

SWITZERLAND 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Swiss Confederation is a constitutional republic with a federal structure. Legislative authority resides in a bicameral parliament (Federal Assembly) consisting of the 46-member Council of States and the 200-member National Council. Federal Assembly elections were last held in 2019 and were considered free and fair. Parliament elects the executive leadership (the seven-member Federal Council) every four years and did so in 2019. After two members resigned, parliament elected two new Federal Councilors in December. Four political parties are represented on the Federal Council.

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

There were no reports of significant human rights abuses.

The government had mechanisms in place to identify, investigate, prosecute, and punish officials who may commit human rights abuses, engage in corruption, or both.

Section 1. Respect for the Integrity of the Person

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

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

b. Disappearance

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution and law prohibit such practices. There were isolated reports that individual police officers used excessive force while making arrests and that prison staff engaged in degrading treatment of detainees. Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

Notwithstanding some inadequate and overcrowded facilities, prison and detention center conditions generally met international standards. There were some reports during the year regarding prison or detention center conditions that raised human rights concerns.

Abusive Physical Conditions: In its *Activity Report 2021*, which was released in July 2022, the National Commission for the Prevention of Torture (NCPT) noted outdated facilities, few entertainment opportunities, and excessively long isolation times as points of criticism. The report criticized the long isolation time of a Black, mentally ill, and violent prisoner, who had attacked prison staff and other inmates. The UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment characterized the prisoner's treatment as racist and torture, though without having visited the prisoner or facility. The NCPT agreed with some criticism after a site visit but maintained the prisoner's treatment was neither torture nor racist.

Administration: Authorities conducted investigations of credible allegations of mistreatment. Access to visitors was sometimes restricted due to the COVID-19 pandemic or only possible with social distancing enforced.

Independent Monitoring: The government permitted independent monitoring of conditions in prisons and asylum reception centers by local and international human rights groups, media, the NCPT, and the International Committee of the

Red Cross.

Improvements: The NCPT reported meaningful improvements to prison conditions such as additional time for prisoners to take walks and participate in sport activities. Medical treatment improved in some facilities.

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

Immigration authorities may detain asylum seekers and other inadequately documented foreigners up to 96 hours without an arrest warrant.

There is a functioning bail system, and courts grant release on personal recognizance or bail unless the magistrate believes 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 punishable by imprisonment.

Pretrial Detention: According to the Swiss Competence Center for Human

Rights (SCHR), lengthy pretrial detention continued. Conditions in pretrial detention centers were strongly criticized by media and nongovernmental organizations (NGOs) as being much harsher than those in long-term imprisonment or detention centers. There were reports of detainees being prohibited from contacting relatives for weeks, having to be alone in their cells up to 23 hours per day, and receiving few opportunities for activity. NGOs claimed uniform treatment of detainees needlessly restricted conditions for detainees who were unlikely to collude. Sixty percent of all suicides of detainees occurred during pretrial detention. By law pretrial detention may not exceed the length of the expected sentence for conviction of 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.

Military courts may try civilians charged with revealing military secrets, such as divulging classified military documents or classified military locations and installations.

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 file 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 Seizure and Restitution

The government has laws and mechanisms in place to resolve Holocaust-era claims, and NGOs and advocacy groups reported that the government made some progress doing so, including for foreign citizens.

The government reported that Holocaust-era restitution is no longer a significant problem and that no litigation or restitution claims regarding real or immovable property covered by the Terezin Declaration, to which the government is signatory, were pending before authorities. Jewish communities in the country confirmed there were no pending real or immovable property claims. There remained some art in the country with undetermined provenance, as museums that received art donations claimed not to have the funds for investigation. According to a media report, the category of flight-art, where Holocaust victims had to sell their art under duress and for low prices, is insufficiently researched.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act* report to Congress can be found on the Department's website at:

<https://www.state.gov/reports/just-act-report-to-congress/>.

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

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

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, 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 members of the press.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:

In May, parliament amended the law regarding preliminary bans on publication of media articles. Previously, an accuser had to prove that they would suffer an “extraordinarily serious disadvantage” by publication of an article. The amended law deleted the word “extraordinarily.” Publications specializing in corruption, money laundering, and white-collar crime of very wealthy individuals and oligarchs were routinely brought before court. Specialized journals like the web portal *Gotham City*, which specialized in financial crime, reported not having the financial resources to fight such publication bans in court. As a result, some journalists assessed that the amended law on preliminary bans would lead to increased self-censorship.

Libel/Slander Laws: The law prohibits willful defamation and denigration, with punishment, if convicted, ranging from fines to prison sentences of up to three years. The law was enforced but not used to restrict public discussion or retaliate against journalists or political opponents.

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 up to three years’ imprisonment if convicted.

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 and the Right to Leave the Country

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

Recruiting, training, and travel for terrorism is a criminal offense. Individuals who authorities deem may pose a threat but are not subject to criminal proceedings may be obliged to report to a police station at certain times, banned from traveling abroad, and confined to specific areas in the country. These measures may be applied to residents as young as 12 years old. By law the Federal Office of Police may place persons it deems dangerous under house arrest for up to six months, renewable once.

e. Protection of Refugees

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, as well as other persons of concern.

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.

Refoulement: Eritrean refugees are denied asylum in large numbers since Switzerland generally considers Eritrea to be a safe country of origin. However, NGOs have reported deserters of the Eritrean army risk torture, inhuman treatment, and even extrajudicial killings if they return to Eritrea. Switzerland does not have a repatriation agreement with Eritrea.

Abuse of Migrants and Refugees: While authorities continued to note the growing number of potential trafficking victims among asylum-seekers during the year, they officially identified relatively few victims. Civil society also highlighted a tendency for officials to misidentify unaccompanied asylum-seeking children as adults, which allowed authorities to transfer the children back to their country of first entrance and into accommodation facilities for adults. Civil society noted an increasing number of unaccompanied children continued to disappear from asylum centers.

The law provides for asylum seekers and detained migrants to be held in dedicated and specialized facilities; however, some continued to be held in prisons with convicts. COVID-19 pandemic mitigation measures further limited the rights and freedoms of detainees, and social distancing requirements, understaffing, and an increase of asylum seekers worsened overcrowding. NGOs and media criticized the government for reacting too slowly in establishing new facilities.

Durable Solutions: The government approved the admission of 1,600 UNHCR resettlement refugees for 2022-23. An additional 220 places were carried over from 2020-21, bringing the total quota to 1,820 individuals.

Temporary Protection: In 2021 the government provided temporary protection to 3,889 individuals who did not qualify as refugees. In 2022 the government made use of a temporary protective status for the first time for Ukrainian refugees. As of October, over 66,000 Ukrainians received asylum for one year without having to go through any eligibility checks apart from proving their Ukrainian citizenship. Non-Ukrainian asylum seekers from other war-torn countries such as Afghanistan called the preferential treatment of Ukrainians racist.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: In 2019 voters elected parliamentary representatives for the National Council and the Council of States. Runoff elections for the Council of States in 12 of the 26 cantons were completed the following month. Parliament elected the executive leadership (the seven-member Federal Council). Observers considered the elections free and fair.

Participation of Women and Members of Minority Groups: No law limits participation of women and members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials, and the government generally implemented the law effectively. No cases of official corruption were reported during the year.

Section 5. Governmental Posture Towards 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 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. It is partially funded by the government. During the year, the center published reports on human rights themes, such as on the rights of prisoners, asylum seekers, women in the judicial system, persons with disabilities, children, and members of the Roma and Sinti ethnic groups. The SCHR is currently being restructured into an independent National Human Rights Institution according to the Parisian Principles on national human rights institutions of the United Nations. The new institution will begin its work in 2023.

The Federal Office for Gender Equality is part of the Interior Ministry and has as its goal the advancement of gender equality and the abolishment of discrimination in all areas of life in the country. It acts in a supporting role for parliament, publishing studies, coordinating actors, and supporting projects that advance equality and fight domestic violence.

The Service for Combating Racism is a federal body in the Interior Ministry that is tasked with preventing racism. It works in the fields of public awareness,

prevention, and legal protection, and regularly publishes reports on racism and racial discrimination.

Thirteen cantons had ombudsperson offices or municipal ombudspersons that assessed cases of misconduct by government agencies. Some of the bigger cities, including Basel, Bern, Luzern, Rapperswil-Jona, St. Gallen, Winterthur, and Zurich, had an ombudsperson. There was no federal ombudsperson.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of women, including spousal rape, and domestic violence are statutory offenses for which penalties for conviction range from one to 10 years in prison. 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 conviction of rape against women. The law penalizes domestic violence and stalking. A court may order an abusive spouse to leave the family home temporarily for up to 20 days. The government effectively enforced the law and prosecuted individuals accused of such crimes.

Specialized government agencies, numerous NGOs, including 17 women’s shelters, and nearly a dozen private or government-sponsored hotlines provided help, counseling, and legal assistance to survivors of domestic violence. A countrywide 24/7 emergency telephone service exists for survivors of rape and domestic violence to contact for assistance. Most cantonal police forces included specially trained domestic violence units.

Sexual Harassment: The law prohibits sexual harassment of women and men and facilitates legal remedies for those claiming discrimination or harassment in the workplace. The government enforced the law effectively. 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.

Zurich city police maintained a counseling center on offenses against sexual integrity. Lausanne city officials operated an online platform for survivors to record instances of sexual harassment and provided extra training to police officers and teachers on the matter. The Federal Office for Gender Equality and the State Secretariat for Economic Affairs distributed flyers and maintained websites for survivors with information on their rights and options to address abuses.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Abortion is legally permitted up to the twelfth week of pregnancy and longer if the life of the mother or child are at risk.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception.

Discrimination: The constitution and law require equality for women and men, including providing the same legal status and rights for women as for men under laws concerning family, religion, marital status, nationality, employment, and equal pay, and owning or managing a business or property. Authorities generally enforced the law effectively but did not sufficiently address discrimination in employment, pay affecting women, and widowers' pension disparities affecting men (see section 7.d.).

During the year, the European Court of Human Rights condemned the country for gender discrimination in widowers' pensions. As a consequence of the ruling, the government adopted a uniform pension policy for widows and widowers.

Previously, men had only received a widower's pension if they had children who were minors, whereas widows received it regardless of the age of their children or if they had no children.

Wage discrimination was the most common basis for complaints filed with courts. The majority of discrimination cases were in the health and education professions. The World Economic Forum's 2022 *Global Gender Gap Report* noted stagnation in women's economic participation, with women holding only 30 percent of board memberships.

Systemic Racial or Ethnic Violence and Discrimination

The prohibition of discrimination enshrined in the criminal law prohibits public, racially discriminatory incitement, defamation, and statements contrary to human dignity based on race, ethnicity, sexual orientation, or religion. Refusing to provide a publicly offered service to a person because of his or her race, ethnicity, religion, or sexual orientation is a criminal offense. Authorities generally enforced the law effectively, but in an October report, a working group appointed by the UN Human Rights Council argued the country has problems with systemic racism against individuals of African descent. The country's ambassador to the United Nations broadly accepted the finding but questioned the experts' use of a limited number of examples to draw wider conclusions.

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 conviction of child abuse of up to three years' imprisonment.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18. The law prohibits forced marriage and provides penalties of up to five years' imprisonment for conviction of violations.

The federal government supported prevention activities by the NGO Center for Competence against Forced Marriage, including a website where at-risk individuals could declare their unwillingness to be married while on foreign travel. The website enabled authorities either to stop vulnerable individuals from leaving the country or to pronounce the marriages as invalid upon their return.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, including child sex trafficking, child pornography, and the sale, grooming, offering, or use of children for commercial sexual exploitation. Conviction of the production, possession, distribution, or downloading of

pornography that involves children is punishable by fines or a maximum sentence of one year in prison. Conviction of child sex trafficking is punishable by up to 10 years' imprisonment. Authorities enforced the law.

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

Media outlets reported that police in larger cantons were overwhelmed with the scale of notifications of alleged online child exploitation from abroad and their inability to launch investigations of chat rooms and internet forums. The latest internal analysis of the Federal Police from 2019 found that in 18 of the 26 cantons, only 15 percent of full-time staff were directed towards the fight against child pornography. In the five smallest cantons having less than 50,000 inhabitants, police units reportedly did not have specialists to address internet crimes.

The NGO Child Protection Switzerland criticized the absence of a hotline to report child pornography. The NGO considered the federal police registration procedure to be inadequate. Both the NGO and police noted a significant increase of sexual abuse of children on the internet during the COVID-19 pandemic.

Institutionalized Children: Children with significant physical or mental disabilities can be placed in specialized institutions for children. This usually happened upon request of the parents. Only in cases of severe parental neglect were disabled children forcibly taken away from parents and placed in foster families or institutions. In February, media reported on accusations against a Geneva institution specialized in caring for severely autistic children. Employees were accused of using food withdrawal, corporal punishment, and isolation to enforce compliance by the children. The leader of the facility was fired, three employees were taken into custody by the police, and the director of the office responsible for oversight of the institution had to step down.

Antisemitism

According to the World Jewish Congress, approximately 17,500 Jewish individuals resided in the country.

The *2021 Anti-Semitism Report*, produced jointly by the Swiss Federation of Jewish Communities (SIG) and the Foundation against Racism and Anti-Semitism (GRA) and released in 2022, cited 53 antisemitic incidents in 2021. Sixteen were cases of verbal abuse, seven involved offensive graffiti, and one involved property damage. SIG and GRA also registered 806 online incidents in 2021, a 66 percent increase over 2020, primarily concerning social media and newspaper commentaries. The main platform for antisemitic rhetoric was Telegram, an online message service. The majority of online incidents cited antisemitic conspiracy theories (416), while others centered on general antisemitism (331 incidents), Holocaust denial or trivialization (38), or antisemitism related to Israel (74). The COVID-19 pandemic was a common trigger for antisemitic conspiracy theories.

In 2021 the Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation (CICAD) reported 153 antisemitic incidents in the French-speaking region, up from 141 in 2020, of which half were cases of online antisemitic hate speech, including insults and Holocaust denials on social media sites such as YouTube. Approximately 45 percent were related to Holocaust denial conspiracy theories.

SIG, GRA and CICAD did not report any cases of physical assaults against Jews in 2021.

The Federal Secret Service reported that Jewish and Islamic institutions faced an increased threat of terrorism and violent extremism. Antisemitic conspiracy theories in the context of the pandemic had exacerbated the situation. In April, the government decided as a result to increase funding for the protection of such institutions from CHF 500,000 (\$535,228) to CHF 2.5 million (\$2.68 million).

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex

Characteristics

Criminalization: No law criminalizes consensual same-sex conduct between adults.

Violence against LGBTQI+ Persons: Police and government agents did not incite, perpetrate, condone, or tolerate violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals or those reporting on such abuse.

The *Hate Crime Report* published in May by the NGO Pink Cross reported 92 cases of hate crimes against LGBTQI+ persons, 30 percent of which involved physical violence and 80 percent of which involved insults. Of the reported cases, only 20 percent were reported to police. Pink Cross noted that police responses were usually appropriate and relevant.

According to the NGO QueerAmnesty, it was difficult to estimate how widespread hate crimes committed against LGBTQI+ individuals were in the country because the government did not compile hate-crime statistics. Only six cantons and the city of Zurich compiled data on hate crimes.

Discrimination: The criminal code lists sexual orientation as a protected area covered by the antidiscrimination law. Police are obligated to report and pursue offenses and offenders. In a referendum in 2021, two-thirds of the country's voters favored legalizing same-sex civil marriage and the right to adopt children or the use of donor sperm by same-sex couples. A corresponding law enabling those rights came into force on July 1.

A study by the University of Zurich revealed 81 percent of LGBTQI+ individuals surveyed in 2020 had experienced inappropriate jokes, 50.8 percent believed they were not being taken seriously, 33.4 percent experienced social exclusion, 30.1 percent had been bullied, 37.2 percent faced sexual harassment by men, 8.2 percent experienced physical violence, and 9.3 percent reported sexual harassment by women.

According to Pink Cross, unemployment, especially for transgender persons, remained much higher than for the general society. The NGO has called for a

national action plan with measures to prevent violence and sensitize the public.

Availability of Legal Gender Recognition: As of 2021 it is possible for anyone older than 16 to change one's civil gender for a fee of CHF 75 (\$80) at the civil registry office. The available options are limited to male or female. Non-binary gender options are not available.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Involuntary conversion "therapy" practices are illegal. Legal proceedings to outlaw voluntary, conversion "therapy" practices are underway on a federal and cantonal level.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no reports of such restrictions on individuals or organizations speaking out about LGBTQI+ issues.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, including access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services.

The law provides for persons with disabilities to have access to public buildings, transport facilities, education, and training in order to be independent of third-party assistance. The law also provides for the elimination of disadvantages in services, including the right to use state and online services. Persons with disabilities did not, however, always have access to education, health services, public buildings, and transportation on an equal basis with others, and sometimes faced discrimination in employment and occupation (see section 7.d.). An umbrella organization for disability NGOs, Inclusion Handicap, stated the Federal Supreme Court maintained a "very narrow interpretation" of discrimination, which required plaintiffs to prove malicious intent in discrimination complaints, resulting in insufficient legal protection for persons with disabilities.

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. The Assembly of Delegates of Inclusion Handicap continued to call for legal changes, noting that contrary to the constitutional prohibition of discrimination due to disability, persons with court-appointed custodians by law may not vote. The NGO also noted that only the cantons of Geneva, Valais, and Basel-City grant persons with disabilities full rights to sue for denial of accessibility needs, such as sign language interpreters, documents in simple language, or verbal explanations.

The UN Committee on the Rights of Persons with Disabilities recommended in its 2022 report that the government harmonize its legal and policy framework with the convention at the federal, cantonal, and municipal levels.

Other Societal Violence or Discrimination

According to AIDS Relief Switzerland, the federal reporting office for discrimination and harassment against persons with HIV or AIDS, there were 92 reports of such discrimination in 2021. To combat harassment and unequal treatment of these persons, the Swiss Federation against AIDS conducted multiple campaigns to sensitize the public. Most discrimination cases involved private data violations, insurance discrimination, and discrimination in the public health sector. In most cases, the legal aid section of the Swiss Federation against AIDS was able to successfully intervene. The law does not contain an antidiscrimination provision that covers HIV and AIDS, however.

Extremists, including skinheads, continued to be active according to media and police reports. More violence against police and public property was committed by left-wing groups, however. In 2021 the national intelligence service reported 202 acts of left-wing extremism, of which 81 were violent, and 38 of right-wing extremism, of which three were violent. Thirty-five cases of COVID-19 restriction-related extremism were registered, of which 19 were violent.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The freedom of association for employers and employees, explicitly including the

right to strike and the right to hold lockouts, is provided under Article 28 of the federal constitution. This provides for the right of all workers, including foreigners, public-sector officials, domestic workers, and agricultural workers, to form and join independent unions of their choice without previous authorization or excessive requirements. The constitution also foresees collective agreements between workers and employers and provides for the right to conduct legal strikes; 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. Local laws prohibit public servants in some cantons and municipalities from striking. The law protects employees from termination because of union membership or lawful union activities. Collective agreements commit the employers and employees to maintain labor peace, thereby limiting the right to strike for the duration of an agreement, which generally lasts several years. The State Secretariat for Economic Affairs maintained a list of collective agreements that have been declared binding in various regions and sectors of the economy.

No law defines minimum or maximum penalties for violations of the freedoms of association or collective bargaining. The trade union Unia confirmed the practice followed the guidance of the International Labor Organization (ILO), which states that unjustified dismissals for workers involved in trade union activity may result in compensation of up to six months' wages.

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

Penalties for violations of laws protecting freedom of association are commensurate with penalties for violation of similar laws, such as laws against discrimination.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced and compulsory labor. Penalties for

conviction of forced labor violations included imprisonment for up to 20 years or fines. The law criminalizes sex and labor trafficking. Conviction provides for penalties of up to life imprisonment or fines; the penalties included prison sentences of no less than one year for conviction of offenses involving a child survivor and those where the trafficker acted for commercial gain. Penalties were regularly applied against violators.

Historically, prosecutions and convictions for labor trafficking were low. NGOs continued to assert many labor trafficking cases were pursued as administrative labor violations, resulting in lesser consequences and decreased deterrence. NGOs reported that inspectors often regarded foreign victims of labor trafficking as criminals working illegally in the country. The government conducted several training programs for relevant authorities on labor trafficking, aimed at raising awareness and reducing such exploitation. Experts continued to urge the government to increase law enforcement efforts for labor trafficking and provide sufficient resources, personnel, and training.

As part of its *National Action Plan for Business and Human Rights in Switzerland for 2020-23*, the government committed itself to taking measures to support the fight against child and forced labor in the supply chain.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The minimum age for full-time employment is 15. Children who are ages 13 or 14 may engage in light work for no more than nine hours per week during the school year and 15 hours at other times. Children younger than 15 may, under special circumstances, work at sports or cultural events with the approval of cantonal authorities. Children younger than 16 are not allowed to serve as waiters. Employment of youths between ages 15

and 18 is also restricted. Children who have not completed compulsory education may not work on Sundays. Children younger than 18 are prohibited from working under hazardous conditions or at night. Minors need parental oral or written approval to work. The government effectively enforced laws and policies to protect children from exploitation in the workplace. The Federal Department of Economic Affairs, Education, and Research monitored the implementation of child labor laws and policies, and cantonal labor inspectors effectively inspected companies to determine whether there were violations of child labor laws. Penalties were commensurate with those for similar serious crimes. Penalties were regularly applied against violators.

d. Discrimination with Respect to Employment and Occupation

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

The Gender Equality Act prohibits discrimination with respect to employment based on gender (including pregnancy). Violations of the law may result in the award of compensation equal to a maximum of three months' salary for a prospective employee and a maximum of six months' salary for a dismissed or sexually harassed employee. These penalties were commensurate to penalties for similar crimes. However, the provisions are not well known or properly implemented.

Although discrimination against women in the workplace is illegal, the government acknowledges that full gender equality was not yet a reality. A disproportionate share of women held jobs with lower levels of responsibility. Employers promoted women less frequently than men, and women were less likely to own or manage businesses. According to a 2022 *Gender Intelligence Report* by the University of

St. Gallen, men and women are more equally represented in nonmanagement positions, however, only 44 percent of positions in nonmanagement are filled with women. The proportion of women decreases at each successive level of management from 27 percent in lower management, to 22 percent in middle management, and to only 17 percent of top managers. Since 2021, larger publicly listed companies headquartered in the country were slated to fill at least 30 percent of corporate board positions and 20 percent of corporate management positions in enterprises with women. The nonbinding policy requires businesses that fail to reach the targets within five years to submit a written justification to the government and an outline of planned remediation measures.

Although the constitution entitles women and men to equal pay for equal work, this was also not enforced effectively. According to the Federal Statistical Office, there was a 10.8 percent gender wage gap across both the public and private sectors in 2020, a slight decrease compared to 2018. The Statistical Office also noted that the wage gap increased with higher levels of responsibility. In top, upper, and middle management, women earned 16.8 percent less than men in 2020.

In contrast to women, men are obligated to complete one year of military or one and a half years of civil service. If they fail to do so, they must pay 3 percent of their yearly taxable income for 11 years, at most until age 37. The retirement age for men is 65 and 64 for women. In September, however, voters approved a referendum to raise the retirement age for women to that of men in several steps between 2025 and 2028.

According to Inclusion Handicap, problems remained in integrating individuals with disabilities, especially young persons with mental and cognitive handicaps, into the labor market. The NGO noted discrimination against persons with disabilities was particularly problematic in the private sector (also see section 6).

The NGOs Pink Cross and Transgender Network noted LGBTQI+ persons experienced workplace discrimination. According to Transgender Network Switzerland, 20 percent of transgender persons in the country were unemployed – nearly five times the rate of the general population.

Older persons also faced discrimination at the workplace. According to the State

Secretariat for Economic Affairs and the NGO Avenir50Plus, unemployed persons older than age 50 took much longer to find a stable job, and often at a lower wage, after becoming unemployed. More than 38 percent of the workforce above age 45 was unemployed in 2021, up from 34 percent in 2010, according to the State Secretariat for Economic Affairs. Age discrimination was especially pronounced in the information and communications services, manufacturing, and the finance and insurance sectors.

There were reports of labor discrimination against persons with HIV or AIDS. In 2021, AIDS Relief Switzerland registered 92 cases of labor discrimination and information privacy breaches regarding individuals with HIV, compared to 93 in 2020.

e. Acceptable Conditions of Work

Wage and Hour Laws: The country has no national minimum wage, but five of the 26 cantons (Basel-City, Geneva, Jura, Neuenberg, and Ticino) have minimum wage laws. Collective agreements on working conditions, including sectoral minimum wages, cover approximately 50 percent of the country's workforce. Average wages for workers and employees covered by these contracts, particularly in the hospitality, crafts, machinery, production, and retail industries, however, remain relatively low. Minimum wages in the agreements exceeded the poverty income level for a single person but often did not exceed the poverty level for families with two adults and two children. Labor unions and employers' associations concluding collective agreements must jointly enforce their provisions, including applying sanctions in case of violations. In industries without a collective bargaining agreement, tripartite commissions at the federal and cantonal level are responsible for inspections and sanctions. Labor 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.

Occupational Safety and Health: To protect worker health and safety, the law contains extensive provisions that are appropriate for the main industries. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment.

According to the labor inspectorate, approximately 100 persons die each year in the country from occupational accidents, which equates to 2.3 fatalities per 100,000 fulltime employees.

Migrant workers in low-wage jobs were more likely to experience exploitative labor practices, although the criminal code forbids labor exploitation.

Wage, Hour, and OSH Enforcement: 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 (OSH) across all sectors, including the informal economy. The department also oversees collective bargaining agreements. In general, labor inspectorates do not have enough personnel to conduct extensive and randomized inspections as suggested by the ILO. Where applicable, courts determined fines according to the personal and economic situation of the perpetrator. Penalties were commensurate with those for conviction of similar crimes, such as fraud.

The effective implementation and control of the maximum hour workweek was subject to loopholes. Cantonal labor inspectorates are not always independent since they report to the cantonal Department of Economy. As a result, public institutions' wage and hour practices were not always subject to independent supervision.