

SWITZERLAND 2019 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 held on October 20 were considered free and fair. Parliament elects the executive leadership (the seven-member Federal Council) every four years and did so on December 11. 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 of significant human rights issues.

The government took steps to prosecute and punish officials who committed violations, whether in the security services or elsewhere in the government. There were no reports of impunity involving the security forces during the year.

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 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.

In July the Zurich cantonal police launched an independent investigation into a Bern police officer's fatal shooting of a 36-year-old man who reportedly escaped a psychiatric facility while in the possession of a firearm. The investigation continued as of October.

According to the Federal Statistical Office, there were only nine abuse-of-authority convictions in 2018, although authorities registered more than 100 cases each year over the past five years. There continued to be a significant delay between the registration of potential abuses and convictions. The nongovernmental organization (NGO) Humanrights.ch claimed that authorities often dismissed abuse of authority investigations against police officers due to personal ties between the investigators and the accused office 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. As of June, Geneva's Champ-Dollon Prison was the most crowded facility, with a population exceeding 160 percent of its design capacity.

In June the National Commission for the Prevention of Torture's (NCPT) eighth annual report focused on detention centers' access to health services. In 2018 the NCPT visited 17 detention centers in 13 cantons to follow up on visits in previous years. While the NCPT deemed overall conditions at the institutions to be adequate, it criticized the isolated use of shackles, handcuffs, and pepper spray by security staff against inmates in several detention centers as well as the lack of separate accommodation for underage patients.

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. 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.

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. According to the CPT's report on its 2015 visit, 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 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. The CPT condemned what it called 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 NGO Humanrights.ch continued to claim that lengthy pretrial detention was a problem. Approximately 27 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.

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. 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, 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 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 were 42 convictions under this law in 2018.

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 libel, slander, and defamation with punishments ranging from monetary fines to prison sentences of up to three years. In 2018, the year with the latest statistics, 404 individuals were sentenced under the penal code on slander. There were also 124 persons sentenced under the penal code on libel and defamation. 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.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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.

In October a report commissioned by parliament and written by the Swiss Competence Center for Human Rights stated that sexual assaults against female asylum seekers perpetrated by other refugees, asylum center staff, and external visitors were common. The report called for improved assistance and protection measures for traumatized refugee women and girls in asylum centers, including the ability of women to lock their dormitories from the inside, and to increase training for asylum center staff on how to deal with victims of sexual violence. The NGO Terre des Femmes stated the measures fall short of offering adequate assistance.

Terre des Hommes continued to express concern over missing underage asylum seekers becoming victims of trafficking. Terre des Hommes further stated 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 asylum centers often restricted the private sphere and safety of

female refugees, due to bedrooms and bathrooms not always being gender segregated. According to Terre des Hommes, perpetrators of sexual violence comprised asylum seekers, caregivers, and security personnel. Former employees of now decommissioned asylum centers in Zurich city stated underage asylum seekers were often exposed to bullying, violence, and sexual abuse from other inmates. The NGOs SOS Racisme and Solidarite criticized the living conditions of asylum seekers housed in the Oberbuchsiten asylum center in the canton of Solothurn. According to the NGOs, the center lacked sufficient space, privacy, and access to medical services.

On July 4, the NCPT released its annual report on deportation flights. According to the report, the country forcibly deported 191 persons, including 13 families and 23 children, to their countries of origin between April 2018 and March. The NCPT regarded the treatment of deportees as generally professional, but it called on the government to separate deportees from criminal offenders while in detention and not to accommodate underage asylum seekers in penitentiaries. The NCPT criticized isolated instances of partial or full shackling of deportees, security personnel wearing facial concealments during the deportation process, 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.

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.

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. During the year the State Secretariat for Migration (SEM) resumed deporting rejected asylum seekers to Afghanistan and Somalia. In July 2018 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.

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. On March 1, the revised asylum law entered into force, accelerating federal asylum centers' processing of applications within a maximum of 140 days. Under the revision asylum seekers are granted immediate free legal representation facilitated by NGOs and financed by the federal government.

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 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: In November 2018 the government decided to resettle an additional 800 Syrian refugees during the year as part of a UNHCR resettlement program. As of July, 142 had arrived in the country. In 2016 the government announced it would accept an additional 2,000 Syrian refugees until 2019, while in 2015 the government agreed to accept 3,000 Syrian refugees between 2015 and 2018 under the UNHCR resettlement program. All refugees assigned under the 2015 and 2016 resettlement quotas had arrived in the country by July.

Temporary Protection: In 2018 the government granted temporary admission to 9,174 individuals, 1,012 of whom the government designated as refugees.

g. Stateless Persons

Not applicable.

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: On October 20, 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 11. 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. Nearly 1,900 women, or 40 percent of all candidates, ran for election to the National Council, 565 more than in the last federal elections in 2015.

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. According to the Federal Audit Office, authorities received 164 alerts regarding potential corruption and mismanagement of public contracts in 2018, 42 more than in the previous year. Approximately 75 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 October the Office of the Attorney General indicted a former employee of the State Secretariat of Economic Affairs (SECO) and three entrepreneurs on bribery charges after the SECO employee reportedly awarded information technology contracts worth 99 million Swiss francs/U.S. dollars without a public bidding process in exchange for money and other favors totaling 1.7 million Swiss francs/U.S. dollars during a 10-year period. The case was pending at the Federal Criminal Court as of October.

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 SCHR hosted presentations 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.

NGOs such as Geneva-based Association for Assistance of Intimate Partner Violence, Terre des Femmes, Amnesty International Switzerland, and the Umbrella Organization for Swiss 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, including 19 women's shelters, and nearly a dozen private or government-sponsored hotlines provided help, counseling, and legal assistance to survivors of domestic violence. Most cantonal police forces included specially trained domestic violence units.

According to a study by the Conference of Cantonal Directors of Social Affairs, shelters rejected almost one-half of all shelter applicants because of a lack of space and resources. According to a report by Swiss Radio and Television, the Zurich cantonal police on average responded to domestic violence 12 times a day, while on average every two weeks a woman or girl was killed by domestic violence.

In May a study by the research institute Swiss Society of Practical Social Research gfs.Bern commissioned by Amnesty International Switzerland found that 12 percent of women had been forced into nonconsensual sexual intercourse, while 59 percent experienced sexual harassment in the form of unwanted physical contact.

In October the Federal Office for Justice revised the Victim Assistance Law to raise state compensations for victims of severe sexual violence, including rape and prolonged child sex abuse, up to 70,000 Swiss francs/U.S. dollars. The revision also introduced for the first time compensations of up to 40,000 Swiss francs/U.S. dollars for violence victims suffering from severe psychological trauma.

On November 25, the NGO Feminist Peace Organization launched a 16-day campaign supported by several cantonal governments on violence against older women. More than 100 organizations participated, and they sponsored more than 100 public awareness events across the country.

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, were affected by, or at risk of, FGM/C. The first-ever criminal sentence under the anti-FGM/C law was handed down in 2018. In February the Federal Court rejected an appeal by a Neuchatel-based Somali woman whom the cantonal court of Neuchatel sentenced to an eight-month suspended prison sentence in July 2018 for ordering the full or partial removal of her six- and seven-year-old daughters' genitalia while in Somalia and Ethiopia between 2013 and 2015.

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.

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 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 May a study published by the gfs.Bern research institute and commissioned by Amnesty International Switzerland found that 56 percent of women experienced sexual harassment on the street and 46 percent on public transport. Some 60 percent of respondents between the ages of 16 and 39 years reported they also faced sexual harassment on social media.

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

Discrimination: The constitution and the 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.

The World Economic Forum's *2018 Global Gender Gap Report* noted that women faced unequal career opportunities, with only 34 percent of women occupying leadership positions in the labor market. A study published by the Federal Statistics Office in January found that women in the private sector earned almost 20 percent less than their male counterparts in 2016, the most recent year for which data was available. According to the study, almost 43 percent of the wage difference could not be attributed to factors such as age or seniority. Women in political leadership roles, however, increased during the year. Following the federal parliamentary elections in October and runoff elections in November, women made up 43 percent of representatives in parliament's lower house and 26 percent in parliament's upper house (see section 7.d.).

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. New guidelines for protecting children came into effect on January 1. The guidelines obligate anyone in regular contact with a child, including doctors, lawyers, and psychologists, to notify authorities of suspected abuse, despite their professional confidentiality. Studies found that child abuse was a significant problem. A June 2018 study by the UBS Optimus Foundation found that up to 50,000 children were registered with child protection authorities each year due to child abuse. The Swiss Society of Pediatrics (SSP) registered 1,502 cases of child abuse in 2018, 230 fewer cases than in 2017. The most common form of child abuse was physical abuse, totaling 435 cases, followed by approximately 405 cases of neglect. According to the SSP, three children died from physical abuse, while one third of all children affected by abuse were younger than four years.

Early and Forced Marriage: The legal minimum age of marriage is 18 years. The law prohibits forced marriage and provides penalties of up to five years in prison for violations. The federal government announced in January 2018 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 2018 the Organization against Forced Marriage assisted in 119 cases of child marriages, its highest number ever. The NGO stated up to 11 persons affected by early or forced marriage contact the organization every week, with every third person being a minor. According to the NGO, most victims are Iraqi and Syrian Kurds or come from Turkey, Afghanistan, and Somalia.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, offering or procuring for prostitution, and practices related to child pornography. Authorities enforced the law. 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. According to SSP statistics, nearly 300 children were sexually abused in 2018.

The law prohibits prostitution of persons under 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/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 *2018 Anti-Semitism Report*, produced jointly by the SIG/FSCI and the Foundation against Racism and Anti-Semitism (GRE), cited 577 anti-Semitic incidents, including 535 cases of anti-Semitic online hate speech, in the German-speaking part of the country in 2018. The SIG/FSCI and GRE attributed the increase in recorded anti-Semitic statements and acts to their revised research and reporting methods, which included the documentation of online anti-Semitic hate speech and more proactive and independent research of anti-Semitic incidents. The report documented one incident of assault against Jews involving a man following a group of Orthodox Jewish men and threatening them with a knife and yelling anti-Semitic insults. There were no reports of how security officials handled the incident.

In 2018 the Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation reported 174 anti-Semitic incidents, including approximately 111 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 resurgence of right-wing extremist activities and anti-

Semitic incidents. The report also observed a continued rise in anti-Semitic incidents online from right-wing, left-wing, and Islamic groups, 21 percent of which were motivated by the myth of a global Jewish conspiracy controlling the world. The report further mentioned the growing trivialization of the Holocaust under the guise of “childish jokes.”

On November 1, a decree providing 500,000 Swiss francs/U.S. dollars annually in federal grants for the enhanced protection of religious minority institutions, notably of the Jewish and Muslim communities, went into effect. The funds are aimed at cofinancing the communities’ infrastructural, technical, and organizational security measures, including establishing walls, security cameras, alarm systems, and organizing risk identification and threat-awareness trainings. The federal government’s decision to allocate the funds followed a 2017 report by the Ministry of Interior, in which the government described the protection of Jewish institutions as an “issue of national importance.”

In May local media reported on the formation of an allegedly neo-Nazi group called White Resistance comprised of three men and one woman, that spread hate speech, including statements on ethnic cleansing, against Jews and foreigners on social media. The group reportedly also met in April to discuss potential attacks against Jewish and foreign communities. According to the report, the intelligence services continued to monitor the group.

In August anonymous persons painted swastikas several days in a row on the advertising posters of a local bank in Muellheim in the canton of Thurgau.

In July 2018 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 that evening and released him shortly afterwards.

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 their access to education, employment, health services, information, communications, buildings,

transportation, the judicial system, or other state services, and the government generally enforced the prohibition. While the government generally enforced these provisions, the umbrella organization for disability NGOs, Inclusion Handicap, stated 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. In April the canton of Zurich launched a Department for Disability Policy aimed at devising an action plan for implementing the UN Convention on the Rights of Persons with Disabilities.

In January, Inclusion Handicap submitted to the Federal Court a complaint about the inability of persons with disabilities independently to access a new fleet of trains procured by the Swiss Federal Railways, calling on the government to suspend the fleet’s operational license. A test phase had found that the wheelchair ramps were too steep for persons with disabilities to board the trains on their own. The Federal Administrative Court had previously rejected the complaint in November 2018. The case was pending at the Federal Court as of October.

Inclusion Handicap and 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 persons with disabilities living in poverty, due to disability insurance benefits falling short of allowing such persons to live above the poverty income level. The NCPT stated that some psychiatric clinics did not separate underage patients from adults.

In May 2018 the government published a report on the situation of persons with disabilities, which concluded that they 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 to assist with the implementation of two new programs, one to increase employment opportunities for persons with disabilities, the other to enable a more independent life style by better addressing individual needs of persons with disabilities.

National/Racial/Ethnic Minorities

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 April the Consulting Network for Racism Victims, a partnership between the NGO Humanrights.ch and the Federal Commission against Racism, released its report for 2018, recording 278 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 noted most incidents of racial discrimination involved written and verbal insults that occurred primarily in the workplace and at school. The report documented two instances of physical attacks by use of a weapon and arson.

In September the regional court of Emmental-Oberaargau in the canton of Bern fined a man 500 Swiss francs/U.S. dollars and issued him an additional suspended fine of 2,000 Swiss francs/U.S. dollars for distributing a self-recorded video in which he used racial slurs against a Kenyan man washing the man's car.

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. Romani representatives told local media that perceptions of uncleanliness, 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 January a regional court in the canton of Bern sentenced two leaders of the youth branch of the Swiss People's Party to separate fines of 3,300 Swiss francs/U.S. dollars and 3,600 Swiss francs/U.S. dollars for violating the antiracism law for posting an illustration on Facebook that depicted a man in traditional Swiss dress holding his nose in front of a pile of rubbish belonging to a caravan community. The image was accompanied by the text, "We say NO to transit sites for foreign gypsies!"

In June 2018 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 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 prohibit discrimination in housing, employment, nationality laws, and access to government services on the basis of sexual orientation, gender identity or expression, or sex characteristics. According to media, there were multiple 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, stated that violence against LGBTI individuals remained a significant problem and that the organization's helpline received on average four calls per week regarding violent attacks against LGBTI persons. The organization, however, noted authorities did not specifically prosecute these as hate crimes. While multiple incidents of violence against LGBTI individuals did occur, there was no further evidence of violence as a significant problem. In May several men trashed an awareness-raising stand to mark the International Day against Homophobia, Transphobia, and Biphobia, and in June, three men attacked and physically injured a gay couple following Zurich's Pride Parade. In September, five men beat up two young men kissing in public in Zurich, leaving them with broken teeth and several facial hematomas. Authorities arrested one perpetrator involved in destroying the awareness stand, while investigations continued in the other two cases.

Pink Cross and the NGO Transgender Network reported that bullying in the work place remained a problem for LGBTI persons and noted there were instances of discrimination against LGBTI individuals in the housing market.

In April an alliance of churches, the conservative Federal Democratic Union Party, the youth branch of the Swiss People's Party, and the Youth and Family Working Group collected more than 50,000 signatures to hold a future referendum on whether to repeal a 2018 amendment to the antiracism law that criminalized discrimination on the grounds of sexual orientation, including expressions of homophobia. Proponents of the referendum claimed the new law infringes on freedom of expression and makes it difficult for pastors to quote "biblical truths."

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. 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 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, 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. 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 minimum or maximum 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 2018 the Federal Police organized a day-long labor-trafficking seminar attended by 100 prosecutors, labor inspectors, and cantonal police officers, while the government and International Labor Organization (ILO) held a forced-labor workshop for businesses to improve their identification and risk awareness of labor trafficking in global supply chains. In 2017 the 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, such as an improved checklist to identify potential labor-trafficking victims.

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.

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 years. Children who are 13 or 14 years of age 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 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. 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 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). No labor law explicitly prohibits discrimination with respect to employment on the grounds of sex (including pregnancy), race, color, religion, disability, sexual orientation or gender identity, language, political opinion, HIV/AIDS status, age, national origin, or refugee or stateless status. In court cases on employment discrimination based on sex, the equality law prevails.

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/AIDS status, and age. For example, an employer dismissed an HIV-positive person after the employee informed his supervisor 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. According to TravailSuisse, one of the country's largest trade unions representing more than 150,000 workers, women were severely underrepresented in top-level management positions, particularly in private industry.

On June 19, 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.

The law entitles women and men to equal pay for equal work, but this was not enforced effectively according to TravailSuisse. Based on research by the Federal Statistics Office, there was an 18 percent gender wage gap across both the public and private sectors in 2016, the last year for which data was available. In 2016 the median monthly income for women in the public sector was 7,468 Swiss francs/U.S. dollars, while men earned 8,966 Swiss francs/U.S. dollars. The median monthly income for women in the private sector was 6,266 Swiss francs/U.S. dollars while men earned 7,793 Swiss francs/U.S. dollars. On June 14, several hundred thousand people protested against gender inequality and the gender pay gap in one of the country's largest-ever demonstrations.

In December 2018 parliament passed a law giving companies with more than 100 employees until 2021 to submit an independent report examining potential wage gaps between men and women. The law requires companies to repeat the assessment every four years until no evidence of an unjustified wage difference is found.

The Federal Office for Gender Equality's annual budget of approximately four million Swiss francs/U.S. dollars financed projects that promoted equal pay and equal career opportunities. As of July the office had approved 14 projects totaling 1.4 million Swiss francs/U.S. dollars. In 2018 the office financed projects worth approximately 4.4 million Swiss francs/U.S. dollars. The projects were primarily geared towards assisting businesses and counseling offices in eliminating sex-based discrimination.

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, stated that many persons with disabilities lacked adequate support from social insurance after taking a job, making sustained employment difficult (also see section 6, Persons with Disabilities).

The NGOs Pink Cross and Transgender Network noted LGBTI persons experienced workplace discrimination but did not provide specific examples.

According to a July 2018 study by the Bern University of Applied Sciences, only 14 percent of unemployed persons older than age 50 found a stable job after losing

their previous employment, with many requiring social assistance after their unemployment benefits expired. The Romani association Romano Dialogue reported 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 2018 the Swiss AIDS Federation registered 122 cases of discrimination against individuals with HIV, the highest number of discrimination cases ever recorded. Approximately 15 of the complaints concerned employment discrimination or other discrimination in the workplace. Examples of workplace discrimination included refusals to renew job contracts and dismissals because of a person's HIV-positive status.

According to several organizations, including the International Organization for Migration and 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. 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. Minimum wage agreements exceeded the poverty income level for a single person but did not exceed the poverty income level for a family with two adults and two children.

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 2018 the cantons inspected 12,376 businesses. 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 lacked the necessary resources and expertise to adequately address labor exploitation prevalent in the construction, hospitality, health-care, 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 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/U.S. dollars and financial pledges of 24 million Swiss francs/U.S. dollars.