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1999 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

SWITZERLAND

Switzerland is a constitutional democracy with a federal structure. The bicameral Parliament elects the seven members of the Federal Council, the highest executive body, whose presidency rotates annually. Because of the nation's linguistic and religious diversity, the Swiss political system emphasizes local and national political consensus and grants considerable autonomy to individual cantons. Voters approved a new constitution in April. The judiciary is independent.

The armed forces are a civilian-controlled militia based on universal military service for able-bodied males. There is virtually no standing army apart from training cadres and a few essential headquarters staff. Police duties are primarily a responsibility of the individual cantons, which have their own distinct police forces that are kept under effective control. The National Police Authority has a coordinating role and relies on the cantons for actual law enforcement. There were allegations of occasional abuses by police.

Switzerland has a highly developed free enterprise, industrial, and service economy strongly dependent on international trade. The standard of living is very high.

The Government generally respects human rights, and the law and judiciary provide effective means of dealing with individual instances of abuse. There continue to be allegations by nongovernmental organizations (NGO's) of occasional police harassment directed against foreigners, particularly asylum seekers, including arbitrary detention. The Government is continuing to take serious steps to address violence against women. Trafficking in women for forced prostitution increased. Some laws still tend to discriminate against women. There continue to be reports of verbal abuse against foreigners by private citizens.

The new Constitution approved by voters in April provided for new protection for citizens' rights, including the principle of equal opportunity for the disabled and the right

to strike.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings.

Human rights groups strongly criticized police for the death of 27-year-old Palestinian Khaled Abuzarifeh, who died while being extradited in March. He was in the custody of three police officers who were escorting him to a plane for forced repatriation. The causes of his death are still unknown. NGO's consider current investigations of the case to be insufficiently independent.

On May 1, a military court convicted a former Rwandan mayor for crimes committed during the 1994 genocide, including murder (taking part in the massacre of Tutsis), attempted murder, incitement to murder, and war crimes. Fulgence Niyonteze, the former mayor of the town of Mushubati, sought asylum in Switzerland in 1994 and was arrested in 1996. He was sentenced to life imprisonment.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution proscribes such practices, and there were no reports of violations. There were allegations by NGO's and some individuals of occasional police harassment of foreigners, particularly asylum seekers (see Section 2.d.).

In January the Geneva Prosecutor General dismissed a criminal complaint lodged against Geneva police by Nigerian human rights activist Clement Nwankwo. He had accused the police of assaulting him on the street and subjecting him to degrading treatment in a police station following his arrest in 1997. While acknowledging that Nwankwo had been a victim of abuse of power, the Prosecutor General concluded that disciplinary sanctions imposed on three officers following an administrative inquiry were sufficient punishment. In 1998 the Supreme Court rejected Nwankwo's final appeal against his conviction for resisting the police at the time of the arrest, thus putting an end to all judicial proceedings. Nwankwo received no compensation, and the disciplinary actions against the three police officers were dropped without explanation. In October 1998, Nwankwo lodged a petition against Switzerland with the European Commission of Human Rights, claiming violation of two articles of the European Convention for the Protection of Fundamental Human Rights and Freedoms.

Swiss NGO's believe that the Nwankwo case underscores overall problems with police treatment of foreigners, especially asylum seekers in Geneva and perhaps elsewhere. The cantonal government took measures in response to the incident, including launching an administrative inquiry into the conduct of the three police officers involved. The police

successfully appealed the reprimand and warning that were imposed as a result of the inquiry. In 1998 the NGO Association for the Prevention of Torture organized a special seminar for police officers in Geneva. The Federal Government and the Canton of Geneva are expected to finance publication of a special brochure aimed at increasing respect for and awareness of the rights of all persons in custody. The brochure is to be distributed throughout the country.

In 1997 following its examination of Switzerland's third periodic report, the U.N. Committee Against Torture expressed concern about "frequent allegations of ill-treatment" inflicted in the course of arrests and police custody and a lack of independent mechanisms in the cantons to provide certain legal protections such as the possibility, "especially for foreigners," to contact their family or a lawyer in case of arrest and to be examined by an independent doctor on entering police custody, after each interrogation, and before being brought before an investigating magistrate or being released. The Committee recommended the introduction of mechanisms to receive complaints of mistreatment by police officers against suspects and for the harmonization of the 26 different cantonal codes of penal procedure, "particularly with regard to the granting of fundamental guarantees in the course of police custody." In addition the Committee recommended that the authorities pay "the greatest possible attention" to the handling of cases of violence attributed to police officers in order to ensure the opening of investigations and, in proven cases, the imposition of possible sanctions. Responding to committee recommendations, in 1998 a team of experts appointed by the Federal Office of Justice presented a preliminary study identifying possible characteristics of a future federal-level code of penal procedures that would replace the cantonal codes. The study recommends granting fundamental protections to detainees in police custody, including the introduction of a legal right to inform relatives or third parties of their arrest. However, the committee did not recommend a provision for access to a lawyer from the time of arrest. The Federal Office of Justice is expected to issue a draft code in 2001.

Prison conditions meet minimum international standards, although some NGO's complain of prison overcrowding. The Government has taken measures to improve prison conditions and address overcrowding.

Brazilian national Luis Felipe Lourenco had been living illegally in the country and was arrested in 1998 by police in Geneva on charges of theft of a credit card. He allegedly was beaten by prison guards while in custody. The guards reportedly waited 2 hours before transporting Lourenco to the hospital, where he was diagnosed with a perforated lung and damage to his spinal cord. The Brazilian Embassy reportedly asked the authorities to look into the incident. Inquiries are ongoing, but there has been no official report. Amnesty International criticized the police for brutality in its 1999 annual report. Lourenco claims to be partially paralyzed as a result of the injuries that he suffered at the hands of prison guards. The prison administration claimed that Lourenco's injuries were incurred when he threw himself against a door.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The legal prohibitions on arbitrary arrest and detention are respected fully at all levels of government. The cantons are responsible for handling most criminal matters, and their

procedures vary somewhat from canton to canton. In general a suspect may not be held longer than 48 hours without a warrant of arrest issued by an investigative magistrate. However, asylum seekers and foreigners without valid documents may be held for up to 96 hours without an arrest warrant. Some NGO's alleged that the authorities arbitrarily detained asylum seekers (see Section 2.d.). A suspect has the right to choose and contact an attorney as soon as the warrant is issued; the State provides free counsel for indigents in most situations. Investigations are generally prompt, even if in some cases investigative detention may exceed the length of sentence. Release on personal recognizance or bail is granted unless the magistrate believes the person is dangerous or will not appear for trial. Any lengthy detention is subject to review by higher judicial authorities. In 1998 about one-third of all prisoners were in pretrial detention, and the average length of such detention was 1 week.

The law prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

All courts of first instance are local or cantonal courts. Citizens have the right to appeal to a higher instance court and ultimately to the Federal Court.

Minor cases are tried by a single judge, difficult cases by a panel of judges, and murder (or other serious cases) by a public jury. Trials usually are held expeditiously. The Constitution provides for public trials in which the defendant's rights are fully respected, including the right to challenge and to present witnesses or evidence.

There were no reports of political prisoners.

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

Cantonal laws regulate police entry into private premises. These regulations differ widely from canton to canton, but all prohibit such practices without a warrant. All government authorities respect these provisions, and violations are subject to effective legal sanction.

Journalistic reports of pre-1970's instances of forced sterilization of women led parliamentarians in 1997 to ask the Federal Council to write a report on the practice as well as the legal, medical, historical, and social policy background of forced sterilization, in view of a projected tutelage law that is to include regulations concerning sterilization of mentally disabled persons. Parliament decided against issuing such a report. Forced sterilization was not ordered by the Federal Government. However, one cantonal government adopted such a law in 1928, which was abrogated in the 1970's. Women's organizations apparently made no public statements about the reports.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom. The authorities may legally restrict these freedoms for groups deemed to be a threat to the State, but no groups were restricted during the year. In addition, an article of the Penal Code criminalizes racist or anti-Semitic expression, whether in public speech or in printed material.

Parliamentary immunity protects parliamentarians from prosecution for acts that relate to their government position. However, the legal commission of the Council of States has proposed its abolishment following an incident in which a national councilor, Rudolf Keller, made anti-Semitic remarks and could not be prosecuted for breaking the antiracism law because of his parliamentary immunity.

The nationwide broadcast media are government-funded but possess editorial autonomy. Private and foreign broadcast media operate freely.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for complete freedom of religion, and the Government respects this right in practice. There is no single state church, but all cantons support at least one of the three traditional denominations--Roman Catholic, Old Catholic, or Protestant--with public funds. In all cantons, an individual may choose not to contribute to church funding. However, in some cantons, private companies are unable to avoid payment of the church tax. A religious organization must register with the Government in order to receive tax-exempt status. There have been no reports of a religious group applying for the "church taxation" status that the traditional three denominations enjoy.

Foreign missionaries must obtain a "religious worker" visa to work in the country. Requirements include proof that the foreigner would not displace a citizen from doing the job, that the foreigner would be financially supported by the host organization, and that the country of origin of religious workers also grants visas to Swiss religious workers.

Religion is taught in public schools. The doctrine presented depends on which religion predominates in the particular state. However, those of different faiths are free to attend classes for their own creeds during the class period. Atheists also are allowed to be excused from the classes. Parents also may send their children to private (parochial) schools or teach their children at home.

Due to increasing public concern over certain groups, especially Scientology, the Government in 1997 asked an advisory commission to examine Scientology. The commission published its findings in 1998. According to the report, there is no basis at present for special monitoring of Scientology, since it does not represent any direct or immediate threat to the security of the country. However, the report stated that Scientology had characteristics of a totalitarian organization and had its own intelligence network. The commission also warned of the significant financial burden imposed on

Scientology members and recommended reexamining the issue at a later date.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Under the Constitution and the law, citizens are free to travel in or outside the country, to emigrate, and to repatriate. Non-Swiss convicted of crimes may receive sentences that include denial of reentry for a specific period following completion of a prison sentence.

Switzerland traditionally has been a haven for refugees, but public concern over the exceptionally high number of asylum seekers entering the country in the wake of the Balkan war generated pressure on the Government to tighten its policy regarding their acceptance. In the first half of the year, 18,000 Kosovar Albanians sought asylum, raising the number of refugees from the former Yugoslavia to 65,000.

In a June referendum, voters approved a revision of the asylum law that had been passed by Parliament in 1998. The revised legislation includes collective admission for victims of violence and authorizes the Federal Council to grant them temporary protective status. It also simplifies and accelerates the process of applying for asylum. At the same time, the law is designed to curtail misuse of the asylum regulations and to enable more rapid repatriation of uncooperative refugees or those who enter the country without identity papers. The Government may refuse to process the application of an asylum seeker who cannot credibly justify not having identity papers. In such a case the applicant must submit an appeal to reactivate consideration of the application within 24 hours. NGO's contend that such a short time span does not constitute an effective remedy and therefore violates the European Convention on Human Rights. Some human rights organizations have charged the authorities with abuses in connection with the implementation of a 1995 law aimed at asylum seekers or foreigners living illegally in Switzerland who are suspected of disturbing the public order or avoiding repatriation. In particular, these groups have alleged instances of abuse by police, including arbitrary detention as well as denial of access to established asylum procedures at the country's two main airports. They also charge that police officers use the law to detain or harass asylum seekers who were not suspected of having disturbed public order. Under the law, police actions are subject to judicial oversight and the Federal Court has overturned many cases in which it believed that there was insufficient regard for the rights of asylum seekers and foreigners. While NGO's claim that the situation with regard to arbitrary detention has improved, they contend that the denial of access to asylum procedures at the two airports is increasing.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum. The Federal Office for Refugees estimated that in July the total number of asylum applicants and temporary residents living in the country was 110,000. Some 20,000 applications (64 percent more than for the same period in 1998) were submitted by June alone, according to the Federal Office for Refugees. Refugees whose applications are rejected are allowed to stay temporarily, if their home country is experiencing war or insurrection. The Government denies having forced persons to return to countries where they have a well-founded fear of persecution and insists that each case is examined carefully. However, NGO's including the well-known Augenauf organization have accused the Government of sometimes expelling rejected asylum seekers even though conditions in their native country remain unfavorable.

In December the Government apologized for its asylum policy during World War II, in which thousands of Jewish refugees were refused entry to the country (see Section 5).

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

The Constitution provides citizens with the right to change their government peacefully (at local, cantonal, and federal levels), and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In addition initiative and referendum procedures provide unusually intense popular involvement in the legislative process. On April 18, voters approved a new Constitution.

Women were disenfranchised until 1971 at the federal level, but since then their participation in politics has continued to expand. In December 1998, Parliament elected Ruth Dreifuss as the first female President. Women occupy 55 of the 246 seats in the Parliament, 2 of 7 seats in the Federal Council (Cabinet), roughly one-fourth of the seats in the cantonal government executive bodies, and one-fifth of the seats in the communal executives. However, in 1995 and 1996 voters rejected two local initiatives designed to reserve a fixed percentage of elective seats for women. In 1997 the Federal Court declared invalid another local initiative with the same purpose. A vote on an initiative to mandate equal gender representation in all federal institutions is scheduled to take place in 2000.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A large number of international and domestic human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and generally responsive to their views.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and laws prohibit discrimination on the basis of race, sex, religion, language, or social status. The Government generally enforces these prohibitions effectively, although a few laws tend to discriminate against women. The new Constitution includes provisions for equal rights for the disabled and for minorities.

Women

Violence against women is a problem. According to a government-funded study on domestic violence, one-fifth of all women suffer in their lifetimes at least once from physical or sexual violence, and about 40 percent suffer from psychological or verbal abuse.

The law prohibits wife beating and similar offenses. Spousal rape is a crime in the Penal Code. Victims of violence can obtain help, counseling, and legal assistance from specialized agencies or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. Cantonal police have specially trained units to deal with violence against women, and victims legally are entitled to be heard exclusively by female police officers and judges. An estimated 680 women and 730 children took refuge in 14 women's shelters across the country during 1998. Those in charge of the shelters estimate

that nearly as many were denied access due to a lack of space and limited funding.

The difficulty in gathering information about the number of prosecuted, convicted, or punished spouse abusers stems in part from the fact that legal cases are handled by each canton and data are often not up-to-date. According to 1998 police criminal statistics, 320 men were investigated for rape offenses; in 1997, the last year for which data are available, 92 men were sentenced for rape.

The Federation of Women's Organizations and numerous other women's NGO's have heightened public awareness of the problem of violence against women. In 1998 two government-supported women's organizations that fight for equal gender rights jointly conducted the first national campaign against violence in relationships. This campaign received extensive media coverage.

Prostitution is legal; however, working without a valid work permit is illegal. The Penal Code criminalizes sexual exploitation and trafficking in women; however, trafficking in women is a problem (see Section 6.f).

Although the Constitution prohibits all types of discrimination, and a 1981 amendment provides equal rights, equal treatment, and equivalent wages for men and women, a few laws still tend to discriminate against women. In 1996 a new federal law on equal opportunity for women and men came into force. The law includes a general prohibition on gender-based discrimination and incorporates the principle of "equal wages for equal work." The law also includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment. The Supreme Court has ruled that in a divorce settlement the primary wage earner must be left with sufficient income to remain above the poverty level. Since the man is the primary wage earner in most marriages, when the income is too low to support both parties it is usually the wife who must go on welfare.

The Federal Office for Equal Opportunities for Men and Women and the Federal Commission on Women work to eliminate all forms of direct and indirect discrimination. As a follow-up to the Fourth World Conference on Women, held in 1995 in Beijing, China, in June a federal level interdepartmental working group issued an action plan that outlined strategic goals and measures to improve the situation of women. These include measures in the areas of education, health, violence against women, the workplace, human rights, the media, and the environment. For example, the plan calls for financial support for child care facilities at colleges and universities to enable a larger number of women to obtain a higher education; continued education and support for specialists in the area of addiction prevention for women; and ongoing analysis and data collection on the issue of wage differences between men and women.

On average women earn 20 to 30 percent less than men. Researchers have found that discriminatory behavior by employers accounts for 40 percent of the overall wage gap between men and women. Women also are promoted less often than men. Individual cases of denial of equal pay for equal work are subject to the new law. In 1996, the most recent year for which data are available, 27.7 percent of the women between the ages of 15 and 61 were not in the work force; of those in the work force, only 46 percent worked full-time. Women hold over 80 percent of all part-time jobs.

Press reports of pre-1970's instances of forced sterilization of women remained a matter of concern (see Section 1.f.).

The law prohibits women from working during the first 8 weeks after the birth of a child. The law does not provide for compensation; however, 72 percent of working women have negotiated maternity benefits with their employers. In June voters rejected a proposal in a referendum for 14 weeks of paid maternity leave at 80 percent of their salary for working women. The Parliament had passed legislation in December 1998 providing maternity insurance--as mandated by the Constitution--after 50 years of deliberation. Hundreds of persons demonstrated to protest the vote. President Ruth Dreifuss said that the defeat reflected a combination of fear of adding a new social benefit and indifference to the plight of new mothers, especially low-income mothers. However, many of the working women who have negotiated maternity benefits with their employers receive benefits beyond those in the proposed law.

In its 1998 review of the Government's 1996 Report on the Implementation of the U.N. Covenant for Economic, Social, and Cultural Rights, the U.N. Committee for Human Rights criticized continuing discrimination against women in Switzerland. The Committee noted that despite the existence of legislation against discrimination, de facto discrimination against women and ethnic minorities continues to exist in various areas. This is especially true in the labor market, where a disproportionate number of women and minorities occupy lower paid and part-time jobs. As a result, women suffer from poverty more often than men. The Committee also expressed concern about the level of domestic violence against women, which authors of a Government study estimate at over 100,000 cases per year. Children

Despite the fact that the Government has no special program for children and that there is no special governmental office for children's matters, the Government demonstrates its strong commitment to children's rights and welfare through a well-funded public education system and medical care.

The federal and cantonal governments, as well as about 80 NGO's that defend children's rights, have devoted considerable attention in recent years to child abuse, especially sexual abuse. For convicted perpetrators of the latter, the law provides for imprisonment of up to 15 years. In 1997 amendments to the federal Penal Code came into effect that provide for an increase in the statute of limitations in cases of child abuse from 5 to 10 years. In severe cases of sexual abuse, the statute is to begin to take effect only when the victim turns 18. There is no societal pattern of abuse of children.

To combat child pornography on the Internet, the Federal Office for Police provides an Internet monitoring service on its worldwide web page. Individuals who find pornographic material involving children are asked to contact the Federal Office via electronic mail. According to the Penal Code, the production, possession, distribution, or showing of hard pornography are punishable with fines or prison sentences. Any pornography involving children falls into this category. In March an NGO published the first compilation of cases of child pornography and prostitution in the country. The study cited 60 cases. Most of the victims were girls between 13 and 17 years of age.

With respect to child abuse abroad, the law provides for prosecution only if the act is considered a crime in the country in which it took place. Experts have proposed making

such acts punishable in Switzerland regardless of where the crime took place, but there was no legislative action on the problem during the year.

Parliament's ratification of the U.N. Convention on Children's Rights included five reservations, the most important of which concerned children of migrant seasonal workers who are not automatically permitted to join their parents. Children of foreigners working as migrant laborers are only permitted to visit on tourist visas for a period of 3 months at a time. After 3 months, they must return to their homeland for 1 month. The Government is reexamining the necessity of these reservations and is expected to include its conclusions in its next report to the Committee on Children's Rights, which is due in 2000.

People with Disabilities

There are strong legal prohibitions against discrimination directed at disabled persons in employment, education, and the provision of other state services. Advocates for the disabled have called for new measures to ensure greater protection for their rights, including easier access to buildings and public transportation. However, the Government has not mandated that buildings or transportation facilities be made accessible. In 1996 a Member of Parliament proposed legislation to amend the Constitution to provide equality of opportunity for the disabled. In April voters approved a new Constitution, which contains an article that provides for equal opportunities for the disabled. In a June referendum, voters defeated a proposal to abolish pension benefits to the partially disabled.

A 1995 law exempts disabled men from the tax imposed on those who have not fulfilled their military duty.

Religious Minorities

In response to the issue of Holocaust era assets, the Government and private sector initiated a series of measures designed to shed light on the past, provide assistance to Holocaust victims, and address claims to dormant accounts in Swiss banks. The Independent Commission of Experts under Professor Jean-Francois Bergier, charged with examining the country's wartime history and its role as a financial center, issued its report in December and found that there are more than 24,000 documented rejections of asylum seekers during the World War II period, including a large number of Jewish refugees, who were refused asylum even after authorities were aware of the dangers they faced from the Nazis. The Federal Council issued a statement repeating its previous apology for policy errors made during World War II and stating that its asylum policy "was marred by errors, omissions, and compromises." Also in December, the Independent Committee of Eminent Persons under Paul Volcker released its report on "dormant accounts of victims of Nazi persecution in Swiss banks." The report represents the culmination of a 3-year investigation into the fate of victims' accounts. The Volcker report recommended that the Swiss Federal Banking Commission publish about 26,000 account holder names, based on their probable or possible identity as Holocaust victims. The report also made recommendations on the means of resolving claims by victims of Nazi persecution or their heirs, and the appropriate treatment of dormant accounts in the future. The Swiss Special Fund for Needy Holocaust Victims received approximately \$190 million (SFR 273 million) in contributions from the private sector and the Swiss National Bank. By September the Fund had allocated but not yet distributed 92 percent of the initial

contribution to Holocaust survivors in Israel, Australia, Germany, Latin America, and Eastern Europe. On March 31, the Government's World War II task force became the Switzerland-World War II Office; the office remains engaged in supporting progress on resolving Holocaust assets issues. A \$1.25 billion settlement of the class action lawsuit filed in the United States against Swiss banks was announced in August 1998, and formally completed in January. A New York court is expected to receive a final proposed plan of allocation and distribution by the end of April 2000. A judge is to consider the plan and any comments at a hearing scheduled for May 30, 2000.

In March the Swiss National Bank released a report that stated that its officials ignored warnings that they were buying looted Nazi gold. The bank has contributed approximately \$70 million (SFR 110 million) to the Swiss Special Fund for Needy Holocaust Victims.

Two Swiss insurance companies participate in the ongoing efforts by the International Commission on Holocaust Era Insurance Claims to establish a formula and just sum for compensating Holocaust victims or their families for policies they held.

The Federal Council unsuccessfully sought legislation during the year to establish a solidarity fund, which would assist victims of human rights violations, including those who suffered in the Holocaust. It would create the fund through the sale of gold reserves recently declared "excess." However, the proposal is controversial among some groups in parliament.

In the context of the discussions over Nazi gold and Holocaust era assets, anti-Semitic slurs reportedly still remain a problem. Government officials, including the President, have spoken frequently and publicly against anti-Semitism. From 1995 when the law was enacted to April, the cantons have reported 41 convictions for violating the antiracism law to the Federal Department of Justice. Sentences for convictions under the antiracism law included cases of several months' conditional prison terms and a \$3,378 (SFR 5000) fine. The Human Rights Watch Organization Augenauf was among the NGO's that expressed concern over the continued existence of anti-Semitic sentiment.

In November 1998, the Federal Commission against Racism released a report on anti-Semitism in the country, which expressed concern that the recent controversy over the country's role during World War II had to some extent opened the door to expressions of latent anti-Semitism. At the same time, the Commission described the emergence of strong public opposition to anti-Semitism, and credited the Federal Council with taking a "decisive stand" against anti-Semitism. The Commission also proposed various public and private measures to combat anti-Semitism and encourage greater tolerance and understanding. In its initial response to the report, the Federal Council pledged to facilitate implementation of the Commission's recommendations. In December the creation of a center for tolerance in Bern was announced officially. The center is to develop school curriculum materials designed to teach historical lessons, show the possible manifestations of racism and xenophobia, and promote tolerance.

The parliamentary immunity of a national councilor who made anti-Semitic remarks led to a proposal that such immunity be abolished (see Section 2.a).

In the country's highest court refused a Church of Scientology appeal to strike down a municipal law that barred persons from approaching others on the street using "deceptive

or dishonest methods." The court ruled that a Basel law, prompted by efforts to curb Scientology, involved an intervention in religious freedom, but did not infringe on it.

National/Racial/Ethnic Minorities

According to NGO statistics, there were 73 reported attacks against foreigners/minorities in the first 7 months of the year, compared with 70 for the first half of 1998. These figures include instances of verbal and written "attacks", which are much more common than physical assaults. Investigations of these attacks are conducted effectively and lead, in most cases, to the arrest of the persons responsible. Persons convicted of racist crimes are commonly sentenced to from 3 days' to 3 years' imprisonment with a fine of up to approximately \$27,000 (SFR 40,000). Section 6 Worker Rights

a. The Right of Association

All workers, including foreigners, have the freedom to associate freely, to join unions of their choice, and to select their own representatives. The Government does not hamper the exercise of these rights. About one-quarter of the work force is unionized.

The right to strike is legally recognized and freely exercised, but a unique labor peace under an informal agreement between unions and employers--in existence since the 1930's--has meant fewer than 10 strikes per year since 1975. The new Constitution provides specific protection for the right to strike. There were no significant strikes during the year.

Unions are independent of the Government and political parties, and laws prohibit retribution against strikers or their leaders. Unions can associate freely with international organizations.

b. The Right to Organize and Bargain Collectively

By law workers have the right to organize and bargain collectively, and the law protects them from acts of antiunion discrimination. The Government fully respects these provisions. Periodic negotiations between employer and worker organizations determine wages and settle other labor issues at the local, or infrequently, at the industry sector level. Nonunion firms generally adopt the terms and conditions fixed in the unions' collective bargaining.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Although there is no specific constitutional or statutory ban on forced or compulsory labor in general, and on child labor in particular, such practices generally are not known to occur; however, trafficking in women for forced prostitution increased.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment of children is 15 years, and children are in school up to this age. Children over 13 years of age may be employed in light duties for not more than

9 hours per week during the school year and 15 hours otherwise. The employment of youths between the ages of 15 and 20 is strictly regulated; they cannot work at night, on Sundays, or in hazardous or dangerous conditions. The State Secretariat for Economic Affairs effectively enforces the law on working conditions.

The Government does not specifically prohibit forced and bonded labor by children, although such prohibitions are implicitly included in the Labor Act. Such forms of labor are not believed to occur (see Section 6.c.).

Government officials inspect companies that employ children after having received complaints. Every year a few employers are fined or receive conditional imprisonment for violations of the law.

e. Acceptable Conditions of Work

There is no national minimum wage. The lowest wages fixed in collective bargaining are generally adequate to provide a decent standard of living for a worker and family. However, in January the Swiss Association of Trade Unions released a study that found that 60,000 full-time workers (or 3.4 percent) fall below the poverty line, defined as earning less than approximately \$15,500 (SFR 22,900), which is half of the median wage.

The 1964 Labor Act established a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period during the workweek. Overtime is limited by law to 260 hours annually for those working 45 hours per week and to 220 hours annually for those working 50 hours per week.

The law protects legal and illegal foreign workers. However, illegal foreign workers are not covered by mandatory health insurance in case of illness or accident. Wage discrimination against foreign workers is not permitted.

The Labor Act and the Federal Code of Obligations contain extensive regulations to protect worker health and safety. There have been no reports of lapses in the enforcement of these regulations, but the degree to which enforcement is effective is unclear. In 1998 voters approved a new labor law designed to increase flexibility in the workplace and to remove restrictions on women working at night. A worker may leave a dangerous assignment without penalty.

f. Trafficking in Persons

The Penal Code criminalizes sexual exploitation and trafficking in persons. According to September press reports, police officials are concerned over a growing number of foreign women subject to abuse in sex trafficking rings. In the past, victims came from Thailand, parts of Africa, or South America; recently an increasing number of women come from Hungary, Russia, Ukraine, and other states of the former Soviet Union. Many victims are forced to work in salons or clubs to pay for the cost of their travel and forged documents, and find themselves in a state of dependency. Traffickers sometimes seize victims' passports. Generally the victims do not read, write, or speak the country's languages, and are afraid to seek help from the authorities.

Since 1905 the Government has had an office to combat trafficking of girls for the purpose of commercial sexual exploitation. Over the years this office has evolved to include all forms of trafficking in persons. The Federal Office for Police has a human trafficking office as part of the criminal intelligence unit. In 1998 the Government institutionalized the exchange of information on trafficking in persons with NGO's. The Department of Foreign Affairs recently launched programs intend to combat trafficking from Eastern Europe. In order to confront modern forms of trafficking in women, especially via the Internet, the federal police have increased the number of their agents. In 1997 four persons were convicted of trafficking in women and 13 were convicted of sexual exploitation; and in 1997-98 police uncovered a large Thai trafficking organization. Its leader was arrested, tried, and convicted.

Prostitution is legal; however, working without a valid work permit is illegal. Women arrested for illegal prostitution are deported rapidly. There is no witness protection program for victims, and many victims are afraid to cooperate with police. The federal police are working with cantonal authorities to encourage them to provide delayed deportation and counseling to victims, in order to encourage them to testify. In March the Government introduced new visa requirements for applicants in four South American countries--Colombia, Cuba, Ecuador, and Bolivia. The Office for Equality between Men and Women has a program to educate visa applicants in their native countries about the dangers of falling victim to traffickers and their common methods.

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[Europe and NIS Index](#) | [Table of Contents](#) | [1999 Report Homepage](#) | [Human Rights Reports Index](#)