

# SWITZERLAND 2018 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 elections in 2015 were considered free and fair. Parliament elects the executive leadership (the seven-member Federal Council) every four years, and did so in 2015. A four-party coalition made up the Federal Council.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses.

The government took steps to prosecute and punish officials who committed violations, whether in the security services or elsewhere in the government.

### **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.

#### **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 prohibits 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.

In May the High Court of Zurich acquitted on appeal two police officers accused of abuse of authority after the district court of Buelach sentenced them to suspended fines in March 2017 for using excessive force against a motorist during

a road patrol check. The court overturned the earlier sentence, asserting that the officers' behavior was "just barely acceptable" given that they called for back-up shortly after initiating the patrol check due to the driver's alleged aggressive behavior.

According to the Federal Statistical Office, only 4 percent of reported cases of alleged abuse of authority resulted in convictions in 2017. Amnesty International attributed the low number of convictions to "enormous loyalty among officers and institutions" and called for independent investigators to handle charges brought against police officers.

### **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. Based on the most recent available information, Geneva's Champ-Dollon Prison was the most crowded facility, with a population greater than 150 percent of design capacity.

In July the National Commission for the Prevention of Torture's (NCPT) seventh annual report focused on detention centers' psychiatric facilities, citing the absence of treatment plans and concerns over patients not being adequately informed of their therapy.

In 2017 the NCPT visited 18 detention centers in nine cantons to follow up on previous visits in earlier years. While the commission deemed overall conditions at the institutions to be adequate, the NCPT described detention centers for illegal migrants as "legally untenable" due to conditions often resembling pretrial detention. The committee also criticized the Realta detention facility in the canton of Grisons for long hours of incarceration, among other concerns.

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, the media, and the International Committee of the Red Cross. The Council of Europe's Committee for the Prevention of Torture (CPT) carried out its latest periodic visit to the country in 2015. Local groups enjoyed a high degree of independence.

#### **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.

#### **Role of the Police and Security Apparatus**

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. The State Secretariat for Migration is responsible for granting immigrant visas and residence/work permits, evaluating asylum and refugee applications, and managing deportations; it reports to the Federal Department of Justice and Police. The Swiss Border Guard is responsible for registering asylum seekers and fighting illegal migration and transborder crime; it reports to the Federal Department of Finance.

Civilian authorities maintained effective control over police, the army, and the Swiss Border Guard, and the government has effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year. Cantonal state prosecutors and police generally investigated security force violence, although in some cantons the ombudsman's office investigated such cases. In addition to its coordination and analytical responsibilities, the Federal Office of Police may pursue its own investigations under the supervision of the attorney general in cases of organized crime, money laundering, and corruption.

#### **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 release. 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. According to the CPT's 2016 report, detainees often did not have access to a lawyer for several hours after arrest. Authorities may restrict family members' access to prevent evidence tampering, but authorities require law enforcement officials to inform close relatives promptly of the detention. The CPT also reported that the right to inform the families of arrests "was not always recognized" and that "it was not uncommon" for the delay to last several hours. It condemned the denial of contacts, including visits and telephone calls, for up to several months for prisoners awaiting judgment.

The law allows police to detain minors between the ages of 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: The nongovernmental organization (NGO) Humanrights.ch noted that lengthy pretrial detention was a problem, as it was in the previous year. In 2017 approximately 24 percent of all prisoners were in pretrial detention. 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. Humanrights.ch alleged that authorities often used pretrial detention to pressure suspects into admitting guilt.

#### **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 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.

Sentences for youths up to age 15 may be for no longer than 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 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. The Jewish communities in Switzerland confirmed that no litigation or restitution claims regarding real or immovable property covered by the Terezin Declaration were pending before authorities.

#### **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, although the law restricts speech involving racial hatred and denial of crimes against humanity. 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 Expression: The law prohibits hate speech, such as public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity, including via electronic means. It provides for punishment of violators by monetary fines and imprisonment of up to three years. There was one conviction under this law as of October.

Press and Media Freedom: 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/journals. According to federal law, it is a crime to publish information based on leaked "secret official discussions."

#### **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.

According to the Federal Statistical Office, 90 percent of the adult population used the internet in 2017.

### **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 [www.state.gov/religiousfreedomreport/](http://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.

The government cooperated with the Office of the UN High Commissioner for Refugees (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 assure 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.

Following media reports of asylum seekers younger than 15 being held in deportation prisons, authorities in the cantons of Zurich and Bern decided to stop

incarcerating asylum seekers who are minors; the Federal Council announced in October that the State Secretariat for Migration (SEM) will instead task cantons with establishing alternative accommodation for asylum-seeking minors. Members of parliament alleged that the practice breached the UN Convention on the Rights of the Child. The Federal Council stated that the practice occurs very rarely.

In September the UN Committee against Torture called the SEM's attempt to deport an asylum-seeking Eritrean torture victim back to Italy "inhumane" on the grounds that the man's psychiatric condition required a re-examination. The SEM's investigation into the case was pending as of November.

The SEM stated that many unaccompanied minors fled the country's official reception centers after applying for asylum, and authorities were unable to verify their whereabouts. The NGO Terre des Hommes expressed concern over missing underage asylum seekers becoming victims of trafficking. Terre des Hommes further stated that some cantons did not consistently report disappearances of underage asylum seekers. According to data from the Federal Statistical Office, sexual violence in asylum housing was on the rise, with authorities recording 33 cases of sexual violence in 2017, including six cases of child sex abuse and eight rapes. NGO Terre des Femmes noted that asylum centers often restricted the private sphere and safety of female refugees, due to bedrooms and bathrooms not always being gender segregated. According to the NGO, perpetrators of sexual violence comprised asylum seekers, caregivers, and security personnel.

On July 12, the NCPT released its annual report on deportation flights. Between April 2017 and March, the country forcibly deported 317 persons, including 28 families and 28 children, to their countries of origin. The NCPT regarded the treatment of deportees as generally professional. The committee, however, criticized the deportation of seven-months' pregnant women and the staggered repatriation of asylum-seeking families that led to the separation of family members during deportation. The committee continued to observe inconsistent deportation practices among the cantons.

NGOs working with refugees continued to complain that officials often effectively denied detained asylum seekers proper legal representation in deportation cases due to their financial inability to hire an attorney. Authorities provided free legal assistance only during the initial phase of the asylum application process and in cases of serious criminal offenses, deeming deportation of asylum seekers an administrative, rather than a judicial, process.



## Protection of Refugees

Refoulement: While the government generally did not force asylum seekers to return to countries where their lives or freedom may be threatened, there were reportedly exceptions. In July the Federal Administrative Court ruled Eritrean asylum seekers may still be deported to their home country even if they faced military conscription upon their return. The court stated that while conditions during Eritrean national service are reportedly difficult, they are not so severe as to make deportation unlawful. The court further concluded that cases of abuse and sexual assault were not widespread enough to influence the assessment. The ruling followed previous criticism by the UN special rapporteur on the human rights of migrants over the Administrative Court's February 2017 decision to no longer grant protection to Eritrean asylum seekers who illegally departed their country.

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.

Safe Country of Origin/Transit: The SEM relied on a list of "safe countries." Asylum seekers who originated from or transited these countries generally were ineligible for asylum. The country is a signatory to the EU's Dublin III Regulation.

Employment: The law prohibits asylum seekers from working during the first three months following their arrival in the country, and authorities can extend that prohibition for an additional three months if the SEM rejects the asylum application within the first three months. After three months asylum seekers may seek employment in industries with labor shortages, such as in the hospitality, construction, healthcare, or agricultural sectors.

Access to Basic Services: The cantons assumed the main responsibility for providing housing, general assistance, and care to asylum applicants during the processing phase. Shortages of appropriate housing for asylum seekers remained a problem. Asylum seekers have the right to basic medical care, and the children of asylum seekers are entitled to attend school until ninth grade (the last year for which school is mandatory).

A study published in August 2017 by Bern's University of Applied Sciences reported shortages in asylum centers' health-care services for pregnant women. According to the report, a lack of translation services prevented patients from receiving adequate psychological support, while access to female-specific contraception was limited due to the unsubsidized cost of the prescription.

To accommodate increasing numbers of asylum seekers, the SEM continued to house hundreds of asylum seekers in remote rural areas or in decommissioned military establishments--several of them underground--retrofitted to serve as short-term housing. In May 2017 the SEM commenced a pilot project to end the ban on mobile phones for asylum seekers and took additional steps to provide suitable care for minor asylum seekers in federal centers.

Durable Solutions: In 2016 the government announced it would accept an additional 2,000 Syrian refugees until 2019 as part of a UNHCR resettlement program. In 2015 the government agreed to accept 3,000 Syrian refugees between 2015 and 2018 under the UNHCR resettlement program. As of August, 2,231 of these had arrived in the country.

Temporary Protection: In 2017 the government granted temporary admission to 8,419 individuals, 966 of whom the government designated as refugees.

### **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 2015 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. Observers considered the elections free and fair.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate.

### **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.

Corruption: Investigating and prosecuting government corruption is a federal responsibility. In its fifth interim report, published on August 10, the Council of Europe's Group of States against Corruption rated the government's progress on fighting corruption as "globally unsatisfactory." The report criticized the government's continued lack of statutory regulations on political party financing. In 2017 authorities received 122 alerts regarding potential corruption and mismanagement of public contracts, 44 more than in the previous year. Approximately 52 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 May Transparency International criticized the government's interdepartmental working group on fighting corruption for its insufficient resources to combat corruption effectively and for its lack of independence.

In September PostBus, a subsidiary of the government-owned Swiss Post, announced it will repay 205.3 million Swiss francs (\$205 million) to the federal government, cantons, and communes after an official audit by the Federal Office for Transport in January found that the company had manipulated accounts between 2007 and 2015 to hide millions in federal and cantonal subsidies. The scandal led to the resignation of the CEO of Swiss Post and the entire PostBus executive management and several members of the board.

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 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 problems. During the year the SCHR hosted presentations and published reports on human rights themes, such as on restitution for human rights abuses, including corporal punishment against children, violence against women, and labor exploitation.

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, including spousal rape, and domestic violence, are statutory offenses for which penalties range from one to 10 years in prison. The government effectively prosecuted individuals accused of such crimes.

NGOs such as Terre des Femmes, Vivre Sans Violence, and the umbrella organization for women's shelters noted that violence against women remained a serious problem. Domestic violence against migrant women was four times higher than against nonmigrant women. The law penalizes domestic violence and stalking. A court may order an abusive spouse to leave the family home temporarily.

Specialized government agencies, numerous NGOs, and nearly a dozen private or government-sponsored hotlines provided help, counseling, and legal assistance to survivors of domestic violence. According to the NGO Umbrella Organization for Swiss Women's Shelters, more than 1,000 women and children were unable to be housed by shelters due to a lack of space and financing. Most cantonal police forces included specially trained domestic violence units.

The women's NGO Alliance F observed a rise in violence against women and an increase in violent messages and images on social media directed at women. In

one prominent case, on August 8, a group of men assaulted five young women in the early morning hours outside a nightclub in Geneva. Two of the women suffered severe head injuries, with one reportedly left in a coma. Public shock and outcry over the attack sparked protests in Geneva, Zurich, Bern, Basel, and Lausanne. According to press reports, in September, French authorities arrested three suspects in the attack, all of whom were French nationals, and took over investigation of the case.

On November 25, the NGO Feminist Peace Organization organized a campaign supported by several cantonal governments on the influence of gender stereotypes on violence against women. Approximately 50 organizations participated, and they sponsored 70 public awareness events across the country.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is illegal and punishable by up to 10 years' imprisonment. The first-ever criminal sentence under the anti-FGM/C law was handed down during the year. In July the criminal court of Boudry in the canton of Neuchatel issued an eight-month suspended prison sentence against a Neuchatel-based Somali woman who ordered between 2013 and 2015 the full or partial removal of her six- and seven-year-old daughters' genitalia while in Somalia and Ethiopia.

According to the latest available statistics, the University Hospital of Zurich treated up to 30 cases of FGM/C each year, while the women's clinic in the canton of St. Gallen recorded approximately five cases each year. Hospitals in Basel also confirmed cases of FGM/C in their clinics. According to government and NGO estimates, approximately 15,000 women and girls, primarily from Somalia, Eritrea, Ethiopia, Sudan, and Egypt, were affected by, or at risk of, FGM/C.

Sexual Harassment: The law prohibits sexual harassment 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.

The cantonal police of Bern, the Zurich city police, and the city government of Lausanne conducted public information campaigns against sexual harassment during the year. Lausanne city officials also established an online platform for victims to record instances of sexual harassment and provided extra training to police officers and teachers on the matter.

A national survey published in April 2017 by local newspaper 20 Minuten found that 44 percent of 2,700 surveyed women had experienced sexual assault at least once in their lives, while 41 percent had experienced sexual harassment, and 3 percent were victims of rape.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution and the law generally provide for the same legal status and rights for women as for men. A study commissioned by the Federal Office for Gender Equality and published in June 2017 by the University of Geneva found that lawsuits regarding salary discrimination were the most numerous.

## **Children**

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

Child Abuse: Child abuse was a significant problem. A study by the UBS Optimus Foundation found that up to 50,000 children are registered with child protection authorities each year due to child abuse. According to statistics by the Swiss Society of Pediatrics, child abuse cases rose 10 percent in 2017, to 1,730 cases. The most common form of child abuse was neglect, with cases almost doubling to a total of 657 cases in 2017.

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 announced in January it would financially support the NGO Organization against Forced Marriage in its prevention activities over the next four years, including maintaining 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 2017 the NGO Organization against Forced Marriage recorded 107 child marriages, of which 43 cases concerned children younger than the age of 16. The NGO partly attributed the rise in child marriages to the growing numbers of Syrian refugees who reportedly arrange marriages for their daughters in refugee camps to

protect them from sexual assault, as well as to the increasing social awareness of the problem in schools and asylum centers.

Sexual Exploitation of Children: The production, possession, distribution, or downloading of internet pornography that involves children is illegal and punishable by fines or a maximum sentence of one year in prison. 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.

The law prohibits prostitution of persons younger than the age of 18 and punishes pimps of children subjected to trafficking in commercial sex with prison sentences of up to 10 years. It provides for sentences of up to three years in prison for persons engaging in commercial sex with children.

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.html>.

### **Anti-Semitism**

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

The *2017 Anti-Semitism Report*, produced jointly by the SIG/FSCI and the Foundation against Racism and Anti-Semitism, cited 39 anti-Semitic incidents (excluding anti-Semitic online hate speech) in the German-speaking part of the country in 2017. The SIG/FSCI attributed the increase in recorded anti-Semitic statements and acts to a potential improvement in the reporting behavior of the public. The report documented four physical assaults against Jews.

In 2017 the Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation reported 150 anti-Semitic incidents in the French-speaking region. The report noted an increase in right-wing extremist activities and anti-Semitic incidents motivated by the myth of a global Jewish conspiracy controlling the world. The report also observed a steep rise in anti-Semitic incidents on social media and a growing trivialization of the Holocaust. In July the

federal government decided to allocate 500,000 Swiss francs (\$500,000) annually to education and awareness efforts aimed at improving the protection of religious minorities, notably the Jewish and Muslim communities. The decision followed an October 2017 report by the Ministry of Interior, in which the government described the protection of Jewish institutions as an “issue of national importance.”

In July a German national armed with a knife yelled anti-Semitic statements while following three Jews on their way to a Zurich synagogue. Police arrested the man the same evening and released him shortly afterwards.

In August the leadership of the centrist Conservative Democratic Party (BDP) expelled a Thurgau cantonal politician from the party after he tweeted that Adolf Hitler could not have been “endlessly bad” and that he did not just see an “evil tyrant” in Hitler. He later apologized for his tweet. The BDP stated any minimization of Nazi atrocities is unacceptable.

In October a kosher butcher shop in Basel was vandalized four times in one month. Police were investigating what the community president called “anti-Semitic attacks,” and the secretary general of the SIG/FSCI told the press the incidents were “generating concern” among members of the community.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution and federal law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced the prohibition. The law mandates access for disabled persons to education, employment, health services, information, communications, buildings, transportation, the judicial system, and government services. The government generally enforced these provisions.

One of the country’s largest disability organizations, Procap, stated that persons with mental disabilities faced increasing difficulties finding employment. Procap also observed a growing number of disabled persons living in poverty, due to disability insurance benefits falling short of allowing disabled persons to live above the poverty income level. The NGO Humanrights.ch alleged that patients



were incarcerated in regular detention centers for up to 23 hours a day and that they were denied their right to free legal counsel. In its 2016 report, the CPT stated that some mentally disabled persons were hospitalized in inappropriate conditions.

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. In May the government published a report on the situation of disabled persons, which concluded that disabled individuals still lacked equal access to the labor market, health care services, and housing, as well as to recreational and cultural activities. In response to the findings, the government ordered two new staff members to be added to the Federal Equal Opportunity Office for Persons with Disabilities in order to assist with the implementation of two new programs, one to increase disabled persons' employment opportunities and the other to enable a more independent life style by better addressing disabled persons' individual needs.

### **National/Racial/Ethnic Minorities**

Extremists, including skinheads, who expressed hostility toward foreigners, ethnic and religious minorities, and immigrants, continued to be active.

In May the Federal Court confirmed the cantonal court of Vaud's sentencing of a man for breaching the antiracism law after he asked on Twitter in 2015 who would join him in "torching Muslims" in response to the Charlie Hebdo attack in France. In April the Consulting Network for Racism Victims, a partnership between the NGO Humanrights.ch and the Federal Commission against Racism, released its report for 2017, again 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 noted that most incidents of racial discrimination were verbal and occurred primarily in the workplace and at school. Unlike the previous year's report, no physical attacks were reported.

In 2017 the Romani association Romano Dialogue and the Roma Foundation reported discrimination against Roma in the housing and labor markets and that many Roma routinely concealed their identity to prevent professional and private backlash. Romani representatives told local media that perceptions of uncleanness, criminality, street begging, and lack of education continued to

dominate the public's view of Roma. According to the Society for Threatened Peoples, itinerant Roma, Sinti, and Yenish regularly faced arbitrary stops by police. In June the government rejected an official request submitted by Romani organizations to recognize Roma as a national minority. According to the government, Roma did not sufficiently display determination to "safeguard a common Swiss identity" nor did enough members have Swiss citizenship or longstanding ties to the country. The Society for Threatened Peoples called the decision discriminatory in light of the government's recognition of the Sinti as a national minority in 2016.

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

The law does not specifically ban discrimination in housing, employment, nationality laws, and access to government services on the basis of sexual orientation, gender identity or expression, or sex characteristics. There were occasional reports of societal violence or discrimination based on opposition to lesbian, gay, bisexual, transgender, and intersex (LGBTI) status.

The umbrella organization for gay men, Pink Cross, reported that bullying in the work place remained a problem for LGBTI persons and noted that there were instances of discrimination against LGBTI individuals in the housing market. The organization also noted that authorities did not specifically prosecute hate crimes. In September Pink Cross initiated criminal proceedings against right-wing extremist leader Florian Signer of the Party of Nationally Oriented Swiss for publishing an article on the party's website that described gay men as doing "pioneering work for pedophiles" and that the adoption of children by LGBTI persons is an "emotional time bomb."

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

There were occasional reports of discrimination against persons with HIV/AIDS. To combat harassment and unfair behavior, the Swiss AIDS Federation conducted multiple campaigns to sensitize the public to the problem.

## **Section 7. Worker Rights**

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

The law 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 law also provides for the right to bargain collectively and conduct legal strikes. Strikes must be linked to industrial relations. The government may curtail the right of federal public servants to strike for reasons of national security or to safeguard foreign policy interests. Laws prohibited public servants in some cantons and many municipalities from striking. No specific laws prohibit antiunion discrimination or employer interference in trade union activities. The law does not require employers to reinstate an employee whom employers unjustly dismissed for union activity.

No law defines penalties for violations of the freedoms of association or collective bargaining. Penalties took the form of fines, which were sufficient to deter violations. According to union representatives, the length of administrative and judicial procedures varied from case to case. Collective bargaining agreements committed the social partners to maintain labor peace, thereby limiting the right to strike for the duration of an agreement, which generally lasted several years.

The government respected the freedoms of association and collective bargaining, but employers at times dismissed trade unionists and 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, and were sufficient to deter violations. Various NGOs commented that fines for labor trafficking were often very low because authorities treated indications of forced labor as relatively minor labor violations. The government conducted several training programs for relevant authorities on labor trafficking aimed at raising awareness and reducing such exploitation. In April 2017 federal police published an updated national action plan on countering human trafficking for the period 2017-20 that included increased measures for combating forced labor and labor exploitation.

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. Forced begging, stealing, and financial scams occurred in several cantons. Local media reported that forced

begging by Roma was particularly common in the French-speaking cantons, including Geneva and Lausanne.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **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 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 the age of 13 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 the age of 18 are prohibited from working under hazardous conditions or at night. The 2014 report of the International Labor Organization's (ILO) Committee of Experts on the Application of Conventions and Recommendations noted that the penal code prohibits the production of pornography involving children but that the relevant provisions only cover persons who are less than 16 years of age.

The government effectively enforced laws and policies to protect children from exploitation in the workplace, and penalties were sufficient to deter violations. 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.

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

The equality law prohibits discrimination with respect to employment on the basis of sex (including pregnancy). There is no labor law that explicitly prohibits discrimination with respect to employment on the grounds of sex, race, color, religion, sexual orientation, language, political opinion, HIV-positive status or other communicable diseases, gender identity, age, national and social origin, or refugee or stateless status.

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 effectively enforce this provision. Penalties were not sufficient to deter violations. The ILO observed that the country lacked easily accessible mechanisms for workers to seek remedy or compensation for discrimination in employment and vocational training.

Discrimination in employment and occupation occurred with respect to national, racial, and ethnic minorities as well as based on sex, sexual orientation, gender identity, disability, HIV-positive status, and age. For example, an employer refused to renew the work contract of an HIV-positive person after the employee informed his workplace of his HIV-positive status.

Discrimination against women in the workplace is illegal, but 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. Women were severely underrepresented in top-level management positions, particularly in private industry. The law entitles women and men to equal pay for equal work, but this was not enforced effectively. In 2016 the median monthly income for women in the public sector was 7,404 Swiss francs (\$7,400), while men earned 8,466 Swiss francs (\$8,500). The median monthly income for women in the private sector was 5,632 Swiss francs (\$5,600), while men earned 6,593 Swiss francs (\$6,600).

The Federal Office for Gender Equality financed projects that promoted equal pay and equal career opportunities in the amount of 4.5 million Swiss francs (\$4.5 million). The projects were geared towards assisting businesses and counseling offices in eliminating sex-based discrimination.

According to Procap, one of the country's largest organizations for persons with disabilities, problems remained in integrating individuals with disabilities into the labor market, and many persons with disabilities lacked adequate support from social insurance after taking a job, which made sustained employment difficult. (Also see section 6, Persons with Disabilities.)

In 2016 a Swiss Center for Human Rights study on discrimination protection found that LGBTI persons experienced workplace discrimination, predominantly in the private sector.

According to a July study by the Bern University of Applied Sciences, only 14 percent of unemployed people older than the age of 50 found a stable job again

after losing their previous employment, with many requiring social assistance after the expiration of their unemployment benefits. The Romani association Romano Dialogue reported that Roma were subjected to discrimination in the labor market and that many Roma concealed their identity to prevent professional backlash.

There were reports of labor discrimination against persons with HIV/AIDS. In 2016 the Swiss AIDS Federation registered 118 cases of discrimination against individuals with HIV, the highest-ever number of discrimination cases recorded. Approximately 10 of those complaints concerned employment discrimination or other discrimination in the workplace. Examples of workplace discrimination included refusals to award jobs because of a person's HIV-positive status and the experience of workplace bullying.

According to several organizations, including the International Organization for Migration, Trafficking.ch, and Au Coeur des Grottes, migrant workers in low-wage jobs were more likely than other workers to face exploitative labor practices and poor working conditions. This was especially true in the construction, hospitality, tourism, domestic work, health care, and agricultural sectors.

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

There was no national minimum wage. Work contracts covering approximately 40 percent of citizen wage earners included minimum wage provisions, although average wages for workers and employees covered by these contracts, particularly in the clothing, hospitality, and retail industries, remained relatively low. A majority of voluntary collective bargaining agreements, reached on a sector-by-sector basis, contained minimum compensation clauses. Authorities effectively enforced these contracts, and penalties were sufficient to deter violations.

According to the most recent available statistics (2016), the poverty income level for a single person was 2,483 Swiss francs (\$2,500) per month and 5,214 Swiss francs (\$5,200) per month for a household of two adults and two children.

Minimum wage agreements exceeded the poverty income level for a single person.

The 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 taxi drivers and 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. In 2017 the cantons inspected 11,971 businesses and 36,072 individuals. 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 at the time of sentencing.

Migrant workers in low-wage jobs were more likely to experience exploitative labor practices. During the year several local NGOs and international organizations, including the International Organization for Migration, expressed concern that authorities were not adequately addressing labor exploitation prevalent in the construction, hospitality, healthcare, and domestic-labor sectors.

Immigrants may work and 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 usually were not allowed to work during the first three to six months after they had applied for asylum but in exceptional cases could work as self-employed.

In March 2017 the Federal Office for Health facilitated the establishment of a fund for assisting asbestos victims who had been diagnosed with cancer caused by workplace conditions dating to 2006. The fund was financed by voluntary industry contributions, including starting capital of six million Swiss francs (\$6 million) and financial pledges of 24 million Swiss francs (\$24 million).