

Delegation of Switzerland

**STATEMENT BY THE DELEGATION OF SWITZERLAND
AT THE OSCE HIGH-LEVEL CONFERENCE ON TOLERANCE AND
NON-DISCRIMINATION (INCLUDING HUMAN RIGHTS YOUTH
EDUCATION ON TOLERANCE AND NON-DISCRIMINATION)**

Tirana, 21 and 22 May 2013

**Opening plenary session: Combating intolerance and discrimination in the
OSCE area. Implementation of the relevant OSCE commitments**

Ladies and gentlemen,

Switzerland expresses particular thanks to the Albanian authorities for their initiative and hospitality. Switzerland is also grateful to the Office for Democratic Institutions and Human Rights and to the Ukrainian Chairmanship for convening this High-Level Conference.

In spite of our ongoing commitment, tolerance and non-discrimination remain at the top of the agenda for each of our participating States, as well as for our Organization, and deficiencies remain. We therefore welcome this Conference as it provides an opportunity to build on exchanges of opinion and identify current needs.

Switzerland is tackling violations of civil, political, economic, social and cultural rights based on discrimination, racism and exclusion. Various legal provisions in Switzerland aim to offer protection against discrimination. The Federal Constitution forbids any form of discrimination based on origin, race, sex, age, social status, lifestyle, political or philosophical beliefs, or because of the physical, mental or psychological disability. The Constitution protects religious freedom, freedom of conscience, and freedom of expression. At all three levels of government, public authorities have an obligation to respect fundamental rights and to contribute to their realization. Racial discrimination is subject to criminal sanctions. Furthermore, many provisions in private law allow individuals to defend themselves against discrimination. These include the principles of good faith and of protection of the person, which are enshrined in the Civil Code, as well as the prohibition of illegal agreements and agreements contrary to public morals or public order.

While the current legislative base offers adequate protection against discrimination, legal understanding and access to justice must still be improved in order to strengthen the implementation of the legislation in force.

Non-discrimination is a fundamental principle of human rights. The list of grounds for discrimination appearing in the International Covenant on Civil and Political Rights and in

other major instruments is not, in fact, complete. We cannot question the fact that sexual orientation and gender identity are today recognized as grounds for discrimination forbidden under international law. Our understanding of human rights therefore requires that they apply to all without discrimination.

The issue of discrimination against lesbian, gay, bisexual and transgender individuals remains a divisive issue. It is therefore all the more vital to continue to engage in constructive dialogue on this issue with all States. We therefore call on all participating States to enter into this process of dialogue, which is at the heart of the OSCE's values, in spite of their differing opinions and positions.

The Swiss Confederation, the cantons, local administrations, non-governmental organizations and the private sector have been undertaking vital efforts towards prevention and awareness-raising to assist victims of discrimination for some years. Much, however, still remains to be done in order to protect potential victims.

That this Conference should focus on educating young people in tolerance and non-discrimination is particularly relevant. School is a mirror for society. Discrimination and racism are social problems which also arise in the classroom and in the playground. Schools are appropriate places to tackle the causes and consequences of racial discrimination and to develop and implement measures to combat these.

The Swiss Conference of Cantonal Ministers of Education recognizes that in Switzerland, the coexistence of individuals who come from other countries and have a different culture poses a challenge for the education system. The integration of migrant children and the guarantee of a high-quality education for all lie at the heart of the measures that have been taken. The idea of segregating migrant and non-migrant children in schools has been rejected. This principle of integration also applies to children without identity papers. The cantons have confirmed the right to education and the principle of schooling such children, regardless of their immigration status.

Ladies and gentlemen,

Allow me to close by presenting the most recent information at our disposal. Indeed, barely ten days ago, the conclusions of a report on the situation of Muslims in Switzerland were published. This study is an integral component of the measures taken by the Swiss authorities to respond to the desire for more thorough information after the adoption of the popular initiative "against the construction of minarets" adopted on 29 November 2009. The report shows that the great majority of Muslims participate in Swiss society and that their faith does not expose them to particular difficulties in their day-to-day lives. Furthermore, it rarely leads to conflict. According to the study, existing integration services can adequately respond to problems that may arise. The report confirms that the Muslim community in Switzerland is not homogenous, but, rather, is made up of a multitude of groups, primarily distinguished by their ethnic and national or linguistic origins. These groups have, as a rule, little contact with each other. Experience of day-to-day life reveals that for Muslim immigrants language barriers and socio-cultural issues pose a greater challenge to integration than religious issues. The Federal Council therefore concluded that there was no need to take specific measures to reduce the divergences between religions. The Council is convinced that Switzerland's integration policy provides for a sufficient response to problems that may arise regarding the integration of members of the Muslim community.

Such measures are an example of how we can respond to current challenges. These are processes that we can promote equally well at local, national and international levels. The next two days offer us the chance to take stock of the situation and to commit ourselves once again to better promoting tolerance and combating discrimination. Let us seize this opportunity!

Thank you for your attention.