

## SWITZERLAND

### 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. Free and fair elections occurred at both the cantonal and federal levels on October 23 and December 14. Parliament elects the executive leadership (the seven-member Federal Council) every four years. The Federal Council is comprised of a coalition of five parties. There are 12 political parties represented in the federal government. Security forces reported to civilian authorities.

Lengthy detention and mistreatment of detained asylum seekers and societal discrimination against Romani and other minorities and immigrants occurred on occasion. Authorities used excessive force in connection with the deportation of asylum seekers, and police resorted to disproportionate force during arrests.

Other human rights problems included some overcrowded prisons, instances of hostility towards Muslims, anti-Semitic incidents, violence against women, trafficking in persons, and allegations of corrupt political practices.

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

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed any politically motivated killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices; however, there were reports that individual police officers occasionally used excessive force.

In May 2010 the UN Committee against Torture (UNCAT) identified several cases of police misconduct involving the use of excessive force against foreigners, especially in asylum detention centers and during forced repatriations. The committee noted that only a minority of complaints of violence or mistreatment by the police resulted in prosecutions. In 2010 there were 62 registered complaints relating to malpractice or misuse of authority by the police; figures for 2011 complaints were unavailable. UNCAT recommended the government ensure that each canton created an independent entity empowered to investigate allegations of police violence.

Responding to UNCAT concerns, in June the government selected independent observers to begin monitoring deportations. On December 1, the National Commission for the Prevention of Torture (NCPT) issued its first report on deportation practices and offered a number of suggestions to improve procedures, including providing clearer information to prospective deportees, more frequent medical examinations, and better trained police units assigned to this sensitive work. Authorities also investigated and prosecuted a number of cases of alleged mistreatment by police officers.

During the year Amnesty International criticized degrading practices and the use of excessive force by police before and during forced repatriation. On February 24, the NCPT, established by the government in May 2010, issued its initial report. The commission found that mental health counseling for prisoners was insufficient, especially for individuals in solitary confinement, and noted that foreigners awaiting deportation often faced harsher treatment than other persons in pretrial custody.

On January 1, an amendment to the Foreign National Act that included a forced-return monitoring system entered into force. The government added the amendment to bring Switzerland in line with EU law. The UN Committee on Torture had earlier expressed concern that the Federal Act on Foreign Nationals might violate the principle of nonrefoulement.

On June 15, the Federal Office for Migration announced plans to allow independent observers to monitor repatriation flights. Special training for the observers continued, and five independent observers began their in-flight monitoring duties in August.

On July 7, police officials were recorded on videotape beating a Nigerian man being deported to Nigeria on a special deportation flight from Zurich airport. Police claimed that the man resisted being carried aboard the plane and they were forced to subdue him. Authorities in the Canton of Zurich opened an investigation to determine if police used excessive force. On October 7, the investigation commission and the cantonal government concluded that the use of force was justified.

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

Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

According to the Swiss Federal Office for Statistics, from November 2009 to November 2010, 13 deaths occurred in Swiss confinement, seven of which were suicides and the remainder believed to be of natural or unintended causes.

There were 6,181 persons in prison or detention centers (31 percent were remanded for custody, 61 percent for convicted crimes, 6 percent under compulsory measures in accordance with the federal law on foreigners, and 2 percent for other reasons). Of the total, 347 were women (5.6 percent) and 39 were juveniles (0.6 percent). In 2010 there were 1,894 persons in pretrial detention and 371 awaiting deportation, 5.4 percent of whom were female. While some prisons and detention centers housed both male and female inmates, they were located in separate wards. Nevertheless, in some instances these facilities were inadequate. For example, the NCPT criticized the deportation center in Granges for lacking adequate facilities for woman and juveniles.

The occupancy rate of detention facilities was 92.5 percent during the year; still, prison overcrowding continued to be a serious problem in major urban areas, particularly in the French-speaking part of the country. In 2010 the occupancy rate of detention facilities in the French-speaking cantons was 104.8 percent, compared with an average 86 percent in the German-speaking region. Geneva's Champ-Dollon Prison was the country's most crowded prison. Designed for a maximum of 270 occupants, the prison housed up to 622 inmates during 2010. In 2011 the median occupancy was 420. According to independent observers, both guards and inmates were critical of the poor detention conditions.

According to statistics released by the Federal Department of Justice and Police in 2010, there were 34 minors under the age of 17 years in preventive detention. There were 514 prisoners between the ages of 18 and 24 years.

Prisoners and detainees had reasonable access to visitors and were permitted to observe and practice their respective religions. They could submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions. Authorities investigated such allegations. There was no ombudsman at the national level, but a number of cantons instituted cantonal ombudsmen and mediation bodies, which acted on behalf of prisoners and detainees to address the conditions and circumstances of their detention. Larger cantons and those with high population density were more likely to provide these services than smaller or more rural ones.

All prisoners had access to potable water. While conditions for women prisoners generally were comparable to those for men, there were exceptions. The NCPT visited the women's prison in Hindelbank in 2010 and strongly criticized detention conditions in the areas of solitary confinement, describing them as inhumane and unjustified from a legal and medical standpoint. Additional problems centered on the lack of sufficient space in some of the older wards. The penal code states that police authorities may detain young offenders only for a minimal period but does not explicitly state the length. In actuality, without an arraignment or arrest warrant, police were allowed to detain young offenders only for a maximum of 24 hours (48 hours during weekends). The law also requires that juvenile offenders be held in reform schools or separate wings of prisons where they can receive educational support; however, this was often not the case.

On July 24, prison officials opened a new wing at Geneva's Champ-Dollon Prison that could accommodate 100 additional prisoners. In the spring the government halted construction of new juvenile detention centers in the Canton of Zurich due to financial disputes.

The government permitted independent monitoring of prison conditions by local and international human rights groups, the media, and the International Committee of the Red Cross. In addition, the Council of Europe's Committee for the Prevention of Torture carried out one of its periodic visit to the country on October 10-20.

On February 18, the NCPT visited the Grosshof remand center in the Canton of Luzern. While generally satisfied with overall conditions, the inspectors noted in their February 24 report that there was insufficient space.

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

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

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

Civilian authorities maintained effective control over security forces, which the cantons primarily organized and administered with federal coordination. The Federal Office of Police, in addition to performing coordination and analytical functions, can pursue its own investigations under the supervision of the attorney general in cases of organized crime, money laundering, and corruption. The government has effective mechanisms to investigate and punish abuse; however, in past years there were allegations of impunity.

#### **Arrest Procedures and Treatment While in Detention**

By law criminal suspects must be apprehended on the basis of warrants issued by a duly authorized official unless police are responding to a specific and immediate danger. In most cases authorities may not hold a suspect longer than 24 hours before presenting him to a prosecutor or investigating magistrate, who must either bring formal charges or order the detainee's release. Asylum seekers and other foreigners without valid documents may be detained 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. A suspect may be denied legal counsel at the time of detention and initial questioning but has the right to choose and contact an attorney before charges are brought. The state provides free legal assistance for indigents charged with crimes for which imprisonment would be a possible punishment. Access to family members may be restricted to prevent tampering with evidence, but law enforcement authorities are required to inform close relatives promptly of the detention.

Pretrial Detention: In some cases lengthy pretrial detention was a problem. In 2010 approximately 30 percent of all prisoners were in pretrial detention. The

country's highest court has ruled that 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 in practice.

### **Trial Procedures**

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

Defendants enjoy a presumption of innocence. Trials are public. Juries are used only in the most serious cases, including murder. Defendants have the right to be present and consult with an attorney in a timely manner, and an attorney is provided at public expense if a defendant faces serious criminal charges. Defendants have the right to confront or question witnesses and present witnesses and evidence. They have the right to appeal, ultimately to the highest court, the Federal Tribunal. Authorities generally respected these rights in practice and extended them to all citizens.

Civilians charged with revealing military secrets, such as classified military documents or classified military locations and installations, may be tried in military courts. There were no reports that any civilians were tried by a military court during the year.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Regional Human Rights Court Decisions**

Persons could apply to the European Court of Human Rights (ECHR) concerning alleged government violations of rights provided under the European Convention of Human Rights. The government complied with ECHR judgments. For example, on October 11, the ECHR provided a second judgment in the case of Emre v. Switzerland. Emre had filed a complaint regarding a prior decision by the federal court that prohibited him from reentering Swiss territory for 10 years. He argued that the court's decision to replace deportation for an indefinite period with

a fixed-term measure was unjust. The ECHR found in Emre's favor, concluding that Emre's ban was an unnecessarily harsh measure, and ordered Swiss authorities to pay 5,000 euros (\$6,500) in pecuniary damages.

### **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. Persons who exhaust their right of appeal in domestic courts may apply to the ECHR for redress.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

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

#### **a. Freedom of Speech and Press**

##### **Status of Freedom of Speech and Press**

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

Freedom of Speech: The law penalizes public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity. There was one conviction during the year under this law. On April 27, the federal court confirmed a verdict against a politician for racial discrimination. The individual publicly called for the government to prohibit Muslims from becoming naturalized citizens. He was found guilty of violating the law on preventing racism and fined 5,400 Swiss francs (\$6,100).

Freedom of Press: According to federal law, it is a crime to publish information based on leaked "secret official discussions." A number of cases of violation of secrecy by the press were under investigation during the year; however, no sentences were handed down for such offenses by year's end.

## **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

## **Academic Freedom and Cultural Events**

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

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

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

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

See the Department of State's International Religious Freedom Report at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. 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, and other persons of concern.

## **Protection of Refugees**

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. As of December the number of individuals temporarily admitted from third countries was 23,310. Of these, 839 were granted asylum as refugees for more than seven years, 3,063 were granted asylum as refugees for less than seven years, 9,353 were temporarily admitted for more than seven years

(without asylum status), and 10,055 were temporarily admitted for less than seven years (without asylum status).

Safe Country of Origin/Transit: The Federal Office for Migration relied on a list of “safe countries,” and would-be refugees who originated from or transited these countries generally were ineligible to apply for asylum. Nongovernmental organizations (NGOs) criticized the inclusion of some East European and African countries in the “safe countries” list because the countries were not sufficiently stable or suitable to justify automatic rejection of an asylum application.

Nonrefoulement: In practice the government provided protection against expulsion or return of refugees to countries where their lives or freedom were threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. On January 26, the Federal Office for Migration began to evaluate on a case-by-case basis whether to repatriate individuals to/via Greece and began to refrain from doing so. An August 16 federal court order put a final halt to such repatriations.

Refuge Abuse: The government required asylum applicants to provide documentation verifying their identity within 48 hours of completing their applications, and authorities refused to process the applications of asylum seekers who were unable to provide a credible justification for their lack of acceptable documents or show evidence of persecution. Authorities could detain uncooperative asylum seekers, subject to judicial review, for up to six months while adjudicating their applications. The government could also detain rejected applicants for up to three months to ensure their departure or up to 18 months if repatriation posed special obstacles. They could detain minors between the ages of 15 and 18 years for up to 12 months pending repatriation. Authorities generally instructed asylum seekers to leave voluntarily. In cases where they refused to depart voluntarily, they could be forcibly repatriated.

Amnesty International and other NGOs working with refugees continued to complain that detained asylum seekers often were effectively denied proper legal representation in deportation cases due to their lack of financial means to hire an attorney. Authorities provided free legal assistance only in cases of serious criminal offenses. The deportation of asylum seekers was deemed an administrative, rather than judicial, process.

On February 3, Amnesty International, together with several locally operated NGOs, organized a campaign to advocate for better general care for asylum seekers. The campaign ended October 20.

On August 31, press reports revealed that the Federal Office of Migration had willingly ignored processing up to 10,000 asylum requests from Iraqi citizens submitted to Swiss embassies in Egypt and Syria between 2006 and 2008. An independent investigation launched by the Ministry of Justice led to the dismissal of the director of the Federal Migration Office.

The 2010 passage of a referendum on the automatic expulsion of foreigners convicted of serious crimes had not been enacted into law by year's end, although a working group established in 2010 presented suggested language for a draft law for public consideration on June 28, with a first review by parliament scheduled for early 2012.

Temporary Protection: By year's end the government provided temporary protection to 3,070 individuals, of whom 2,159 had not yet qualified as refugees.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: On October 23, voters elected a new Federal Assembly in free and fair elections. On December 14, the newly elected Federal Assembly elected the seven-member Federal Council.

Participation of Women and Minorities: During the year there were 51 women in the 200-person National Council (House) and eight women in the 46-member Council of States (Senate). Three female federal councilors and one female federal chancellor were reelected during the December 14 elections for the Federal Council.

### **Section 4. Official Corruption and Government Transparency**

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

Prior to the October 23 parliamentary elections, the lack of federal campaign financing regulations was widely discussed by the media and international observers. The global NGO Transparency International concluded during the year that political party funding practices remained opaque. On July 14, the Group of States against Corruption of the Council of Europe (GRECO) also voiced concerns about the limited transparency of political party funding. The country has no legal framework governing the funding of political parties, which left space for government corruption or favoritism. While OSCE observers criticized blurred practices in party funding during the parliamentary elections, they cited no specific cases.

Members of the Federal Assembly must disclose their financial interests, professional activities, supervisory board or executive body memberships, and expert or consulting activities every year. Investigating and prosecuting government corruption is a federal responsibility. A majority of cantons also require members of cantonal parliaments to disclose their financial interests. A joint working group consisting of representatives of various federal government agencies operated under the leadership of the Federal Department of Foreign Affairs to combat corruption. In January the Swiss Federal Audit Office (SFAO) established an ombudsman office to provide government employees a safe and confidential avenue for reporting government corruption. Private individuals, as well as employees of the government, were able to submit personal or anonymous information in accordance with the Federal Personnel Act (in force since January) to report malfeasance.

The constitution requires the government to inform the public about its activities, and government information was available to all persons living in the country, including foreign media. A transparency law provides for public access to government documents.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 cooperative and responsive to their views.

Government Human Rights Bodies: On May 5, the Federal Department of Foreign Affairs and the Federal Department of Justice and Police created a Swiss Competence Center for Human Rights (SCHR). The SCHR is 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 issues. The SCHR is organized on the basis of six themes: migration, police and justice, gender policy, child and youth policy, institutional issues, and human rights and business. It conducted training programs and offered continuing education on human rights best practices during the year. Since the SCHR only began functioning during the summer, a reliable assessment of its effectiveness or independence was not possible at year's end.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status. The government generally enforced these prohibitions effectively.

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is a statutory offense. The government effectively prosecuted those accused of such crimes. In 2011 there were 184 cases of rape recorded. In 2010 police recorded 543 instances of rape, compared with 666 in 2009. Police solved 80 percent of those cases.

Violence against women was a problem. In 2010 domestic violence claimed the lives of 19 women and seven men. Domestic violence is a statutory offense. A court may order an abusive spouse to leave the family home as a temporary measure. Stalking is also an offense. Victims of domestic violence could obtain help, counseling, and legal assistance from specialized government agencies and NGOs or from nearly a dozen private or government-sponsored hotlines. There were 17 official women's shelters in 2010. Women's shelters experienced an average of 80 percent occupancy. The Interior Ministry's Federal Office for Equality between Women and Men employed a special unit that focused on domestic violence. Most cantonal police forces employed specially trained domestic violence units. A majority of cantons also had selected administrative

units that coordinated the activities of law enforcement agencies, prosecutors, and victim assistance groups.

Forced marriage is illegal but reportedly occurred, mainly in less integrated immigrant families, making detection and prosecution difficult. Its extent was unknown.

Sexual Harassment: The law prohibits sexual harassment and facilitates access to legal remedies for those who claim discrimination or harassment in the workplace; however, special legal protection against the dismissal of a claimant is only temporary. Employers failing to take reasonable measures to prevent sexual harassment are liable for damages equal to as much as six months' salary.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Health clinics and local health NGOs operated freely in disseminating information on family planning. There were no restrictions on access to contraceptives, and these measures were widely used. Compulsory basic health insurance covers the cost of routine examination during pregnancy and the costs related to childbirth. According to the Swiss Agency for Development and Cooperation, the maternal mortality rate in the country was five women per 100,000 live births in the country in 2010. Men and women received equal access to diagnosis and treatment for sexually transmitted diseases.

Discrimination: Women enjoy the same rights as men under the constitution, including in family and property law, and in the judicial system. However, independent observers in 2010 claimed that some laws, as interpreted by the courts, were discriminatory. For example, the Federal Tribunal ruled that the primary wage earner in a divorce must retain sufficient income to remain above the poverty level. Since men were the primary wage earners in most marriages, a household income too low to support both parties could force the wife and children to resort to public assistance.

The Federal Office for Gender Equality and the Federal Commission on Women worked to eliminate both direct and indirect gender discrimination. Many cantons and some large cities had equality offices to handle gender issues.

Discrimination against women in the workplace is illegal, but women disproportionately held jobs with lower levels of responsibility. Women were

promoted less frequently than men and were less likely to own or manage businesses.

Under the constitution women and men are entitled to equal pay for equal work. In 2010 the median monthly income for women was 5,040 Swiss francs (\$5,662), while men earned 6,248 Swiss francs (\$7,011). A study published by the Federal Statistics Office in October 2010 indicated that in 2008 women's gross salaries in the private sector were on average 19 percent lower than salaries for men. In the public sector, women earned on average 15.5 percent less than men for the same work. In 2009 the government initiated a five-year review of corporate salary structures aimed at eliminating the pay gap between men and women in the private sector.

## **Children**

Birth registration: Citizenship derives from one's parents, and citizenship may be derived from a single parent. Births are registered immediately, but there are no negative repercussions for delayed registration in cases of home delivery.

Child Abuse: Child abuse was a problem. In 2010 there were 1,723 reported cases of sexual assault against children and 319 convictions. Most of the victims were girls under the age of 18, and most of the abuse took place in the family or the immediate social environment.

Harmful Traditional Practices: Female genital mutilation (FGM) is illegal, but according to NGOs the practice reportedly occurred in limited numbers. On September 14, both chambers of the Federal Assembly adopted a proposal to file FGM under its own paragraph in the penal code, with FGM violations punishable by up to 10 years' imprisonment.

Sexual Exploitation of Children: The production, possession, distribution, or downloading of pornography involving children from the Internet is illegal and carries fines or a maximum sentence of one year in prison. With limited exceptions, the law designates 16 as the minimum age of consensual sex. Consensual sex under the age of 16 is allowed in cases where one of the partners is not more than three years older than the other. The maximum penalty for statutory rape is imprisonment for 10 years.

The law does not expressly prohibit prostitution by 16- and 17-year-old minors under all circumstances, leaving these children potentially vulnerable to trafficking for commercial sexual exploitation.

On August 18, the government announced the revision of its penal code to establish a legal basis to punish men who engaged in sexual acts with underage prostitutes. The penal code revision entered into force before year's end.

Displaced Children: During the year several NGOs expressed concern about reports of hundreds of unaccompanied foreign minors entering the country annually, claiming many disappeared from state care after arrival. Officials asserted that there had been only a few isolated cases of missing unaccompanied minors during the year. Statistics on this issue tended to be old or unreliable, with the last publicly released report issued in 2008. Nevertheless, several NGOs maintained that the problems in this regard were serious and that the care and registration of unaccompanied minors was insufficient.

International Parental Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### **Anti-Semitism**

According to the 2000 census, the most recent official data available, there were 17,914 members of the Jewish community, which constituted 0.24 percent of the country's population. Based on 2010 polling, the largest Jewish communities were located in Zurich, Bern, and Geneva. In 2010 there were 104 anti-Semitic incidents in the western, French-speaking part of the country, five of which were considered serious offenses. The Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation (CICAD) and the Swiss Federation of Jewish Communities recorded 34 anti-Semitic incidents in the German and Italian portions of the country in 2010; data for the Romansh-speaking area was unavailable. The federation noted in its annual report that serious incidents, such as violent attacks against Jews and denials of the Holocaust, were rare.

The law penalizes public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity.

On February 23, three young men attacked the local rabbi's assistant in Lausanne. The group approached the man and asked whether he was Jewish. When he answered, they verbally assaulted him as "dirty Jew" and physically assaulted him. Police arrested two of the attackers; the third was not charged as he was found to have not actively engaged in the attack. All three were minors, and the two arrested individuals were charged according to the juvenile penal code. No information on their sentences was available.

On July 1, the rightwing extremist group Geneve Non Conforme distributed posters in Geneva showing a doll wearing a Kippah and an Israeli flag shot by an arrow, which caused considerable public outrage in Geneva.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution and federal law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services or other areas, and the government generally enforced the prohibition. The law mandates access to public buildings and government services for persons with disabilities, and the government generally enforced these provisions in practice.

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

In October the Disabled Persons Federation criticized plans for new double-decker trains scheduled to start operations on interurban rail lines in 2013 for lack of handicap accessibility. The federation complained that entering the trains in a wheelchair was difficult, and the special cars for handicapped persons alienated them. According to the federation, the trains did not meet the standards as defined by the disabilities act. The federation appealed to the federal administrative court, where the case was pending at year's end.

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

Right-wing extremists, including skinheads, who expressed hostility toward foreigners, ethnic and religious minorities, and immigrants continued to be publicly active. Police estimated that the number of extremists remained steady at approximately 1,200. Statistics gathered by the Foundation against Racism and Anti-Semitism indicated that there were a total of 178 incidents against foreigners or minorities reported in 2010, compared with 112 incidents recorded in 2009. These figures included instances of verbal and written attacks, which were much more frequent than physical assaults. Following the November 2010 adoption of the referendum on the automatic expulsion of foreigners convicted of serious crimes, left-wing protesters caused property damage at offices of the conservative Swiss People's Party (SVP). Authorities arrested some of the more violent protesters and charged them with willful property damage but released them the next day. On June 16, the Federal Commission against Racism released an analysis of incidents of ethnic discrimination in 2010 indicating that most were linked to sociopolitical events, such as the antiminare referendum in 2009 or tensions in the country's relationship with Germany. Most victims were of Sub-Saharan African descent or from Central Europe, but many were Swiss citizens.

In 2010 a network of seven counseling centers, including the National Commission against Racism, recorded 230 cases of racial discrimination. For the first half of 2011, the Foundation against Racism and anti-Semitism documented 51 cases.

In December 2010 five men attacked a man of African descent on a tram in Basel. The perpetrators poured beer over the man and assaulted him verbally. As the victim tried to escape, the assailants punched him in the face. He suffered severe facial injuries, which required medical treatment. No arrests or investigations were reported by year's end.

During the year the four main groups actively spreading racist ideology and engaging in anti-Semitic rhetoric were Geneve Non Conforme, Europaeische Aktion, the Lega dei Ticinesi, and the Party of Nationally Oriented Swiss (PNOS).

On April 22, PNOS held its general meeting in Bern and announced its candidacy in the national elections. Party leaders adopted a platform to abolish naturalization and laws against racial discrimination. They also advocated for the country to withdraw from the UN International Convention on the Elimination of All Forms of Racial Discrimination.

On June 24, several dozen right-wing extremists held a festival in the Canton of Neuchatel, which was attended by extremists from the region and by the Artam Brotherhood from neighboring France. Press photos of the festival showed individuals performing the Nazi salute.

The government recognized the Jenisch as a minority group with approximately 35,000 residents in the country. A lack of proper camping facilities and transit areas reportedly forced many Jenisch to occupy land illegally. Between 2007 and 2011, the federal government allocated 750,000 Swiss francs (\$840,000) for measures and projects to improve living conditions for the Jenisch.

In 2010 the Roma Foundation Zurich estimated that approximately 50,000 Roma resided in the country. In 2010 the Federal Commission against Racism expressed concern about increasingly hostile attitudes against Roma and urged the cantons and municipalities to create new campsites and parking areas to eliminate systemic discrimination against them. On October 14, the NGO humanrights.ch asserted that the situation for itinerant people had not improved and that the living situation for those without permanent residence had worsened within the past two years due to cantonal and national restrictions.

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

There were occasional reports of societal violence or discrimination based on opposition to lesbian, gay, bisexual or transgender (LGBT) orientation.

The law permits same-sex couples to have registered partnerships but does not allow them to adopt children. The ECHR has ruled that this constituted a violation of the European Convention on Human Rights.

LGBT children from immigrant families, particularly from the Balkans, Turkey, and the Middle East, suffered serious reprisals, such as exclusion from their families.

Representatives of LGBT organizations expressed grave concern that the country has no antidiscrimination law that applies to sexual orientation. In May the NGO Queeramnesty asked the government to create an official program to monitor violence against the LGBT community.

### **Other Societal Violence or Discrimination**

There were occasional reports of discrimination against persons with HIV/AIDS. According to the Swiss Aids Federation, 84 complaints were submitted during the year. Most concerned employment discrimination or other discrimination in the workspace. To combat harassment and unfair behavior, the Swiss Aids Federation launched a campaign in December to sensitize against such types of discrimination.

## **Section 7. Worker Rights**

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

The law permits all workers, including foreigners, to form and join independent unions of their choice without previous authorization or excessive requirements. The law also allows unions to conduct their activities, including the right to strike, without interference; the government protected this right, which workers exercised in practice. There are no specific laws against antiunion discrimination and employer interference. The law does not require employers to offer reinstatement to an employee found to have been dismissed unjustly.

Authorities effectively enforced laws protecting collective bargaining. However, collective bargaining agreements committed the social partners to maintain labor peace, thereby limiting the right to strike for the duration of the agreement, which generally lasts several years. The government may curtail the right of federal public servants to strike, but only for reasons of national security or to safeguard foreign policy interests. Public servants in some cantons and many municipalities were prohibited from going on strike. In practice employers at times unfairly dismissed trade unionists and used the legal system to limit legitimate trade union activities. Trade unions maintained that they had seen an increase in forms of repression against their employees. According to union sources, on two occasions union activists were beaten while carrying out union activities. In a July 8 incident, several trade union activists engaged in a demonstration against a local company. The interprofessional trade unionists, including a pregnant woman, were manhandled by private security in the wake of a press conference dealing with the closure of the company involved.

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

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women were trafficked for domestic labor; many victims were forced to work in salons or clubs.

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

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

The government effectively enforced laws and policies to protect children from exploitation in the workplace; however, there were isolated reports of trafficking of children to beg and commit theft.

The minimum age for full-time employment is 15. Children ages 13 and 14 years may be employed in light duties for not more than nine hours per week during the school year and 15 hours at other times. Youth employment between the ages of 15 and 18 is also restricted; cantonal inspectors strictly regulated these provisions. Children are not permitted to work on Sundays, under hazardous conditions, or at night.

The Economics Ministry monitored the implementation of child labor laws and policies, and cantonal labor inspectors were responsible for enforcement. Cantonal labor inspectors effectively inspected companies to determine whether there were violations of the child labor laws.

### **d. Acceptable Conditions of Work**

There is no national minimum wage. Only some work contracts, covering approximately 40 percent of Swiss wage earners, included minimum wages, resulting in relatively low average wages for workers and employees in the clothing, hospitality, and retail industries. A majority of the voluntary collective bargaining agreements, reached on a sector-by-sector basis, contained clauses on minimum compensation, ranging from 2,200 to 4,200 Swiss francs (\$2,348 to \$4,482) per month for unskilled workers and 2,800 to 5,300 Swiss francs (\$2,988 to \$5,656) per month for skilled employees. Official estimate of poverty income level were the following: 2,200 Swiss francs (\$2,348) for a single person, 3,800 Swiss francs (\$4,028) for a single parent with two children, and 4,800 Swiss Francs (\$5,088) for a family (with two children). Numbers varied slightly from canton to canton since costs of living varied.

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. Some professions such as taxi drivers or medical doctors are excluded. The law prescribes a rest period of 35 consecutive hours, plus an additional half-day per week. Premium pay for overtime must be at least 25 percent; overtime is generally restricted to two hours per day. Annual overtime is limited by law to 170 hours for those working 45 hours a week and 140 hours for those working 50 hours a week. The government effectively enforced these regulations.

The law contains extensive provisions to protect worker health and safety. The Economics Ministry and cantonal labor inspectorates effectively enforced the law. Work-related injuries in 2010 included 205,004 injured male workers and 61,835 female workers; statistics for 2011 were not available.

There were no special provisions or requirements for non-Swiss workers apart from their having to have a legal immigration status and a valid work permit. Once an individual obtained legal status, he could request a work permit.

Immigrants may work and have the same rights as other workers. Asylum seekers were usually not allowed to work within the first three months of their ongoing asylum process, but in exceptional cases they could work as self-employed workers as needed. However, individuals without legal status or work permits were not permitted to work.