., Goodchild, S. et al., When four-year-olds were asked to pick a troublemaker from a set pictures, guess who they chose, Independent (2 Jan. 2005). [↑](#footnote-ref-38)
38. *See e.g.* Simona Marty, *Quarrel over child’s play*, 20 Minutes (June 14, 2013), at <https://www.20min.ch/story/streit-um-kinderspiel-793393691795> (Federal Commission against Racism president dismissed parent concerns); Meritxell Mir, *Parents slam school over ‘racist’ game*, The Local (17 October 2011), https://www.thelocal.ch/20111017/1496/ (Valais education department chief labels game harmless, disparages political correctness). [↑](#footnote-ref-39)
39. Sullivan, J., et al., *Adults Delay Conversations About Race Because They Underestimate Children’s Processing of Race*, Journal of Experimental Psychology(Aug. 2020). [↑](#footnote-ref-40)
40. *Id*. [↑](#footnote-ref-41)
41. Notably, the disproportionate enrolment of people of African descent in educational programmes at JVA Pöschwies is one indicator of widespread interest in rehabilitation, opportunity, and preventing recidivism. [↑](#footnote-ref-42)
42. Although Switzerland heralds its diversity, the Federal Office of Statistics notes Swiss recognition that racial and ethnic diversity may inspire discomfort. In addition, 38% of people who believe they cause discomfort in Switzerland report that they do not look "Swiss". 21% of this same group reported experiencing discrimination. *See* Federal Statistics Office, *supra* n. 26 at 5. [↑](#footnote-ref-43)
43. Reports indicate Mohamed Wa Baile spent nearly CHF100,000 in the racial profiling case pending before the European Court of Human Rights. Julia Crawford, *Why Switzerland should be doing more to fight racism*, SWI (27 Dec. 2021). [↑](#footnote-ref-44)
44. See *Alternative Report to Switzerland’s Fourth Periodic Report to the Human Rights Committee*, Alliance against Racial Profiling, May 2017, para 31. <https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CHE/INT_CCPR_CSS_CHE_27501_E.pdf>; *see also* https://www.stop-racial-profiling.ch/en/2020/12/14/federal-court/. [↑](#footnote-ref-45)
45. According to the government, these prosecutions charge "obstruction of an official act", "violence and threats against officers" or "failure to comply with a police order". [↑](#footnote-ref-46)
46. *See* University of Lausanne, *Rapport d’évaluation Essai-pilote des caméras-piétons (bodycam) dans le canton de Vaud et en ville de Lausanne* (2020), <https://www.vd.ch/fileadmin/user_upload/organisation/dse/polcant/fichiers_pdf/2020/Polcant/Rapport_d_%C3%A9valuation_bodycams_.pdf>. [↑](#footnote-ref-47)
47. *See e.g.,* Auer D, *et al.*, *The Matching Hierarchies Model: Evidence from a Survey Experiment on Employers' Hiring Intent Regarding Immigrant Applicants.* International migration review(2018); Hangartner D, *et al.,* *Monitoring hiring discrimination through online recruitment platforms*. Nature (January 2021); Fibbi, R., *et al.,* *Discrimination des personnes hautement qualifiées issues de la migration dans le domaine social* (2018). *See also* Quillian L., *et al.,* *Evidence from field experiments in hiring shows substantial additional racial discrimination after the callback*. 99 Social Forces 732-759 (2020). [↑](#footnote-ref-48)
48. *See Recommandations de la Commission fédérale contre le racisme sur la problématique de la discrimination des personnes issues de la migration hautement qualifiées dans le domaine du social* (2020). [↑](#footnote-ref-49)
49. *See e.g.,* Fawzy A., *et al.,* *Racial and Ethnic Discrepancy in Pulse Oximetry and Delayed Identification of Treatment Eligibility Among Patients With COVID-19*. 182 JAMA Intern Med. 730–738 (2022). [↑](#footnote-ref-50)