



# Switzerland

## Ratified the European Convention on Human Rights in 1974

### National Judge: Andreas ZÜND (2021 – 2027)

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Antoine Favre (1963-1974), Denise Bindschedler-Robert (1975-1991), Luzius Wildhaber (1991-2006), Giorgio Malinverni (2007-2011), Helen Keller (2011-2020)

[List of judges of the Court since 1959](#)

The Court dealt with 294 applications concerning Switzerland in 2020, of which 279 were declared inadmissible or struck out. It delivered 14 judgments (concerning 15 applications), 6 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2019	2020	2021*
Applications allocated to a judicial formation	279	278	151
Communicated to the Government	21	24	5
Applications decided:	281	294	151
- Declared inadmissible or struck out (Single Judge)	254	266	147
- Declared inadmissible or struck out (Committee)	16	11	1
- Declared inadmissible or struck out (Chamber)	5	2	0
- Decided by judgment	6	15	3

\* January to July 2021

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2021	
Applications pending before a judicial formation:	120
Single Judge	17
Committee (3 Judges)	19
Chamber (7 Judges)	83
Grand Chamber (17 Judges)	1

## Switzerland and ...

### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **624** Registry staff members.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### **Tarakhel v. Switzerland**

04.11.2014

Refusal of the Swiss authorities to examine the asylum application of an Afghan couple and their six children and decision to send them back to Italy.

Violation of Article 3 (prohibition of inhuman or degrading treatment) if the Swiss authorities were to send the applicants back to Italy under the Dublin Regulation<sup>1</sup> without having first obtained individual guarantees from the Italian authorities that the applicants would be taken charge of in a manner adapted to the age of the children and that the family would be kept together.

#### **Gross v. Switzerland**

30.09.2014

The case concerned the complaint of an elderly woman – who had wished to end her life but had not been suffering from a clinical illness – that she had been unable to obtain the Swiss authorities' permission to be provided with a lethal dose of a drug in order to commit suicide.

In its Chamber [judgment](#) in the case on 14 May 2013, the Court held that there had been a violation of Article 8 (right to respect for private and family life) of the Convention. It found in particular that Swiss law was not clear enough as to when assisted suicide was permitted. The case was subsequently [referred](#) to the Grand Chamber at the request of the Swiss Government.

In January 2014 the Swiss Government informed the Court that it had learned that the applicant had died in November 2011.

In its Grand Chamber [judgment](#) of 30 September 2014, the Court came to the conclusion that the applicant had intended to mislead the Court on a matter concerning the very core of her complaint. In particular, she had taken special

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<sup>1</sup> The Dublin system is designed to determine the Member State responsible for examining an asylum application lodged in one of the European Union Member States by a third-country national.

precautions to prevent information about her death from being disclosed to her counsel, and thus to the Court, in order to prevent the latter from discontinuing the proceedings in her case. The Court therefore found that her conduct had constituted an abuse of the right of individual application (Article 35 §§ 3 (a) and 4 of the Convention). As a result of the Grand Chamber judgment, the findings of the Chamber judgment of 14 May 2013, which had not become final, are no longer legally valid.

### Cases regarding Article 6

#### **Nait-Liman v. Switzerland**

15.03.2018

The case concerned the refusal by the Swiss courts to examine Mr Naït-Liman's civil claim for compensation for the non-pecuniary damage arising from acts of torture allegedly inflicted on him in Tunisia. No violation of Article 6 § 1 (right of access to a court)

#### **Al-Dulimi and Montana Management Inc. v. Switzerland**

21.06.2016

The case concerned the freezing of the assets in Switzerland of Mr Al-Dulimi and the company Montana Management Inc. pursuant to UN Security Council Resolution 1483 (2003), which provided for sanctions against the former Iraqi regime. Violation of Article 6 § 1 (right to a fair trial)

### Private and family life

#### **Nada v. Switzerland**

12.09.2012

Restrictions on the applicant's cross-border movement and inclusion of his name to a list annexed to a federal Ordinance, in the context of the implementation by Switzerland of United Nations Security Council counter-terrorism resolutions. Violation of Article 8  
Violation of Article 8 taken together with Article 13 (right to an effective remedy)

#### **Neulinger and Shuruk v. Switzerland**

06.07.2010

In this case, the applicant complained about the Swiss authorities' decision that

the return of her child to Israel could be envisaged and was in the child's interests.  
[Violation of Article 8 if the return order were enforced](#)

#### Freedom of expression

##### [Bédat v. Switzerland](#)

29.03.2016

The case concerned the fining of a journalist for having published documents covered by investigative secrecy in a criminal case.

[No violation of Article 10](#)

##### [Perinçek v. Switzerland](#)

15.10.2015

The case concerned the criminal conviction of a Turkish politician for publicly expressing the view, in Switzerland, that the mass deportations and massacres suffered by the Armenians in the Ottoman Empire in 1915 and the following years had not amounted to genocide.

[Violation of Article 10](#)

##### [Mouvement Raëlien Suisse v. Switzerland](#)

13.07.2012

The case concerned the authorities' refusal to allow the association *Mouvement raëlien suisse* (Swiss Raelian Movement) to put up posters featuring extraterrestrials and a flying saucer on the ground that it engaged in activities that were considered immoral.

[No violation of Article 10](#)

##### [Verein gegen Tierfabriken \(no. 2\) v. Switzerland](#)

30.06.2009

The case concerned the Swiss authorities' continued prohibition on broadcasting a television commercial despite the finding by the European Court of Human Rights of a violation of freedom of expression (judgment of 28 June 2001).

[Violation of Article 10](#)

##### [Stoll v. Switzerland](#)

10.12.2007

The case concerned the applicant's conviction for publishing a "strategy paper" drawn up by an ambassador on negotiations between parties including the World Jewish Congress and Swiss banks, concerning compensation due to Holocaust victims.

[No violation of Article 10](#)

## Noteworthy cases, judgments delivered

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### Chamber

#### Right to life

##### [N.A. v. Switzerland \(no. 50364/14\)](#)

##### [A.I. v. Switzerland \(no. 23378/15\)](#)

30.05.2017

The cases concerned the decisions of the Swiss authorities to deport the applicants to Sudan after rejecting their applications for asylum.

In *N.A. v. Switzerland* the Court held in particular that the applicant's political activities in exile, which were limited to merely participating in the activities of the opposition organisations in exile, were not reasonably liable to attract the attention of the intelligence services and found accordingly that the applicant did not run a risk of ill-treatment or torture in the event of his return to Sudan.

[No violation of Article 2 or Article 3 \(prohibition of inhuman or degrading treatment\)](#)

In *A.I. v. Switzerland* the Court held in particular that, on account of his political activities in exile, it was possible that the applicant had attracted the attention of the Sudanese intelligence services. It found that there were therefore reasonable grounds for believing that the applicant ran the risk of being detained, interrogated and tortured on his arrival at Khartoum Airport.

[Violation of Article 2 and of Article 3 \(prohibition of inhuman or degrading treatment\)](#)

##### [Scavuzzo-Hager and Others v. Switzerland](#)

07.02.2006

The case concerned the death of a young drug addict who, when arrested by two cantonal police officers, was in a state of extreme intoxication and lost consciousness. He died two days later in Bellinzona Hospital.

[Violation of Article 2 \(first finding against Switzerland under this Article\)](#)

### **Inhuman or degrading treatment**

#### **[Bardali v. Switzerland](#) (no. 31623/17)**

24.11.2020

The case concerned the applicant's conditions of detention in Champ-Dollon Prison in the Canton of Geneva.

[No violation of Article 3 \(prohibition of inhuman or degrading treatment\)](#)

#### **[B and C v. Switzerland](#) (nos. 43987/16 and 889/19)**

17.11.2020

The case concerned a homosexual couple, one of whom risked being returned to the Gambia following the rejection of his partner's application for family reunification. He alleged he was at risk of ill-treatment if returned.

[Violation of Article 3 if the first applicant were deported to the Gambia on the basis of the domestic decisions in his case.](#)

#### **[A.A. v. Switzerland](#) (no. 32218/17)**

05.11.2019

The case concerned the removal from Switzerland to Afghanistan of an Afghan national of Hazara ethnicity who was a Muslim convert to Christianity.

[Violation of Article 3 in the event of the applicant's return to Afghanistan](#)

#### **[M.O. v. Switzerland](#) (no. 41282/16)**

20.06.2017

The case concerned the complaint brought by an Eritrean asylum seeker that he would be at risk of ill-treatment if deported from Switzerland to his country of origin. The applicant essentially claimed before the Swiss authorities that he was a deserter from military service and, following a period of imprisonment, had escaped and left Eritrea illegally. The authorities found that his asylum claim was not credible and ordered his removal.

[The Court decided that there would be no violation of Article 3 of the European Convention if the expulsion order against the applicant, Mr M.O, were implemented.](#)

#### **[N.A. v. Switzerland](#) (no. 50364/14)**

#### **[A.I. v. Switzerland](#) (no. 23378/15)**

30.05.2017

See cases regarding Article 2

#### **[X v. Switzerland](#) (no. 16744/14)**

26.01.2017

The case concerned the deportation of a Sri Lankan Tamil man and his subsequent

ill-treatment while imprisoned in Sri Lanka (which included beatings).

[Violation of Article 3](#)

#### **[A.S. v. Switzerland](#) (no. 39350/13)**

30.06.2015

Concerned an asylum seeker's impending removal from Switzerland to Italy.

[No violation of Article 3 and no violation of Article 8 \(right to respect for private and family life\) if A.S. were removed to Italy](#)

#### **[Perrillat-Bottonet v. Switzerland](#)**

20.11.2014

The case concerned an identity check and arrest by the Geneva police during which Mr Perrillat-Bottonet claimed to have been subjected to a disproportionate use of force.

[No violation of Article 3 regarding the injury to the applicant observed after his arrest](#)

[No violation of Article 3 regarding the investigation carried out into the applicant's allegations](#)

### **Forced labour**

#### **[Meier v. Switzerland](#)**

09.02.2016

The case concerned the requirement for a prisoner to work beyond the retirement age.

[No violation of Article 4 § 2](#)

### **Right to liberty and security (Article 5)**

#### **[Reist v. Switzerland](#)**

27.10.2020

The case concerned a provisional protective measure ordered against the applicant by the prosecutor for juvenile offenders, pending the delivery of a judgment replacing an initial measure of personal assistance which had proved unsuccessful.

[No violation of Article 5 § 1 \(right to liberty and security\)](#)

#### **[I.S. v. Switzerland](#)**

06.10.2020

In this case, I.S. complained about the extension of his preventive detention (between April and December 2015) despite his acquittal at first instance.

[Violation of Article 5](#)

**I.L. v. Switzerland** (no. 72939/16)

03.12.2019

I.L. submitted that a preventive measure had been imposed on him (between 13 June and 23 September 2016) in conditions that were not provided for by Swiss law. The preventive measure had been ordered on the basis of provisions from the Code of Criminal Procedure governing pre-trial detention, applied by analogy, pending a court ruling on a request for an extension of the institutional therapeutic measure that had been imposed on I.L. five years previously. The maximum duration of that initial measure had just expired.

[Violation of Article 5 § 1](#)

**Porchet v. Switzerland**

07.11.2019

The case concerned the applicant's pre-trial detention in a 48-hour police custody facility and his compensation claim.

[Application declared inadmissible](#)

**T.B. v. Switzerland** (no. 1760/15)

30.04.2019

The case concerned the applicant's "placement for assistance purposes" in the period from April 2014 to April 2015.

[Violation of Article 5 § 1](#)

**Kadusic v. Switzerland**

09.01.2018

The case concerned an institutional therapeutic measure ordered in the case of a convicted prisoner suffering from a mental disorder, a few months before his expected release, as a result of which he remained in prison.

[Violation of Article 5 § 1](#)

[No violation of Article 7 \(no punishment without law\)](#)

[No violation of Article 4 of Protocol No. 7 \(right not to be tried or punished twice\)](#)

**Derungs v. Switzerland**

10.05.2016

The case concerned the length and conduct of the judicial proceedings brought by a Swiss national to end his preventive detention, which had been imposed by a judge for psychiatric reasons.

[Violation of Article 5 § 4 \(right to a speedy decision on the lawfulness of detention\)](#)

[No violation of Article 5 § 4 with regard to the requirement to hold a hearing](#)

**Ruiz Rivera v. Switzerland**

18.02.2014

The case concerned the refusal by the Swiss authorities, relying on two medical expert reports diagnosing paranoid and schizoid disorders, to release a person placed in psychiatric detention for having killed and decapitated his wife.

[Violation of Article 5 § 4 \(right to have lawfulness of detention decided speedily\) on account of the refusal by the courts to order a further psychiatric report and hold an adversarial hearing before the Zürich Administrative Court](#)

**Adamov v. Switzerland**

21.06.2011

The case concerned the detention in Switzerland of a former Russian energy minister, who was arrested while in Bern visiting his daughter and on business, and was eventually extradited to Russia.

[No violation of Article 5 § 1](#)

**Inadmissible application**

**Maddalozzo v. Switzerland**

16.01.2020

The case concerned an order for continued psychiatric detention after a prior five-year prison sentence. The order had been issued on 8 December 2016 by the post-sentencing court of the Canton of Geneva.

[Application declared inadmissible as manifestly ill-founded.](#)

**Cases concerning Article 6**

**Right to a fair hearing**

**Rivera Vazquez and Calleja Delsordo v. Switzerland**

22.01.2019

The case concerned an alleged violation of the adversarial principle in proceedings before the Swiss Federal Court.

[Violation of Article 6 § 1](#)

**Mutu and Pechstein v. Switzerland**

02.10.2018

The case concerned the lawfulness of proceedings brought by professional athletes before the CAS.

[No violation of Article 6 § 1 with regard to the alleged lack of independence of the Court of Arbitration for Sport \(CAS\)](#)

[Violation of Article 6 § 1 in the case of the second applicant \(Ms Pechstein\), with regard to the lack of a public hearing before the CAS](#)

See also case [Bakker v. Switzerland](#), inadmissibility decision of 3 September 2019.

### **Inadmissible application**

#### **[Platini v. Switzerland](#)**

05.03.2020

The case concerned Michel Platini, a former professional football player, president of UEFA and vice-president of FIFA. Disciplinary proceedings had been brought against him in respect of a salary "supplement" of 2 million Swiss francs (CHF), received in 2011 in the context of a verbal contract between him and FIFA's former President. He was suspended from any football-related professional activity for four years and fined CHF 60,000.

[Application declared inadmissible](#)

#### **[Shala v. Switzerland](#)**

25.07.2019

The case concerned criminal proceedings which resulted in Mr Shala's conviction by the Swiss courts for murder in the context of a "blood feud".

[Application declared inadmissible as manifestly ill-founded.](#)

[Right to be informed of the nature and cause of the accusation](#)

#### **[Uche v. Switzerland](#)**

17.04.2018

The case concerned an applicant who was convicted of drug trafficking and complained of violations of his right to be informed of the nature and cause of the accusation against him, and of his right to have a reasoned judgment.

[No violation of Article 6 §§ 1 and 3 \(a\)](#)

[Violation of Article 6 § 1 \(right to a reasoned judgment\)](#)

[Right of access to a court](#)

#### **[Ali Rıza v. Switzerland](#)**

13.07.2021

The case concerned a dispute between a professional footballer and his former Turkish League club, Trabzonspor. Mr Ali Rıza complained that he had been ordered

by the Turkish Football Federation to pay damages for leaving the club without notice before the expiry of his contract. He applied to the Court of Arbitration for Sport (CAS), based in Lausanne, which ruled that it had no jurisdiction to hear the case. That decision was upheld by the Federal Supreme Court.

[No violation of Article 6 § 1](#)

#### **[Ndayegamiye-Mporamazina v. Switzerland](#)**

05.02.2019

The case concerned the immunity from jurisdiction of the Republic of Burundi.

[No violation of Article 6 § 1](#)

#### **[Schmid-Laffer v. Switzerland](#)**

16.06.2015

The case concerned Ms Schmid-Laffer's conviction and prison sentence for attempted premeditated murder, putting a person's life in danger and bringing false accusations.

[No violation of Article 6 § 1](#)

#### **[Howald Moor and Others v. Switzerland](#)**

11.03.2014

The case concerned a worker who was diagnosed in May 2004 with malignant pleural mesothelioma (a highly aggressive malignant tumour) caused by his exposure to asbestos in the course of his work in the 1960s and 1970s. He died in 2005. The Swiss courts dismissed the claims for damages brought by his wife and two children against Mr Moor's employer and the Swiss authorities, on the grounds that they were time-barred.

[Violation of Article 6 § 1](#)

### **Family and private life**

#### **[Lăcătuș v. Switzerland](#)**

19.01.2021

The case concerned an order for the applicant to pay a fine of 500 Swiss francs (CHF) (approximately 464 euros (EUR)) for begging in public in Geneva, and her detention in a remand prison for five days for failure to pay the fine.

[Violation of Article 8](#)

#### **[M.M. v. Switzerland](#)**

08.12.2020

The case concerned the applicant's expulsion from Switzerland for a period of five years following the imposition of a 12-

month suspended prison sentence for having committed acts of a sexual nature against a child and consumed narcotics.

[No violation of Article 8](#)

#### [Veljkovic-Jukic v. Switzerland](#)

21.07.2020

The case concerned the withdrawal of the permanent residence permit of a Croatian national who has lived in Switzerland since the age of 14, because of her criminal conviction for drug trafficking, and her possible removal from Switzerland.

[No violation of Article 8](#)

#### [K.A. v. Switzerland](#) (no. 62130/15)

07.07.2020

The case concerned the dismissal of the applicant's request for an extension of his residence permit and the order imposing a temporary prohibition on entry to Switzerland, issued against him following his criminal conviction for a drug-related offence. The applicant was expelled from Switzerland, where his wife and son, who are both ill, are living.

[No violation of Article 8](#)

#### [I.M. v. Switzerland](#) (no. 23887/16)

09.04.2019

The case concerned the Swiss authorities' refusal to renew the residence permit of I.M., (a Kosovar national who has lived in Switzerland since 1993), and the order expelling him from Swiss territory, following his conviction for a rape committed in 2003. I.M., whose rate of disability has been assessed at 80%, is currently living in Switzerland with his adult children, on whom he is dependent.

[Violation of Article 8 if I.M. were to be expelled to Kosovo](#)

#### [Mehmedovic v. Switzerland](#)

17.01.2019

The case concerned the surveillance of an insured person (Mr Mehmedovic) and, indirectly, his wife, in public areas by investigators from an insurance company, with a view to ascertaining whether his claim for compensation, lodged following an accident, was justified.

[Application declared inadmissible as manifestly ill-founded.](#)

#### [Vukota-Bojić v. Switzerland](#)

18.10.2016

Following an accident on a pedestrian passage, the applicant was admitted to hospital and, soon afterwards, declared unfit to work. The case concerned the monitoring of the applicant by detectives employed by the medical insurance company which paid for the disability benefits.

[Violation of Article 8](#)

[No violation of Article 6 \(right to a fair trial\)](#)

#### [Z. H. and R. H. v. Switzerland](#)

(no. 60119/12)

08.12.2015

The case concerned the asylum applications of two Afghan nationals, Ms. Z.H. and Mr. R.H., who married in a religious ceremony in Iran when Ms Z.H. had been a child, and which were considered separately – the couple not being considered legally married by the Swiss authorities – resulting in the expulsion of Mr R.H. to Italy. In the proceedings before the European Court, the couple alleged that the expulsion of Mr R.H. had breached their right to respect for their family life.

[No violation of Article 8](#)

#### [M.P.E.V. and others v. Switzerland](#)

(no. 3910/13)

08.07.2014

It concerned the impending expulsion to Ecuador of a father whose asylum application has been rejected by the Swiss authorities and whose wife and minor daughter have been granted temporary residence in Switzerland.

[Violation of Article 8 if Mr E.V. was expelled to Ecuador](#)

#### [Berisha v. Switzerland](#)

30.07.2013

The case concerned the Swiss authorities' refusal to grant residence permits to the applicants' three children, who were born in Kosovo and entered Switzerland illegally, and the authorities' decision to expel the children to Kosovo.

[No violation of Article 8](#)

#### [Udeh v. Switzerland](#)

16.04.2013

This case concerned the expulsion of a Nigerian national following criminal proceedings brought against him by Swiss authorities. The applicant claimed that if

the decision refusing him a residence permit was enforced it would be impossible for him to have regular contact with his children, thus ruining his family life.

[Violation of Article 8 \(in the event of the applicant's expulsion to Nigeria\)](#)

#### **Khelili v. Switzerland**

18.10.2011

The case concerned the classification of a French woman as a "prostitute" in the computer database of the Geneva police for five years.

[Violation of Article 8](#)

#### **Emre v. Switzerland (n° 2)**

11.10.2011

The case concerned a Turkish national's complaint about a ten-year exclusion order to which he was made subject by the Swiss authorities

[A violation of Article 8 taken in conjunction with Article 46 \(binding force and execution of judgments\)](#)

#### **Haas v. Switzerland**

20.01.2011

Suffering from a serious bipolar affective disorder, the applicant has attempted suicide on two occasions. He complained of the conditions that must be met – and which he does not meet – to obtain a substance, the administration of which in a sufficient quantity would end his life.

[No violation of Article 8](#)

#### **Schwizgebel v. Switzerland**

10.06.2010

The case concerned the unsuccessful application by an unmarried woman aged 47 to foster a child with a view to adopting it. She complained that the Swiss authorities discriminated against her on the basis of her age.

[No violation of Article 14 \(prohibition of discrimination\) in conjunction with Article 8](#)

#### **Glor v. Switzerland**

30.04.2009

The case concerned the requirement for the applicant, a diabetes sufferer, to pay the military-service exemption tax although he had been declared unfit for service by an army doctor.

[Violation of Article 14 \(prohibition of discrimination\), in conjunction with Article 8](#)

#### **Schlumpf v. Switzerland**

09.1.2009

The case concerned the applicant's health insurers' refusal to pay the costs of her sex-change operation.

[Violation of Article 8](#)

#### **Hadri-Vionnet v. Switzerland**

14.2.2008

The case concerned the conditions in which the municipal authorities conducted the burial of the applicant's stillborn child without consulting her on the matter.

[Violation of Article 8](#)

#### **Emonet and Others v. Switzerland**

13.12.2007

The case concerned the undesired termination of the parent-child relationship between an adult and her biological mother as a result of her adoption by the mother's partner.

[Violation of Article 8](#)

#### **Jäggi v. Switzerland**

13.07.2006

The case concerned the Swiss authorities' refusal to allow the applicant, whose father was unknown at the time of his birth, to obtain a DNA analysis of his putative biological father's remains.

[Violation of Article 8](#)

#### **Inadmissible application**

#### **Platini v. Switzerland**

05.03.2020

The case concerned Michel Platini, a former professional football player, president of UEFA and vice-president of FIFA. Disciplinary proceedings had been brought against him in respect of a salary "supplement" of 2 million Swiss francs (CHF), received in 2011 in the context of a verbal contract between him and FIFA's former President. He was suspended from any football-related professional activity for four years and fined CHF 60,000.

[Application declared inadmissible](#)

#### **International child abduction**

#### **Rouiller v. Switzerland**

22.07.2014

The case concerned the removal of two children from France to Switzerland by their



mother, who had been granted residence after her divorce.

[No violation of Article 8 \(right to respect for private and family life\)](#)

**[Carlson v. Switzerland](#)**

06.11.2008

The case concerned procedural errors committed by a Swiss court in proceedings to secure the return of a child from Switzerland (where he was living with his Swiss mother) to the United States (his American father's country of residence).

[Violation of Article 8 \(right to respect for private and family life\)](#)

**[Bianchi v. Switzerland](#)**

22.06.2006

The case concerned the abduction of a child from his Italian father by his Swiss mother. The Lucerne cantonal authorities bore at least some of the responsibility for the situation.

[Violation of Article 8 \(right to respect for private and family life\)](#)

**Freedom of thought, conscience and religion**

**[Osmanoğlu and Kocabas v. Switzerland](#)**

10.01.2017

The case concerned the refusal of Muslim parents to send their daughters, who had not reached the age of puberty, to compulsory mixed swimming lessons as part of their schooling and the authorities' refusal to grant them an exemption.

[No violation of Article 9](#)

**Freedom of expression**

**[Schweizerische Radio- und Fernsehgesellschaft and publisuisse SA v. Switzerland](#)**

22.12.2020

The two applicant companies in this case complained about the obligation imposed on them to run a commercial which, in their view, was damaging to their reputation.

[No violation of Article 10](#)

**[Jecker v. Switzerland](#)**

06.10.2020

The case concerned a journalist who complained that she had been compelled to give evidence during a criminal investigation into drug trafficking and that

the authorities had required her to disclose her sources following the publication of a newspaper article about a soft-drug dealer who had provided her with information.

[Violation of Article 10](#)

**[GRA Stiftung gegen Rassismus und Antisemitismus v. Switzerland](#)**

09.01.2018

The case concerned a complaint by a non-governmental organisation that its right to freedom of expression had been infringed because the domestic courts had found that it had defamed a politician by classifying his remarks at a speech during a campaign ahead of a 2009 referendum on banning minarets in Switzerland as "verbal racism".

[Violation of Article 10](#)

**[Y. v. Switzerland \(no. 22998/13\)](#)**

06.06.2017

The case concerned the fining of a journalist for reporting information covered by the secrecy of a judicial investigation.

[No violation of Article 10](#)

**[Haldimann and Others v. Switzerland](#)**

24.02.2015

The case concerned the conviction of four journalists for having recorded and broadcast an interview of a private insurance broker using a hidden camera, as part of a television documentary intended to denounce the misleading advice provided by insurance brokers.

[In this case, the Court was for the first time called on to examine an application concerning the use of hidden cameras by journalists to provide public information on a subject of general interest, whereby the person filmed was targeted not in any personal capacity but as a representative of a particular professional category.](#)

[Violation of Article 10](#)

**[Schweizerische Radio- und Fernsehgesellschaft SRG v. Switzerland](#)**

21.06.2012

The case concerned the refusal to allow a television station to carry out a televised interview inside a prison with a prisoner serving a sentence for murder. The applicant company had intended to broadcast the interview in one of the longest-running programmes on Swiss television.

[Violation of Article 10](#)

### **Gsell v. Switzerland**

08.10.2009

The case concerned a journalist who was denied access to the World Economic Forum in Davos.

[Violation of Article 10](#)

### **Foglia v. Switzerland**

13.12.2007

The case concerned a judicial decision against a lawyer on account of statements he had made to the press in connection with pending criminal proceedings (concerning the alleged embezzlement of significant amounts by the former president of Lugano Football Club, who had been found dead in Lake Lugano).

[Violation of Article 10](#)

### **Monnat v. Switzerland**

21.09.2006

The case concerned the sanctions imposed on a journalist and the restrictions on the sale of a television report produced by him, following a judgment in which the Swiss Federal Court upheld viewers' complaints about the broadcasting of the report, which concerned Switzerland's role during the Second World War.

[Violation of Article 10](#)

### **Dammann v. Switzerland**

25.04.2006

The case concerned a journalist's conviction for "incitement to disclose an official secret" after attempting to obtain information from the public prosecutor's office by telephone concerning a spectacular robbery.

[Violation of Article 10](#)

#### **Inadmissible application**

### **Schweizerische Radio- und Fernsehgesellschaft and Others v. Switzerland**

5.12.2019

The case concerned the outcome of a complaint concerning a television programme on Botox (botulinum toxin): the domestic authorities had found that the programme had not broached the issue of the animal experiments required for manufacturing the product, and had thus failed to honour its obligation as a public service provider to present facts in a reliable manner.

[Application declared inadmissible as manifestly ill-founded.](#)

#### **Freedom of assembly and association**

### **Association Rhino and Others v. Switzerland**

11.10.2011

The case concerned the dissolution of a squatters' association whose aims had been found to be unlawful.

[It is the first violation of the freedom of association by Switzerland.](#)

[Violation of Article 11](#)

#### **Discrimination**

### **Ryser v. Switzerland**

12.01.2021

The case concerned Mr Ryser's liability to the military service exemption tax even though he had been declared unfit for service. The applicant complained of discrimination on the grounds of his state of health.

[Violation of Article 14 \(prohibition of discrimination\) read in conjunction with Article 8 \(right to respect for private and family life\)](#)

### **Belli and Arquier-Martinez v. Switzerland**

11.12.2018

The case concerned the decision taken in respect of Ms Belli, who is deaf and incapable of discernment owing to a severe disability affecting her since birth, discontinuing her entitlement to a special invalidity benefit and a disability allowance on the grounds that she was no longer resident in Switzerland. The domestic legislation required persons in receipt of non-contributory benefits, like Ms Belli, to be habitually resident in Switzerland, whereas persons in receipt of an ordinary invalidity-insurance benefit who had contributed to the scheme could take up residence abroad.

[No violation of Article 14 \(prohibition of discrimination\) taken together with Article 8 \(right to respect for private and family life\)](#)

### **di Trizio v. Switzerland**

02.02.2016

The case concerned the refusal of the Swiss Disability Insurance Office to continue paying a 50% disability allowance to the applicant, Ms di Trizio, after the birth of her twins.

Violation of Article 14 taken in conjunction with Article 8 (right to respect for private and family life)

### **Inadmissible application**

#### **Glaisen v. Switzerland**

18.07.2019

The applicant, who is paraplegic, uses a wheelchair. His complaint concerned his inability to gain access to a cinema in Geneva.

Application declared inadmissible.

In the present case, the European Court was of the view that the Federal Court had given sufficient reasons to explain why the situation faced by Mr Glaisen was not serious enough to fall within the notion of discrimination. The European Court thus saw no cause to go against the findings of the Federal Court, which had held that the Convention did not oblige Switzerland to adopt, in its domestic legislation, a concept of discrimination of the kind sought by Mr Glaisen. It followed that the applicant was not entitled to rely on Article 8 of the Convention.

### **Right not to be tried or punished twice**

#### **Rivard v. Switzerland**

04.10.2016

The case concerned the fact that Mr Rivard had been penalised twice (payment of a fine and withdrawal of licence) for the same facts (exceeding the motorway speed limit) by two different Swiss authorities.

No violation of Article 4 of Protocol No. 7 (right not to be tried or punished twice)

### **Noteworthy cases, decisions delivered**

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#### **I.K. v. Switzerland** (no. 21417/17)

18.01.2018

Allegation by the applicant, who claimed to be homosexual, that he would be at risk of ill-treatment if he were to be returned to Sierra Leone.

Application declared inadmissible as manifestly ill-founded.

#### **A.R. and L.R. v. Switzerland** (no. 22338/15)

18.01.2018

The case concerned the refusal by a Basle primary school to grant Ms A.R's request that her daughter, then aged seven and about to move up to the second year of primary school, be exempted from sex education lessons.

Application declared inadmissible as manifestly ill-founded.

#### **Tabbane v. Switzerland**

24.03.2016

The case concerned a challenge to a decision settling a dispute before the International Court of Arbitration in Geneva.

Application declared inadmissible as manifestly ill-founded.

#### **Spycher v. Switzerland**

10.12.2015

The case concerned the rejection of an application for an invalidity pension made by a person suffering from an illness not covered by the invalidity insurance scheme.

Application declared inadmissible as manifestly ill-founded.

#### **Macalin Moxamed Sed Dahir v. Switzerland**

15.09.2015

The case concerned the applicant's request to change her surname on the grounds that the Swiss pronunciation of the name produced words with an offensive meaning in her mother tongue, Somali.

Application declared inadmissible as manifestly ill-founded.

#### **Rappaz v. Switzerland**

Declared inadmissible 26.03.2013

The applicant, who had been imprisoned for various offences, embarked on a hunger strike in an attempt to secure his release.

In this case the Court held that the Swiss authorities had not failed in their obligation to protect the applicant's life and to provide him with conditions of detention compatible with his state of health.

Application declared inadmissible as manifestly ill-founded.

**Complaints concerning the ban on the construction of minarets**

[Association Lique des Musulmans de Suisse and Others v. Switzerland \(no. 66274/09\) and Ouardiri v. Switzerland \(no. 65840/09\)](#)

28.06.2011

The applicants, a former spokesman for the Geneva Mosque in the first case and three associations and a foundation in the second, complained that the constitutional amendment in Switzerland prohibiting the building of minarets was incompatible with the Convention. The Court declared their applications inadmissible, on the ground that they could not claim to be the "victims" of a violation of the Convention.

[Application declared inadmissible as manifestly ill-founded.](#)

[See also press release in German](#)

## Noteworthy pending cases

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### Grand Chamber

**B. v. Switzerland (no. 78630/12)**

The case concerns a widower's pension to which the applicant ceased to be entitled after his younger daughter had reached the age of majority. The Federal Law on Old-Age and Survivors' Insurance provides that entitlement to a widower's pension ends when the youngest child reaches the age of 18, whereas this is not the case for a widow.

Relying on Article 14 (prohibition of discrimination) taken together with Article 8 (right to respect for private and family life) of the European Convention, the applicant complained that he had been discriminated

against in relation to widowed mothers with sole responsibility for raising their children. In its Chamber [judgment](#) of 20 October 2020, the Court unanimously held that there had been a violation of Article 14 (prohibition of discrimination) taken together with Article 8 (right to respect for private and family life) of the European Convention.

On 8 March 2021, the Grand Chamber Panel accepted the Swiss Government's request that the case be [referred](#) to the Grand Chamber.

A Grand Chamber [hearing](#) took place on 16 June 2021.

### Chamber

**Semenya v. Switzerland (no 10934/21)**

Application [communicated](#) to the Government in May 2021

The application concerns the complaint of an international athlete, Ms Mokgadi Caster Semenya. She complains about regulations issued by the International Association of Athletics Federations (IAAF), requiring her to lower her natural testosterone levels through hormone treatment in order to be eligible to compete as a woman in international sporting events.

Ms Semenya alleges violations of Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private life), taken alone and in conjunction with Article 14 (prohibition of discrimination), and breaches of Articles 6 (right to a fair hearing) and 13 (right to an effective remedy) of the Convention.

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