

# SWITZERLAND 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Swiss Confederation is a constitutional republic with a federal structure. Legislative authority resides in a bicameral parliament (Federal Assembly) consisting of the 46-member Council of States and the 200-member National Council. Federal Assembly elections were last held in October 2019 and were considered free and fair. Parliament elects the executive leadership (the seven-member Federal Council) every four years and did so in December 2019. A four-party coalition made up the Federal Council.

The federal police maintain internal security. The army is responsible for external security but also has some domestic security responsibilities. Police report to the Federal Department of Justice and Police, while the army reports to the Federal Department of Defense, Civil Protection, and Sport. Civilian authorities maintained effective control over the security forces. There were no reports that the Federal Department of Justice and Police, the Federal Department of Defense, Civil Protection, and Sport, or civilian authorities committed abuses.

There were no reports of significant human rights abuses.

The government had mechanisms in place to identify and punish officials who may commit abuses.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings. The Office of the Attorney General investigates whether security force killings were justifiable and pursues prosecutions.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices. There were isolated reports that individual police officers used excessive force while making arrests and that prison staff engaged in degrading treatment of detainees. Impunity was not a significant problem in the security forces. According to the Federal Statistical Office, the country's courts convicted 11 persons for abuse of authority in 2019.

In June the European Court of Human Rights (ECHR) ruled that the state had violated the right to life of a 40-year-old man who hanged himself in 2014 after being left alone in solitary confinement for 40 minutes despite having made suicidal statements.

In May the Federal Supreme Court ruled the detention conditions in the Champ-Dollon prison in Geneva violated the prohibition of torture according to the constitution and the European Convention on Human Rights. The court found that a prisoner was held in a small cell for 234 days between 2014 and 2016. The prisoner was only allowed to walk for one hour a day and to exercise for three-to-four hours a week.

### **Prison and Detention Center Conditions**

Notwithstanding some inadequate and overcrowded facilities, prison and detention center conditions generally met international standards. There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: Prison overcrowding in the western part of the country remained a problem. As of June 2019, Geneva's Champ-Dollon Prison was the most crowded facility, with a population exceeding 160 percent of its design capacity. In March the prison's population was reported to be 650 inmates, although the Champ-Dollon institution only offers space for 400 inmates.

In April prisons canceled visits, special leave, sporting activities, work, and school lessons due to the COVID-19 pandemic.

In its *Activity Report 2019*, the National Commission for the Prevention of Torture (NCPT) found in several district prisons that "the critical air and light conditions in cells" were "particularly problematic." The report also criticized the "very long cell confinement times" for all inmates. The commission considered "that the material concern of conditions, especially with regard to the size of the cells and

other in view of the lack of light and fresh air, for a storage of more than 48 hours are unsustainable.” The NGO Humanrights.ch reported that “often prisoners sit in their small cells 23 hours a day, and there is not always enough daylight. The cells are often dark, narrow and spartan.”

In June the Swiss Competence Center for Human Rights (SCHR) released a study on applying the United Nations Nelson Mandela Rules to improve prison conditions in the country. The study found that solitary confinement was widely used in pretrial detention and in prison and that external contacts of detainees were too restricted.

Humanrights.ch noted the biggest concerns in detention centers are the high suicide rate, lengthy pretrial detention, and the increasing use of preventive detention. According to Humanrights.ch, three quarters of convicted persons are sent to detention facilities rather than psychiatric clinics due to a lack of treatment options.

In May the Federal Court ruled that detention conditions must be assessed as a whole, regardless of any change in the status of pretrial or posttrial detention and that personal space of less than 43 square feet for more than three months violates the European Convention on Human Rights.

In May the SCHR released a study on administrative detention under immigration law which found that specialized facilities in the country lacked capacity.

Administration: There was no ombudsman or comparable authority available at the national level to respond to complaints, but a number of cantons maintained cantonal ombudsmen and mediation boards that acted on behalf of prisoners and detainees to address complaints related to their detention. Such resources were more readily available in the larger, more populous cantons than in smaller, less populated ones.

Independent Monitoring: The government permitted independent monitoring of conditions in prisons and asylum reception centers by local and international human rights groups, media, and the International Committee of the Red Cross. In 2019 the NCPT visited 23 detention centers. The Council of Europe’s Committee for the Prevention of Torture (CPT) carried out its latest periodic visit to the country in 2015.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

### **Arrest Procedures and Treatment of Detainees**

By law police must apprehend criminal suspects based on warrants issued by a duly authorized official unless responding to a specific and immediate danger. In most instances, authorities may not hold a suspect more than 24 hours before bringing the suspect before a prosecutor or investigating magistrate, who must either formally charge a detainee or order his or her release. Authorities respected these rights. Immigration authorities may detain asylum seekers and other foreigners without valid documents up to 96 hours without an arrest warrant.

There is a functioning bail system, and courts granted release on personal recognizance or bail unless the magistrate believed the person charged to be dangerous or a flight risk. Alternatives to bail include having suspects report to probation officers and imposing restraining orders on suspects. Authorities may deny a suspect legal counsel at the time of detention or initial questioning, but the suspect has the right to choose and contact an attorney before being charged. The state provides free legal assistance for indigents charged with crimes carrying a possible prison sentence.

The law allows police to detain minors between ages 10 and 18 for a “minimal period” but does not explicitly state the length. Without an arraignment or arrest warrant, police may detain young offenders for a maximum of 24 hours (48 hours during weekends).

Pretrial Detention: Humanrights.ch claimed that lengthy pretrial detention was a problem. Approximately 27.5 percent of all prisoners were in pretrial detention. The average length of time was 2.1 months. The country’s highest court ruled pretrial detention must not exceed the length of the expected sentence for the crime for which a suspect is charged.

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

## **Trial Procedures**

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants enjoy a presumption of innocence. They have the right to be informed promptly and in detail of the charges, with free interpretation as necessary from the moment charged through all appeals. Trials are public and held without undue delay. Defendants are entitled to be present at their trial. They have the right to consult with an attorney of their choice in a timely manner, and the courts may provide an attorney at public expense if a defendant faces serious criminal charges. Defendants have adequate time and facilities to prepare a defense. They have the right to confront and question witnesses, and to present witnesses and evidence. Defendants may not be compelled to testify or confess guilt. They have the right to appeal, ultimately to the Federal Tribunal, the country's highest court. Prison sentences for youths up to age 15 cannot exceed one year. For offenders between the ages of 16 and 18, sentences may be up to four years. Authorities generally respected these rights and extended them to all citizens.

Military courts may try civilians charged with revealing military secrets, such as divulging classified military documents or classified military locations and installations. There were no reports that military courts tried any civilians during the year.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters. Citizens have access to a court to bring lawsuits seeking damages for or cessation of a human rights violation. Individuals and organizations may appeal adverse domestic decisions to the European Court of Human Rights.

## **Property Restitution**

The government reported that Holocaust-era restitution is no longer a significant issue and that no litigation or restitution claims regarding real or immovable property covered by the Terezin Declaration, to which the government is signatory,

were pending before authorities; Jewish communities in the country confirmed that no such claims regarding real or immovable property covered by the Terezin Declaration were pending. There remained much art in the country with unresearched provenance as many museums and art collections were under the purview of cantons rather than the federal government, or were maintained by private organizations and private individuals.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Speech: While the law does not specifically mention libel and hate speech, it prohibits willful defamation as well as denigration and discrimination against another or a group of persons on the grounds of their race, ethnic origin, religion, or sexual orientation in a manner that violates human dignity, whether verbally, in writing or pictorially, by using gestures. It provides for punishment of violators by fines and imprisonment of up to three years. There were four convictions under this law in 2019.

In October the ECHR ruled that the country's Federal Court violated the right to freedom of expression as outlined in the European Convention on Human Rights when it required a journalist to disclose her source. In 2012 the journalist published an article in Basler Zeitung in which she wrote about a cannabis dealer whose apartment she had visited. After the article was published, Basel's public prosecutor asked the journalist to identify the dealer, but she refused claiming a

right not to testify. The public prosecutor maintained that she was unable to assert such a right. Basel's Cantonal Court ruled in favor of the journalist, but the Federal Court overturned the ruling, finding that the journalist must testify.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction. The law's restriction on hate speech and denial of crimes against humanity also applies to print, broadcast, and online newspapers and journals. According to federal law, it is a crime to publish information based on leaked "secret official discussions."

Libel/Slander Laws: The law prohibits willful defamation and denigration with punishments ranging from fines to prison sentences of up to three years. In 2019, the latest year with statistics, 427 individuals were sentenced under the penal code on defamation. There were also 132 persons sentenced under the penal code on slander. No information was available on whether any persons were imprisoned under these provisions.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The law provides for punishment of hate speech, including public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity, with monetary fines and imprisonment of up to three years.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **d. Freedom of Movement**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In September parliament approved a new provision in the criminal law that criminalizes recruiting, training, and travel for terrorism. Under this provision individuals who authorities deem may pose a threat but are not subject to criminal proceedings may be obliged to report to a police station at certain times, banned from traveling abroad, and confined to specific areas in the country. These measures could be applied to residents as young as 12 years old. The Federal Office of Police could place persons they deem dangerous under house arrest for up to six months, renewable once.

#### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Authorities may detain asylum seekers who inhibit authorities' processing of their asylum requests, subject to judicial review, for up to six months while adjudicating their applications. The government may detain rejected applicants for up to three months to ensure they do not go into hiding prior to forced deportation, or up to 18 months if repatriation posed special obstacles. The government may detain minors between the ages of 15 and 18 for up to 12 months pending repatriation. Authorities generally instructed asylum seekers whose applications were denied to leave voluntarily but could forcibly repatriate those who refused.

On July 21, the NCPT released its annual report on deportation flights. According to the report, the country forcibly deported 111 persons, including 16 families and 38 children, to their countries of origin between April 2019 and March 2020. The NCPT regarded the treatment of deportees as generally professional and respectful, and the report noted a reduction in the use of physical restraints in recent years. In approximately 45 percent of the cases, however, returnees were handcuffed during

transport. The commission also considered the use of handcuffs on the ankles as inappropriate. The commission found there was overall improvement in the reduction of coercive measures and noted police escorts' efforts to loosen or even remove completely the restraints during the flight in most cases.

In June the Federal Supreme Court upheld two complaints filed by AsylLex, ordering the immediate release of persons in administrative detention and calling their ongoing detentions illegal. In its ruling, the court found that deportations were not possible during the COVID-19 pandemic and were a mandatory prerequisite for the continuation of administrative detention.

In February media outlets reported allegations that in January, three security employees at a federal asylum center in Embach were violent towards a Kurdish asylum seeker, allegedly breaking his jaw. The State Secretariat for Migration disputed the allegations. Several asylum seekers told media the environment at the center was hostile, privacy was nonexistent, and treatment by the security forces was often arbitrary and degrading. The Zurich Solinetz, an association which campaigns for the rights of refugees in the country, alleged it was denied access after making critical statements. In May media outlets reported allegations of violent clashes between employees of Securitas, a Swedish private security services and investigation company, and asylum seekers at the Federal Asylum Center in Basel.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government required asylum applicants to provide documentation verifying their identity within 48 hours of completing their applications; authorities, under the law, are to refuse to process applications of asylum seekers unable to provide a credible justification for their lack of acceptable documents or to show evidence of persecution. Under asylum law federal asylum centers are required to process applications within a maximum of 140 days and asylum seekers are granted immediate free legal representation facilitated by NGOs and financed by the federal government.

Safe Country of Origin/Transit: The State Secretariat for Migration relied on a list of "safe countries." Asylum seekers who originated from or transited these countries generally were ineligible for asylum and returned to the safe country from which they originated or through which they transited. The country adheres to the EU's Dublin III Regulation.

Employment: The law grants refugees the right to work pending the mandatory submission to cantonal authorities of key employment information, including personal employee and employer data and a description of the job and working conditions. According to the law, salary and employment conditions must fulfill the labor standards of the respective employment location, profession, and sector before refugees may take up work.

Durable Solutions: As of August authorities reported accepting 3,480 refugees during the year for resettlement. They were reported to have offered naturalization to 15,056 individuals from January through June. Through August they assisted in voluntary returns of 2,083 persons.

Temporary Protection: The government also provided temporary protection to individuals who did not qualify as refugees and had provided it to 583 persons through September.

### **g. Stateless Persons**

The law dictates that the State Secretariat for Migration is responsible for conducting procedures to recognize statelessness. Foreign nationals who believe that they are stateless under the UN Convention of 28 September 1954 relating to the Status of Stateless Persons can apply to the State Secretariat for Migration to have their status as stateless recognized. When a person is recognized as being stateless, he or she has the right to remain resident in Switzerland with a residency permit. If a recognized stateless person has committed a criminal offense, residence rights may be limited to temporary admission. Recognized stateless persons are regarded as equivalent to refugees recognized under the Refugee Convention of 1951 who have been granted asylum. Recognized stateless persons are issued Swiss travel documents on request.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

Recent Elections: In October 2019 voters elected parliamentary representatives for the National Council and the Council of States. Runoff elections for the Council of

States in 12 of the 26 cantons were completed the following month. Parliament elected the executive leadership (the seven-member Federal Council) on December 9. Observers considered the elections free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women and members of minorities in the political process, and they did participate. Nearly 1,900 women, or 40 percent of all candidates, ran for election to the National Council in 2019, 565 more than in the last federal elections in 2015. Following federal parliamentary elections and runoffs in October and November 2019, women made up 43 percent of representatives in parliament's lower house and 26 percent in parliament's upper house.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year.

In January, Transparency International announced that, despite showing strong results in combatting corruption, it found the country lacked full transparency in political funding, whistleblower protections, and the fight against money laundering.

Corruption: Investigating and prosecuting government corruption is a federal responsibility. According to the Federal Audit Office, authorities received 187 alerts regarding potential corruption and mismanagement of public contracts in 2018, 23 more than in the previous year. Approximately 80 alerts concerned federal government employees. The Federal Audit Office attributed the increase to the establishment of an online platform in 2017 that allows for the anonymous reporting of potential corruption.

In November the Federal Council adopted its first anticorruption strategy. The strategy's objectives for 2021-24 include preventing and prosecuting corruption cases and promoting cooperation on this issue between the federal government and cantons as well as on the international level.

In August parliament lifted immunity for Federal Prosecutor Michael Lauber in the country's first official investigation of a federal prosecutor. Lauber was investigated and resigned over allegations of abuse of office, breach of official

secrecy, and favoritism following undisclosed meetings with Gianni Infantino, president of the Federation Internationale de Football Association (FIFA).

In February the Office of the Attorney General filed an indictment against former FIFA secretary general Jerome Valcke for bribery and falsifying documents. The office also indicted the chairman of the BeIN Media Group, Nasser al-Khelaifi, for inciting Valcke to commit aggravated criminal management. Valcke accepted a refund of approximately 500,000 euros (\$600,000) for the down payment on a villa in Sardinia after al-Khelaifi purchased it instead of Valcke. In addition Valcke received from al-Khelaifi the exclusive right to use the villa for 18 months without having to pay rent estimated at between 900,000 and 1.8 million euros (between \$1.1 million and \$2.2 million).

Financial Disclosure: Each year members of the Federal Assembly must disclose their financial interests, professional activities, supervisory board or executive body memberships, and activities as consultants or paid experts. A majority of cantons also required members of cantonal parliaments to disclose their financial interests. While parliamentary salaries were publicly disclosed, the salaries for parliamentarians' separate professional activities may not be disclosed, as outlined in the federal act.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Government Human Rights Bodies: The Swiss Competence Center for Human Rights (SCHR) consists of a network of universities and human rights experts responsible for strengthening and supporting human rights capacities and bridging gaps between federal and cantonal authorities on human rights concerns. During the year the center hosted presentations, training programs, and published reports on human rights themes, such as on the rights of intersex individuals, children's rights and religious education, and workers' rights.

There were 14 cantonal ombudsman offices that assessed cases of police misconduct.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

### Women

Rape and Domestic Violence: Rape of women, including spousal rape, and domestic violence, are statutory offenses for which penalties range from one to 10 years in prison. The government effectively enforced the law and prosecuted individuals accused of such crimes. The rape of a man is considered “sexual assault.” As with the rape of women, the courts may hand down maximum prison sentences of up to 10 years against those convicted of sexual abuse of men, but a minimum sentence of 12 months is only applicable in cases of rape against women. According to the Federal Statistics Office, police registered 287 reports of rape in 2019, a 16 percent increase over 2018.

In March the Violetta women’s shelter in Zurich temporarily closed and underwent a 14-day quarantine after a resident tested positive to COVID-19. The shelter’s closure added to growing concerns that the coronavirus crisis could lead to increased cases of domestic violence as a result of government advisories to stay home. In April the Federal Council announced a task force to work with the cantons on this issue.

A 2019 survey by gfs.berne on behalf of Amnesty International revealed that 22 percent of women in the country experienced unwanted sexual acts during their lives, 12 percent had suffered rape, and only 8 percent of those affected by sexual violence reported it to police afterwards. In 2019 police recorded 679 rape offenses and 626 cases of sexual assault.

In 2019 the Federal Statistics Office showed that police registered 19,669 domestic violence offenses in 2019, which included 79 attempted homicides, a six percent increase over 2018. Some 29 percent of the domestic violence cases involved a fatality.

The law penalizes domestic violence and stalking. A court may order an abusive spouse to leave the family home temporarily.

In March the Federal Office for Gender Equality established a task force to examine suitable measures in the event of an increase in domestic violence during the COVID-19 pandemic. In April the task force began a poster campaign against domestic violence in 13 languages. In June the task force found that in some cantons, the victim support centers noticed an increase in consultations about

domestic violence since mid-May. The task force reported, however, that cases of domestic violence during the pandemic remained stable compared to the previous year.

There were media reports almost every two weeks that someone died due to domestic violence, and women are almost always the victims. In June the Bern Higher Court convicted a 36-year-old Tunisian man who stabbed his wife to death in 2016 in their home, and sentenced him to 15 years in prison.

In July amendments to civil and criminal laws came into effect to bring more accountability for domestic violence. Criminal authorities can only suspend legal proceedings if the victim's situation has stabilized or improved. If suspicion exists that violence will reoccur, authorities may no longer discontinue an investigation.

Specialized government agencies, numerous NGOs, including 17 women's shelters, and nearly a dozen private or government-sponsored hotlines provided help, counseling, and legal assistance to survivors of domestic violence. The canton of Zurich prioritized addressing domestic violence in the legislature and committed additional financial support to women's shelters and counseling centers. Most cantonal police forces included specially trained domestic violence units.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is illegal and punishable by up to 10 years' imprisonment. While FGM/C was not a practice in the country, approximately 14,700 women and girls, primarily from Somalia, Eritrea, Ethiopia, Sudan, and Egypt, had undergone FGM/C. According to the Federal Statistics Office, police registered no reports of FGM/C in 2019. A 2019 study by Caritas Switzerland estimated that 22,000 girls and women in the country were likely to be affected by FGM/C.

In November the Federal Council adopted a report entitled "Measures against the circumcision of girls," which provides for better protection of girls and women. The report outlines a comprehensive approach to combatting FGM/C, including law enforcement and prevention, interdisciplinary networking, strengthening national and international cooperation, and improving healthcare for affected girls and women.

In June the Network against Female Circumcision announced a federally funded project that opened three new regional centers in the cantons of Lucerne, St. Gallen, and Graubünden to advise and support women and girls affected by FGM.

Sexual Harassment: The law prohibits sexual harassment of men and women and facilitates legal remedies for those claiming discrimination or harassment in the workplace. Special legal protection against the dismissal of a claimant expires after six months. Employers failing to take reasonable measures to prevent sexual harassment are liable for damages up to the equivalent of six months' salary.

According to the Federal Statistics Office, police registered 61 reports of sexual harassment in 2019, down from 70 reports in 2018. According to an NGO, almost one in three women and one in 10 men had experienced sexual harassment in the workplace. Zurich city police maintained a counseling center on offenses against sexual integrity. Lausanne city officials maintained an online platform for victims to record instances of sexual harassment and provided extra training to police officers and teachers on the matter. In August the Unia Trade Union Group launched an online site to combat sexual harassment of apprentices after its 2019 study found that 80 percent of female and nearly 50 percent of male apprentices surveyed said they had experienced sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The constitution and law provide for the same legal status and rights for women as for men under family, religious, personal status, labor, property, nationality, and inheritance laws. Authorities generally enforced the law effectively but did not sufficiently address employment discrimination and pay disparities affecting women.

In March the girls' rights organization Plan International Switzerland released a report stating that 42 percent of women between the ages of 24 and 40 had experienced discrimination in the workplace. The report also found that six out of 10 girls and women between the ages of 14 and 24 and seven out of 10 women between the ages of 24 and 40 had experienced gender-based discrimination at some point in their lives.

The World Economic Forum's *2020 Global Gender Gap Report* noted that women faced unequal career opportunities, with only 34.5 percent of leadership positions in the labor market occupied by women.

In July a new provision to the Equal Opportunities Act came into force requiring companies with at least 100 employees to complete an analysis of pay equity between genders within one year and to show every four years whether men and

women earn the same amount in comparable positions and inform their employees of the results. Private companies have to communicate the results to their employees and investors. Public administrations must disclose this to all interested parties.

On July 1, the federal government launched Logib, a free web-based tool to provide confirmed third-party information on equal pay analyses. The UN awarded Logib the Public Service Award and the Equal Pay International Coalition labeled it a best practice. In July the Federal Commission for Women's Issues published an animated film explaining the UN Women's Rights Convention to the public.

## **Children**

Birth Registration: Citizenship derives from one's parents; either parent may convey citizenship. Authorities registered births immediately.

Child Abuse: The law prohibits parents from using corporal punishment to discipline their children, and the constitution states that all children have the right to special protection of their integrity. The law provides penalties for child abuse of up to three years in prison.

In May the Swiss Society of Pediatrics released 2019 statistics from surveying 21 of the 31 children's clinics in the country. The clinics reported 1,568 cases of child abuse, of which 486 involved physical abuse, 321 involved psychological abuse, 470 were cases of neglect, and 279 were cases of sexual abuse.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18. The law prohibits forced marriage and provides penalties of up to five years in prison for violations. The federal government supports the NGO Center for Competence against Forced Marriage's prevention activities, including a website where at-risk individuals could declare their unwillingness to be married while on foreign travel. The website enabled authorities either to stop vulnerable individuals from leaving the country or to pronounce the marriages as invalid upon their return.

In June the Center for Competence against Forced Marriage published an article on its website about a woman, originally from Turkey, who the organization helped to leave Switzerland for Germany to avoid a forced marriage to her cousin shortly

after her 18th birthday. The agency reported it advised 123 young persons in 2019 who were married as children.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, including child sex trafficking and practices related to child pornography. The production, possession, distribution, or downloading of pornography that involves children is illegal and punishable by fines or a maximum sentence of one year in prison. The law prohibits prostitution of persons under the age of 18 and punishes pimps of children subjected to child sex trafficking with prison sentences of up to 10 years. It provides for sentences of up to three years in prison for persons engaging in sex trafficking with a child victim. Authorities enforced the law.

With few exceptions, the law designates 16 as the minimum age for consensual sex. The maximum penalty for statutory rape is imprisonment for 10 years.

The mandate of the federal police Cybercrime Coordination Unit included preventing and prosecuting crimes involving the sexual exploitation of children online. According to the Federal Statistics Office, the police registered 383 reports of sexual acts involving children, 10 fewer cases than the previous year.

In September the Bernese Oberland regional court sentenced a 53-year-old man to a 10-month conditional prison sentence and fines for child abuse, exploitation of an emergency situation, and pornography. The court also awarded the victim 5,000 Swiss francs (\$5,450). The president of the court ruled on the conditional sentence based on the convicted person's willingness to continue therapy.

On September 11, the Federal Council adopted a report by the Lucerne University of Applied Sciences on prevention of sexual exploitation of children. The council agreed to expand financial assistance to the Say No counseling service in French-speaking Switzerland and to subsidize additional counseling services in other regions in Switzerland.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

According to the Swiss Federation of Jewish Communities (SIG/FSCI), approximately 18,000 Jewish individuals resided in the country.

The *2019 Anti-Semitism Report*, produced jointly by the SIG/FSCI and the Foundation against Racism and Anti-Semitism (GRE), cited 523 anti-Semitic incidents, including 485 cases of anti-Semitic online hate speech, in the German-speaking part of the country in 2019. Of the 485 online incidents, 90 percent were found on Facebook and Twitter. The SIG/FSCI and GRE assessed that the number of anti-Semitic incidents in the country was stable and that violent anti-Semitic incidents remained rare. The SIG/FSCI and GRE attributed the slight decrease in recorded anti-Semitic statements and acts to fewer events throughout the year that triggered online anti-Semitic hate speech and anti-Semitic incidents, such as news reports and the release of anti-Semitism reports as well as efforts by media outlets to moderate their comments columns. The report documented one incident in July, in which a landlord told a Jewish family who wanted to rent a vacation home that she no longer rented to Jews. The report detailed how a Jewish soldier reported anti-Semitic comments among soldiers in recruit school to the SIG; the army took the incidents seriously and conducted an investigation immediately.

In 2019 the Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation (CICAD) reported 114 anti-Semitic incidents, including approximately 100 cases of online anti-Semitic hate speech, including insults and Holocaust denials on social media sites such as YouTube, in the French-speaking region. The report noted a drastic reduction in postings by far-right and far-left extremist groups on Facebook, Twitter, and other social media networks, resulting in a decrease in comments from their supporters on these same platforms. The report also found that media outlets in the French-speaking region had made a significant effort to moderate anti-Semitic content. The SIG report found no reports of assaults against Jews or damage to Jewish property in the German-speaking part of Switzerland; however, the CICAD found physical and verbal assaults against Jews in French-speaking areas increased and several synagogues were vandalized in 2019.

A federal report on racial discrimination released in April found that extreme right-wing incidents increased in 2019, particularly among young persons, including the Hitler salute. The report also highlighted a campaign calling for a boycott of an Israeli music competition to protest against Israel's policies that included Nazi symbolism, which were removed following media protests.

In July a study published by the Zurich University of Applied Sciences of 500 Jews in the country found that one in two respondents had experienced anti-Semitic harassment in recent years. The most common form of harassment was offensive or threatening comments.

In January the president invited all surviving Holocaust survivors in the country to a lunch in their honor. Approximately 40-50 survivors attended.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, including access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services, and the government generally enforced the prohibition. The umbrella organization for disability NGOs, Inclusion Handicap, stated however that the Federal Court maintained a “very narrow interpretation” of discrimination, which required plaintiffs to prove malicious intent in discrimination complaints, resulting in insufficient legal protection for disabled persons.

The Federal Equal Opportunity Office for Persons with Disabilities promoted awareness of the law and respect for the rights of individuals with disabilities through counseling and financial support for projects to facilitate their integration in society and the labor market.

A 2019 SCHR study on the implementation of the UN Convention on the Rights of Persons with Disabilities in Switzerland found that implementation was inconsistent across the cantons. In March the SCHR launched a website that highlighted projects in six cantons aimed to assist with implementing the UN Convention on the Rights of Persons with Disabilities in the areas of housing, work and training, access to services and facilities, and codetermination.

Effective July 1, a new regulation came into force by which automatic door entrances to apartment buildings and stair lifts at home can be financed by the government.

In September parliament's lower house, the National Council, took several measures to assist persons with disabilities, including a motion to extend identification cards, which entitle users to discounts and serve as proof of a disability, to persons who receive an allowance from the government.

### **Members of National/Racial/Ethnic Minority Groups**

Extremists, including skinheads, who expressed hostility toward foreigners, ethnic and religious minorities, and immigrants, continued to be active based on media and police reports.

In February the St. Gallen Cantonal Council approved a ban on extremist events, described as events "not compatible with the basic democratic and constitutional order and which significantly impair the population's sense of security."

In April the Consulting Network for Racism Victims, a partnership between Humanrights.ch and the Federal Commission against Racism, released its report for 2019, recording 352 cases of discrimination and documenting an increase in racism against dark-skinned individuals and persons of Arab background. Anti-Muslim incidents were the third-most recorded cases of racism, after general xenophobia and racism against persons with dark skins. The report found increased incidents involving right-wing extremism. The report attributed this sharp increase in reported cases to those affected being more aware of counseling centers and more willing to report incidents. The report also found that incidents with an extreme right-wing background increased noticeably in 2019 for the first time. The report also found that while reported incidents of discrimination in public space increased, reported cases of workplace discrimination decreased.

In April the Federal Council released an evaluation report on racial discrimination, which included 575 reported incidents, of which 352 cases were evaluated by 22 counseling centers from across the country. The report found a sharp increase in the number of reported and considered racist cases of discrimination in 2019. The most frequent forms were discrimination and verbal abuse; the most common motive was xenophobia. The report mentions a survey by the Federal Statistical Office finding that 60 percent of the respondents surveyed said racism is a serious social problem in the country. The report also found that incidents with an extreme right-wing background increased noticeably for the first time in 2019.

In June the SCHR released a study on the prevention of atrocities in Switzerland, which noted the numerous institutions that victims of discrimination can use in the country. The report found, however, that no systematic data collection on discrimination exists.

In July the Federal Office of Police announced 500,000 Swiss francs (\$545,000) in federal funding to 11 organizations that service minorities as defined by their way of life, culture, religion, tradition, language, or sexual orientation to assist in their protection.

According to Romani interest groups, including the Romano Dialogue and the Roma Foundation, discrimination against Roma in the housing and labor markets persisted, with many Roma routinely concealing their identity to prevent professional and private backlash. According to the Society for Threatened Peoples, itinerant Roma, Sinti, and Yenish regularly faced arbitrary stops by police.

In February, Bern residents voted to create a transit place along the A1 highway in Seeland for foreign travelers, including Roma, who come to Switzerland for seasonal work between spring and fall each year.

In March the NGO Human Rights Platform Switzerland presented a report to the UN Committee on the Elimination of All Forms of Racial Discrimination which found that the country must do more to ensure prevention and eradication of racism, xenophobia, and intolerance from its society and institutions. The report cited a severe lack of appropriate camping sites and that two-thirds of existing sites are inadequate as nearly half of the sites are parking lots.

In April the Federal Supreme Court ruled against provisions in Bern law which stipulated that persons who use property without the permission of the owner may be evicted without a right to be heard within 24 hours. As a result, traveling minorities may not be quickly turned away without a corresponding order and legal hearing.

The Society for Threatened Peoples called on the government in April to provide economic support and adequate infrastructure for Sinti, Roma, and Yenish people, stating the lack of camp sites made it challenging for these groups to comply with government health recommendations.

In May the Frauenfeld Higher Court convicted Roland Schoeni, parliamentary group president of the Arbon city parliament, for racist speech based on anti-Roma comments he made in 2018.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

In a February 9 referendum, 63.1 percent of voters approved antidiscrimination legislation, which will make discrimination based on sexual orientation illegal. In the same month, parliament approved the new law, although the NGO Transgender Network noted it did not include transgender individuals.

There were multiple reports of violence or discrimination based on the victim's lesbian, gay, bisexual, transgender, and intersex (LGBTI) status. In February for example, police arrested a 15-year-old from Syria for allegedly attacking three men with a knife in Zurich. Several eyewitnesses claimed it was a targeted attack on gays, as the perpetrator bullied and insulted the men not far from a gay club before stabbing one of the victims. Police increased their presence outside the club and other locations. An investigation continued.

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) Europe's 2020 annual report for the country alleged an increased number of violent incidents against gay men in 2019, including a May 17 attack against an information stand at the International Day Against Homophobia, Transphobia and Biphobia, and an attack against a gay couple on their way home from a Pride event in June. The Pink Cross received on average two reports per week regarding attacks against LGBTI persons, including harassment, hate speech on the Internet, tangible threats, and physical violence.

Pink Cross and the NGO Transgender Network reported that bullying in the workplace remained a problem for LGBTI persons. Both organizations noted isolated cases of discrimination against LGBTI individuals over the past year, including in the housing market. The organizations stated that in the past year, the cities of Bern, Biel, and Zurich have implemented LGBTI action plans for ensuring tolerance and measures to prevent discrimination. In Biel these measures include widening an existing hotline to report violence for LGBTI concerns and training opportunities for city employees on gender diversity, gender identity, and sexual orientation.

The Transgender Network stated a cantonal court granted a minor the right to gender self-determination this year, the first such ruling in the country.

### **HIV and AIDS Social Stigma**

There were occasional reports of discrimination against persons with HIV or AIDS. To combat harassment and unfair behavior, the Swiss AIDS Federation conducted multiple campaigns to sensitize the public to the problem. Most discrimination cases recorded by the federation involved private data violations, insurance discrimination, and discrimination in the provision of health services.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The freedom of association for employers and employees, explicitly including the right to strike and the right to hold lockouts, is provided under the federal constitution. This provides for the right for all workers, including foreigners, public-sector officials, domestic workers, and agricultural workers, to form and join independent unions of their choice without previous authorization or excessive requirements. The constitution also foresees collective agreements between workers and employers and provides for the right to conduct legal strikes, and the government protected these rights. Strikes must be linked to industrial relations, however, and the government may curtail the right of federal public servants to strike for reasons of national security or to safeguard foreign policy interests. Laws prohibit public servants in some cantons and many municipalities from striking. The law protects employees from termination because they are trade union members or carrying out trade union activities in a lawful manner.

No law defines minimum or maximum penalties for violations of the freedoms of association or collective bargaining. According to the International Labor Organization (ILO), unjustified dismissals for workers involved in trade union activity may result in compensation of up to six months' wages. Collective agreements commit the social partners to maintain labor peace, thereby limiting the right to strike for the duration of an agreement, which generally lasts several years. The State Secretariat for Economic Affairs maintains a list of collective agreements that have been declared binding in various regions and sectors of the economy.

The government respected the freedoms of association and collective bargaining, but there have at times been cases when employers dismissed trade unionists or have used the legal system to limit legitimate trade union activities. Trade unions continued to report discriminatory behavior against their members.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced and compulsory labor. Penalties for forced labor violations were up to 20 years' imprisonment or a fine. The law criminalizes sex trafficking and labor trafficking, and prescribed penalties of up to life imprisonment or a fine; the penalties included prison sentences of no less than one year for offenses involving a child victim and those where the trafficker acted for commercial gain. NGOs commented that fines for labor trafficking were often very low because authorities treated indications of forced labor as relatively minor labor violations; in addition, they reported that inspectors often regarded foreign victims of labor trafficking as criminals working illegally in the country. The government conducted several training programs for relevant authorities on labor trafficking aimed at raising awareness and reducing such exploitation. Through three joint action days between law enforcement, labor inspectors, and EUROPOL in 2019, the government reported conducting at least 145 labor inspections that resulted in the identification of at least five victims of labor trafficking, 46 potential victims, and 10 suspected traffickers (compared with the identification of 54 potential victims and seven suspects in 2018). The government conducted multiple antitrafficking training events for law enforcement in 2019, including a roundtable for 40 officials that focused on trafficking in the hospitality sector.

According to antitrafficking NGOs who provided services to victims, incidents of forced labor occurred primarily in the domestic-service, catering, agriculture, tourism, hospitality, construction, and nursing industries. Labor trafficking in the forms of forced begging, stealing, and financial scams occurred in several cantons.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The minimum age for full-time employment is 15. Children who are ages 13 or 14 may engage in light work for no more than nine hours per week during the school year and 15 hours at other times. Children younger than 15 may, under special circumstances, work at sports

or cultural events with the approval of cantonal authorities. Employment of youths between the ages of 15 and 18 is also restricted. Children who have not completed compulsory education may not work on Sundays, while all children younger than 18 are prohibited from working under hazardous conditions or at night. According to the ILO Committee of Experts on the Application of Conventions and Recommendations, the penal code prohibits the publication of pornography involving children, but the relevant provisions only cover persons who are younger than 16.

The government effectively enforced laws and policies to protect children from exploitation in the workplace. The Federal Department of Economic Affairs, Education, and Research monitored the implementation of child labor laws and policies, and cantonal labor inspectors effectively inspected companies to determine whether there were violations of child labor laws. Cantonal inspectors strictly enforced these provisions. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping.

#### **d. Discrimination with Respect to Employment and Occupation**

The constitution prohibits discrimination based on national origin, race, gender, age, language, social position, lifestyle, religion, beliefs or political convictions, or based on physical, mental or psychological disability. The constitution specifically states that men and women have equal rights, including at work, and that women have to right to equal pay for work of equal value. The criminal code prohibits discrimination on the basis of race, ethnic origin, religion, or sexual orientation, but does not contain provisions specifically on personnel operations such as hiring or firing.

The law prohibits discrimination with respect to employment on the basis of gender (including pregnancy). Violations of the law may result in the award of compensation to a prospective or dismissed employee equal to a maximum of three months' salary in the public sector and six months' salary in private industry. The government did not consistently enforce this provision.

Although discrimination against women in the workplace is illegal, a disproportionate share of women held jobs with lower levels of responsibility. Employers promoted women less frequently than they did men, and women were less likely to own or manage businesses. According to a 2019 study by the University of St. Gallen, there was a 50-50 balance between men and women in the workforce at nonmanagement levels, but the proportion of women decreases at

each successive level of management--from 38 percent in lower management, to 23 percent in middle management, and to only 18 percent among the top managers. In June 2019 parliament passed legislation calling for women to occupy at least 30 percent of corporate board positions, and 20 percent of corporate management positions in enterprises with a minimum of 250 employees. The nonbinding policy requires businesses that fail to reach the targets to submit a written justification to the government.

Although the constitution entitles women and men to equal pay for equal work, this was not enforced effectively according to TravailSuisse. According to the Federal Statistics Office, there was an 11.5 percent gender wage gap across both the public and private sectors in 2018, the most recent year for which data was available. The Statistics Office also noted that the wage gap increases with higher levels of responsibility. In upper management women earned 18.6 percent less than men in 2018.

According to Inclusion Handicap, problems remained in integrating individuals with disabilities, especially those with mental and cognitive handicaps, into the labor market. The NGO noted discrimination against disabled persons was particularly problematic in the private sector. Procap, one of the country's largest organizations for persons with disabilities, welcomed a new law on the further development of social insurance for persons with disabilities in June 2020, which aims to provide greater support for disabled youth in getting a job, among other steps to promote sustained employment (also see section 6, Persons with Disabilities).

The NGOs Pink Cross and Transgender Network noted LGBTI persons experienced workplace discrimination. Pink Cross cited a decision by the Federal Court in April 2019 which made clear that the law did not apply in cases of discrimination based on sexual orientation. The case demonstrated that sexual orientation enjoys no protection from workplace discrimination under the law, the NGO commented. According to Transgender Network, 20 percent of transgender persons in the country are unemployed--nearly five times the rate among the general population.

The NGO Avenir50Plus stated that older persons also face discrimination at the workplace, stating that only 14 percent of unemployed persons older than age 50 found a stable job after losing their previous employment. Nearly 23 percent of the workforce over the age of 55 was unemployed, the NGO said.

There were reports of labor discrimination against persons with HIV or AIDS. In 2019 the Swiss AIDS Federation registered 105 cases of discrimination against individuals with HIV, down from 122 in 2018. Of the complaints, 10 concerned employment discrimination or other discrimination in the workplace. Examples of workplace discrimination included a supervisor demanding an employee be tested for HIV, and a supervisor requesting an employee go on sick leave status due to the employee's HIV-positive status.

According to the Advocacy and Support Organization for Migrant Women and Victims of Trafficking, migrant workers in low-wage jobs were more likely than other workers to face exploitative labor practices and poor working conditions. Women are particularly vulnerable, according to the NGO.

#### **e. Acceptable Conditions of Work**

The country has no national minimum wage, but four (Geneva, Jura, Neuenberg, and Ticino) of the 26 cantons have minimum wage laws. Collective agreements on working conditions, including sectoral minimum wages, cover approximately 40 percent of the country's workforce. Average wages for workers and employees covered by these contracts, particularly in the clothing, hospitality, and retail industries, however, remain relatively low. Authorities effectively enforced these collective agreements, and penalties were sufficient to deter violations. Minimum wages in the agreements exceeded the poverty income level for a single person, but often did not exceed the poverty level for families with two adults and two children.

Law sets a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The rules exclude certain professions, such as medical doctors.

To protect worker health and safety, the law contains extensive provisions that are current and appropriate for the main industries. Workers can remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Federal Department of Economic Affairs, Education, and Research and cantonal labor inspectorates effectively enforced laws relating to hours of work and occupational safety and health across all sectors including the informal economy. The ministry also oversees collective bargaining agreements. The number of labor inspectors was sufficient to enforce compliance.

The courts determined fines according to the personal and economic situation of the perpetrator. Penalties were commensurate with those for similar crimes, such as fraud.

Migrant workers in low-wage jobs were more likely to experience exploitative labor practices, although the criminal code forbids human trafficking for the purpose of labor exploitation. During the year several local NGOs and international organizations expressed concern that authorities lacked the necessary resources and expertise to address adequately labor exploitation prevalent in the construction, hospitality, healthcare, and domestic-labor sectors. For example the Swiss Competence Center for Human Rights examined 12 cases that showed strong signs of labor exploitation of migrant workers, but found that only six of these cases resulted in courts confirming that labor exploitation had occurred.

Immigrant workers have the same rights as other workers. There are no special provisions or requirements for noncitizen workers apart from having legal immigration status and a valid work permit. The government did not allow individuals without legal status or work permits to work. Individuals who obtained legal status could request a work permit. Asylum seekers are usually not allowed to work until they are assigned to a canton and receive a work permit from cantonal authorities.