

# RIGHTS IN EVERYDAY LIFE

These notes were produced as part of a collaboration between the Coordination asile.ge and the Law Clinic of the University of Geneva. They are intended for unaccompanied minors and unaccompanied young adults living in Geneva. Their purpose is to inform about certain rights in understandable terms to make them accessible to everyone. For more detailed information, you can consult the Law Clinic's brochure on the rights of young unaccompanied migrants.

## Principles

If you are a minor, you need in principle the consent of your legal representative for your administrative and legal acts, for example to conclude a contract. For example, your legal representative (normally: the guardian) must give their consent for you to open a bank account, conclude a mobile phone contract or a rental contract (to rent a room or an apartment).

You do not need the consent of your legal representative for acts of everyday life, such as buying food, clothes or other items. You can also join a sports club or a library if you meet the conditions of these places.

If you are an adult, you can act alone. You may need to show your ID or residence permit. It's complicated if you don't have one. For example, the "White paper" is not always recognized.

## Buying an item

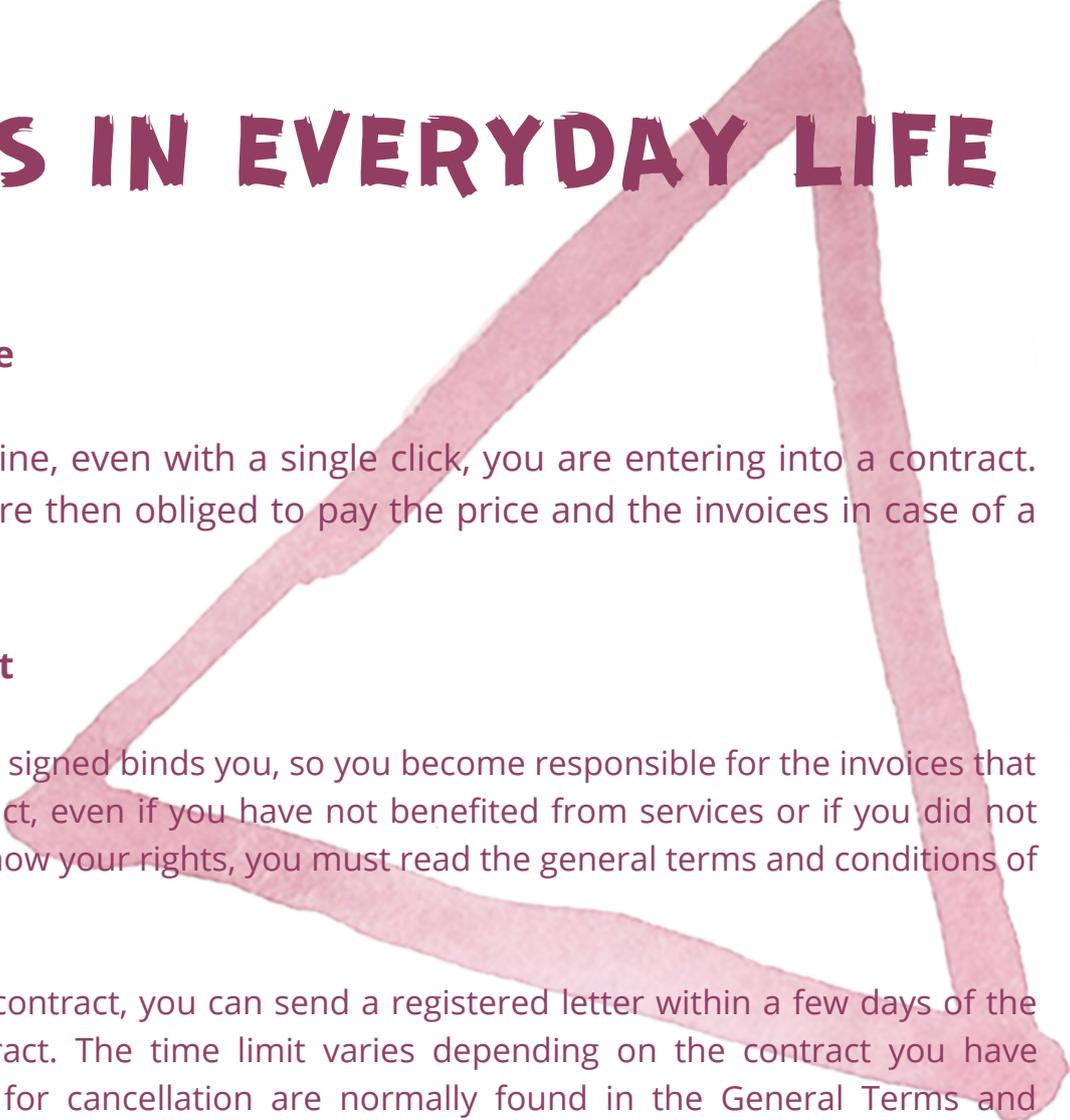
When you buy something, Swiss law considers that you have concluded a "contract" with the seller. This "contract" obliges you to pay for the item, but also protects you in case of a problem.

For some purchases (for example, a mobile phone), you can have a guarantee, valid for one or two years. In this case, it is very important to keep the proof of your purchase and possibly the general terms and conditions of sale if you have received any.

→ **Practical advice:** always inquire before buying something in store, and on the internet as well. Do not hesitate to ask for a period of reflection before signing a contract. In this case, the seller must give you the contract and the general terms and conditions of sale so that you can examine them quietly. You can also seek advice from someone you trust.

→ **Practical advice:** keep the proof of your purchase (ticket, contract). It can be used for the return or to apply the warranty. Beware: if the store accepts returns, this does not mean that it will reimburse you. Shops may offer a voucher for the value of the product instead of a refund. If the refund is not provided for in the general terms and conditions of sale, you will have to settle for the voucher.

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## **Buying an item online**

If you buy an item online, even with a single click, you are entering into a contract. This means that you are then obliged to pay the price and the invoices in case of a subscription.

## **Concluding a contract**

A contract that you have signed binds you, so you become responsible for the invoices that are linked to this contract, even if you have not benefited from services or if you did not understand it well. To know your rights, you must read the general terms and conditions of sale (GCS).

If you want to cancel a contract, you can send a registered letter within a few days of the conclusion of the contract. The time limit varies depending on the contract you have signed. The conditions for cancellation are normally found in the General Terms and Conditions (GCV).

When you sign a contract, enquire about the conditions for renewal (sometimes automatic) and the conditions for termination. You will avoid unpleasant surprises.

Beware of sites that make a lot of promises, they are often scams. For example, sites that tell you that they will help you find accommodation against payment. It is often very expensive and inefficient.

Telecommunications operators offer contracts that exclude certain services (for example, calls abroad). Before signing a contract, list your needs and ask the operator questions. If you don't have a precise answer, beware and ask for the general terms and conditions of sale of the proposed offer before committing yourself.

If you experience financial difficulties, debt proceedings or receive bills from a collection company, you can seek help from recognized services that specialize in debt processing (for example CSP or Caritas). You can also contact a social service that can help you clarify the situation and find solutions.

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## Opening a bank account

To open a bank account at Swiss Post (Postfinance) or a bank, you must be able to prove your identity (for example with a valid passport or residence permit).

Swiss Post or the bank can refuse to open an account in your name, without necessarily giving you a reason. In this case, you can always consult a social or legal consultation office, who sometimes manage to find solutions. Some banks are more flexible.

## Contract and debt collection

Legal proceedings, or certificates of indebtedness, are for bills you haven't paid yet. They are entered in the debt register for a minimum period of 20 years. They can have important consequences on your life in Switzerland, for example to change your permit, to find an apartment, or to look for a job.

You will receive a lawsuit via an order to pay. You can oppose it totally or partially if you have already paid the invoice or part of the invoice, or if it does not concern you.

If this is not the case, the debt collection office (Office des poursuites) can directly collect part of your salary to pay what you owe. If your resources are too small, then you will receive a "certificate of indebtedness".

Overdue invoices can also be forwarded to a collection company (such as Inkasso, Debtors, EOS, Intrum, etc.). These companies will send you again invoices related to the ones you have not paid, with additional charges, often illegally added and which you can dispute. It is with these companies that you should negotiate for the payment of the invoice.



## Addresses

[www.coupdepoucemajeur.ch](http://www.coupdepoucemajeur.ch)

[www.ciao.ch](http://www.ciao.ch)

Fédération romande des consommateurs  
(FRC) : [www.frc.ch](http://www.frc.ch)

Bon à savoir : [www.bonasavoir.ch](http://www.bonasavoir.ch)

