



Switzerland

Country Reports on Human Rights Practices - [2001](#)

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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 political system emphasizes local and national political consensus and grants considerable autonomy to the 26 individual cantons. Voters approved a new Constitution in 1999 that came into force in 2000. The Government respects the constitutional provisions for an independent judiciary in practice.

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 police forces that are under effective civilian control. The National Police Authority has a coordinating role and relies on the cantons for actual law enforcement. Members of the police committed some human rights abuses.

Switzerland has a highly developed free enterprise, industrial, and service economy strongly dependent on international trade. The standard of living of the country's 7.3 million residents is very high.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Cantonal police committed one killing, were involved in at least two other deaths, and occasionally used excessive force, particularly against foreigners and deportees. There were reports that the authorities arbitrarily detained asylum seekers. Violence against women continued to be a problem, although the Government took steps to address it. Some laws continued to discriminate against women. There continued to be reports of discrimination against foreigners. Trafficking in women for prostitution increased.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings committed by the Government or its agents. During the year, cantonal police shot and killed one person and were involved in the deaths of two others. The U.N. Human Rights Committee cited "instances of degrading treatment" in a November report, and "the excessive use of force during the expulsion of aliens, resulting on some occasions in death."

In May Samson Chukwu, a Nigerian deportee, died after being forcibly restrained while resisting deportation. According to an official investigation, his death was apparently the result of an unforeseeable "fatal chain of circumstances" that included the method by which he was subdued, his physical efforts to resist, and stress. Police claimed that they were forced to subdue Chukwu by cuffing his hands behind his back while he was prone on the floor. One police officer reportedly applied his weight on Chukwu's back. Charges against two policemen involved in the case were dismissed. Critics claim that police officers lack proper restraining techniques.

In July Bern police were videotaped using excessive force to subdue Cemal Gomec, a Turkish immigrant with mental problems who was threatening persons who approached him in his apartment with a knife. He died in

a hospital 4 days after being subdued. The Bern forensic institute found that his death from cardiac arrest was not the sole result of the beating by police officers but rather a combination of several factors, including stress, and police use of sedatives, tear gas, other chemicals used during Gomec's apprehension, and chronic heart disease.

In August two police officers from Basel shot and killed Michael Hercouet just over the border in France. The unarmed Hercouet was trying to evade police arrest after stealing a car, and he allegedly attempted to run over the officers. No charges had been brought by year's end. In September an Algerian national facing deportation hanged himself in Chur (see Section 1.c.).

In July, in the 1999 case of Khaled Abuzarifeh, another immigrant who died from suffocation while resisting deportation, a Zurich court handed down a 5-month suspended sentence to the doctor who administered the gag. In addition the court ordered the doctor to pay \$30,000 (50,000 Swiss francs) in damages to the victim's family. Of the three policemen involved in the case, two were acquitted. The third was awaiting judgment at year's end.

On July 12, at the request of the U.N. chief prosecutor at the International Criminal Tribunal for Rwanda in Arusha, Tanzania, the Geneva police arrested a Rwandan priest, Emmanuel Rukundo, who was suspected of involvement in the 1994 genocide. Rukundo, a former army chaplain who had been working at a church in the Geneva area for a number of years was among indicted war crimes suspects apprehended in Switzerland, Belgium, and the Netherlands during a coordinated European-wide operation. He is accused of drawing up lists of Tutsis, which the Hutu-dominated military used to identify their victims. Rukundo was deported on September 20 to the U.N. International Criminal Tribunal in Arusha after the Federal Court rejected his appeal of extradition.

Fulgence Niyonteze, the former mayor of the Rwandan town of Mushubati, sought asylum in Switzerland in 1994 and was arrested in 1996. In May 1999, a military court convicted him of crimes committed during the 1994 genocide, including murder (taking part in the massacre of Tutsis), attempted murder, incitement to murder, and war crimes. He was sentenced to life imprisonment. Niyonteze was tried by a military tribunal because Swiss law stipulates that alleged war crimes and violations of the Geneva Conventions be tried by a military tribunal (see Section 1.e.). In May 2000, a military appeal court heard Niyonteze's appeal of his sentence of life imprisonment. The court found Niyonteze guilty of war crimes and violations of the Geneva Conventions but dropped the first charges of murder and incitement to murder and declared that a military tribunal had no authority to try such offenses when committed abroad by a civilian. The military appeal court sentenced Niyonteze to 14 years in prison. Both the public prosecutor and Niyonteze filed appeals of the sentence, but in April the Military Supreme Court upheld the lower court's judgment.

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, police occasionally used excessive force, particularly against foreigners. In the Canton of Geneva, 33 of 715 reported cases of the use of force by police resulted in formal complaints. However, in 1999-2000 only one police officer was convicted for excessive use of force in Geneva Canton. In a November report, the U.N. Human Rights Committee "cited concern and called for effective responses to reported instances of police brutality during arrests and detentions, especially of foreigners." A 1997 report by the U.N. Committee against Torture expressed concern about "frequent allegations of ill-treatment inflicted in the course of arrests and police custody."

There were no significant developments, and none are likely, in the case of Brazilian national Luis Felipe Lourenco, whom prison guards allegedly beat in 1998. Lourenco was paralyzed in all his limbs after the incident. In April a reconstruction of the events took place in the Champ-Dollon prison in Geneva. All interested parties, including independent experts, were supposed to provide a Geneva magistrate with any further evidence that could lead to a trial by the end of July. The experts had not provided evidence of mistreatment by the deadline.

In the case of Clement Nwankwo, a Nigerian human rights monitor who accused the Geneva police of mistreatment during his arrest in 1997, the European Court of Human Rights unanimously denied Nwankwo's appeal in June on the grounds that there was no violation of his rights under the European Convention.

Prison conditions generally meet international standards. Some nongovernmental organizations (NGO's) have claimed that prisons were overcrowded, but the Government has taken measures to improve prison conditions

and address overcrowding by expanding the number of detention facilities. The cantonal Government of Jura stated in November that it would investigate living conditions in its prison after the press reported that prison guards had abused inmates. Prisoners alleged that, besides insults and mistreatment, prison guards had encouraged some prisoners to commit suicide. The Penal Code requires that male and female prisoners be held separately and that juveniles be held separately from adults. Pretrial detainees also are held separately from convicted criminals.

The Government permits prison visits by independent human rights monitors. In February a delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) carried out a routine, periodic visit that included visits to prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions; however, some NGO's alleged that the authorities arbitrarily detained asylum seekers (see Section 2.d.).

The cantons are responsible for handling most criminal matters, and procedures vary 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. A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney by the time an arrest warrant is issued. The State provides free legal assistance for indigents who may be jailed pending trial. Investigations generally are prompt; however, 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. During the year, approximately one-third of all prisoners were in pretrial detention, and the average length of such detention was 52 days.

The Constitution 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 generally respects this provision in practice.

All courts of first instance are local or cantonal courts. Citizens have the right to appeal, ultimately to the Supreme Court. Trials involving minor offenses are heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases (including murder) by a jury.

The 1967 revised Military Penal Code (MPC) requires that all war crimes or violations of the Geneva Convention be prosecuted and tried in Switzerland, notwithstanding where a crime was committed and whether the defendant is member of an army or a civilian. Normal civilian rules of evidence and procedure apply in military trials. The MPC allows the appeal of any case. The highest level of appeal is to the Military Supreme Court. In most cases the accused use defense attorneys assigned by the courts. Any licensed attorney may serve as a military defense counselor. Under military law, the Government pays for defense costs.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. Trials usually are expeditious. The Constitution provides for public trials, 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, and all government authorities generally respect these provisions in practice.

Instances of forced sterilization of women continued to be the subject of public debate during the year. A debate also was ongoing about the compensation of those forcibly sterilized in the aftermath of World War II. There is no comprehensive law against forced sterilization at the federal level, because medical treatment is a

cantonal matter. In 1981 the Swiss Academy for Medical Science decided that forced sterilization is not permissible if a person is incapable of understanding the consequences. The academy completed the revisions of its guidelines during the year to strongly discourage the sterilization of mentally handicapped persons because of what the Academy called a "changed social understanding of the sexuality of the mentally disabled."

In August the European Court of Human Rights (ECHR) held Switzerland guilty of a human rights violation because of the Zurich authorities' 1997 refusal to renew the residence permit of an Algerian, Abdelouahab Boulouf. The man, married to a Swiss woman since 1993, spent 2 years in jail after a Zurich Court found him guilty of a 1994 robbery and battery of an elderly person. The ECHR noted that the Algerian man had served his sentence and had a regular job as an electrician since leaving prison. Refusal by the authorities to renew his residency permit was seen as excessive and interfered with his right to family life as defined under Article 8 of the European Convention on Human Rights. The Court also found that his wife was prevented from living in Algeria because she could not speak Arabic. In compensation the Government was required to pay \$3,240 (5,347 Swiss francs) for costs and expenses related to the domestic proceedings; the Government allowed Boulouf to stay in the country.

In May in response to a complaint arising from an attempt by local tax authorities to force taxpayers to relinquish previously undisclosed bank account information, the ECHR ruled that the Government could not allow local tax authorities to force such disclosure. The ECHR ruled that the right for persons to refuse to testify against themselves applied in these cases.

In February the ECHR upheld a Geneva court ruling that prohibited a Muslim primary school teacher from wearing a headscarf in the classroom (see Section 2.c.).

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 generally respects this right in practice; however, some municipalities restrict the public distribution of pamphlets, particularly by Scientologists (see Section 2.c.). 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 legally may 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. In April the Zurich district prosecutor's office opened an investigation of the Kosovo-Albanian newspaper Bota Sot for an alleged violation of antiracism law.

The press operates independently and is free from government intervention. The Federal Government subsidizes the press indirectly by paying \$60 million (100 million Swiss francs) yearly to lower the postal rates for newspaper distribution. The nationwide broadcast media are government funded but have editorial autonomy. Private and foreign broadcast media operate freely.

Internet access is available and unrestricted. The Federal Office for Police provided an Internet monitoring service on its World Wide Web page in an effort to combat child pornography on the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

There is no single state church, but all cantons support with public funds at least one of the three traditional denominations--Roman Catholic, Old Catholic, or Protestant. 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 groups are free to proselytize; however, 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. Such permits are granted routinely and without any bias against any particular religion.

In December 2000, the Federal Department of Police published a followup report to a 1999 report by the Business Review Commission of the National Assembly regarding the need for state involvement in controlling "sects." The December 2000 report concluded that the activities of sects, including Scientology, had not increased significantly and that special monitoring of sects therefore was not justified.

In 1998 the city of Basel passed a law banning aggressive tactics for handing out pamphlets. This action was prompted by complaints about Scientologists' methods. In June 1999, the Scientologists lost an attempt in the Supreme Court to overturn a municipal law that barred persons from being approached on the street by those using "deceptive or dishonest methods." The Court ruled that the 1998 Basel law, which was prompted by efforts to curb Scientology, involved an intervention in religious freedom but did not infringe on it.

The city of Buchs, St. Gallen, also passed a law modeled on the Basel law. However, it remains permissible in Buchs to proselytize in nonintrusive ways, such as public speaking on the street or by going door-to-door in neighborhoods.

In Zurich in 1995, Scientologists appealed a city decision that prohibited them from distributing flyers on public property. In 1999 a court held that the Scientologists' activities were commercial and not religious, and that the city should grant them and other commercial enterprises, such as fast food restaurants, more freedom to distribute pamphlets on a permit basis. Fearing a heavy administrative and enforcement workload, the city appealed to the Supreme Court. The Supreme Court rejected the appeal in June 2000, affirming the decision by the lower court that the Scientologists' activities were commercial in nature and thus should be permitted. The Supreme Court decision was expected to establish a nationwide legal guideline on the issue; however, in June 2000, the Federal Council stated that there was no need for specific legislation on sects because the existing legislative framework was sufficient to preserve the population's best interests.

In Winterthur city authorities required Scientologists to apply for an annual permit to sell their books on public streets. The permit limits their activities to certain areas and certain days. The practice has been in effect since 1995, when a district court upheld fines levied on Scientologists by the city for accosting passersby to invite them onto their premises to sell them books and administer personality tests. The court ruled that the Scientologists' activities were primarily commercial, rather than religious, which required them to obtain an annual permit for the book sale on public property and prohibited them from distributing flyers or other advertising material. The Supreme Court ruling in the Zurich case was expected to set a precedent for this case as well.

In a June referendum, voters approved the repeal of a constitutional provision that prevented the Catholic Church from setting up new dioceses without the express consent of the Government. The repealed provision was introduced in 1874 a year after Pope Pius IX unsuccessfully attempted to set up a diocese in the Reformed (Protestant) city of Geneva.

In February both the Swiss Federal Office for Justice and the European Court of Human Rights agreed that a regulation barring Islamic primary school teachers from wearing their headscarves in the classroom did not violate the teachers' religious freedom. According to the decision, regulations restricting religious practices are permissible when they are set in law, are related to a legitimate objective, and are applied equally. The ECHR held that the prohibition achieved a legitimate end of maintaining a religiously neutral environment in which easily influenced children may be instructed impartially.

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

The Constitution provides for these rights for citizens, and the Government generally respects them in practice. However, noncitizens convicted of crimes may receive sentences that include denial of reentry for a specific period following the completion of a prison sentence.

The law contains provisions for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, of which Switzerland was a co-drafter. 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 the total number of asylum applicants and temporary residents living in the country during 2000 at 98,480, a decrease of 26 percent from 1999. (This number included recognized refugees and persons granted temporary asylum, as well as persons who had a first asylum application pending, appealed a rejection, or were awaiting repatriation.) Applications for asylum increased by 17.2 percent, from 17,611 in

2000 to 20,633 during the year. 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 be examined carefully; however, NGO's, including the well-known NGO Eyes Open accused the Government of expelling rejected asylum seekers in some cases when conditions in their native countries remained unfavorable.

The 1999 asylum law provides for the collective admission of 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 the misuse of asylum regulations and enable the 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 is unable to credibly justify a lack of 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 period does not constitute an effective remedy and therefore violates the European Convention on Human Rights.

The country traditionally has been a haven for refugees, but in 1999 public concern over the high number of asylum seekers entering the country in the wake of the Kosovo conflict generated domestic political pressure on the Government to tighten its policy regarding their acceptance. In 1998-99 the government granted temporary asylum to approximately 63,000 Kosovars seeking refuge from the armed conflict. Following the end of hostilities and the deployment of the international protection force, the Federal Council in 1999 deemed a return of refugees to Kosovo justifiable and ended its policy of granting temporary asylum collectively.

The Government initially offered material and financial aid worth \$50.5 million (86 million Swiss francs) to Kosovar refugees leaving the country voluntarily. Some 33,000 Kosovars accepted this offer, which ended in May 2000. The Federal Government granted a delay in departure in 1,962 cases that involved individual hardship (including families with children in school, members of ethnic minorities, the elderly, the sick, single mothers, and pregnant women).

The Government agreed to slow the flow of repatriations during the winter of 2000-01 after former U.N. Special Representative to Kosovo Bernard Kouchner claimed that some areas of Kosovo were then unsafe. Approximately 740 Kosovars nevertheless were repatriated during the year. According to the Federal Department for Refugees, more than 1,500 Kosovar expatriates remained in Switzerland legally at year's end.

Determining that the situation in the southern part of Sri Lanka was safe, the Federal Office of Refugees announced in August that it would proceed with the repatriation of 130,000 Sri Lankan refugees. Government representatives claimed that they carried out an ongoing review of the situation in Sri Lanka and that refugees would be repatriated to Colombo, but mandated that no returns would take place in the eastern and northern parts of the country, where conflicts persisted. The refugee office also announced that women, minors, elderly, and persons with disabilities might qualify for temporary residence permits. The NGO Swiss Association for Refugees stated that it regretted the decision and feared some refugees would be sent back to areas in which war was ongoing. Lump sums of \$588 (1,000 Swiss francs) for adults and \$290 (500 Swiss francs) for minors were paid to facilitate the refugees' return to Sri Lanka, in addition to airfare.

In August 2000, the umbrella organization of NGO's concerned with aiding refugees, Swiss Aid to Refugees, criticized the Federal Government for some forced repatriations of Kosovo refugees that they termed excessively harsh and inhuman. Eyes Open criticized Zurich cantonal police practices in the compulsory repatriations of failed asylum seekers (see Section 1.c.). The group noted the excessive use of hand and leg restraints in the return of Congolese asylum seekers in August.

Some human rights NGO's have charged the authorities with abuses in connection with the implementation of a 1995 amendment to the Law on Foreigners. The amendment is aimed at asylum seekers or foreigners who live illegally in the country and 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 overturned many cases in which it believed that there was insufficient regard for the rights of asylum seekers and foreigners. While NGO's claimed that the situation with regard to arbitrary detention has improved, they contend that the denial of access to asylum procedures at the two airports remained a problem. NGO's also acknowledged that asylum seekers have better access to legal counseling at the airport, but not to legal representation. Without legal representation, would-be asylum seekers often are unable to appeal a rejection of their asylum request within the 24-hour time limit.

On November 15, the Federal Tribunal overruled a cantonal government decision in Zurich to put an Iranian

mother in custody before repatriation, stating that the cantonal authorities had used "excessive power" in attempt to prohibit the woman from escaping and hiding in the country.

In September, in what police claimed was a last attempt to avoid a scheduled repatriation to France a week later, a 30-year-old Algerian national allegedly hanged himself in his cell in Chur. The Graubunden cantonal police deny any involvement in the death and said the man hung himself with a self-made rope of fabric. The refugee reportedly already had resisted two other attempts to deport him at both Geneva and Zurich airports. There was no investigation into the death.

In December 2000, an independent commission of experts under Professor Bergier found that the Government systematically expelled Roma (Gypsies) or turned them away at the border during much of the 20th century, including during World War II. Thus the Commission found that Switzerland had refused asylum to Roma who faced persecution in Nazi-occupied territory. The commission report did not indicate the number of rejected applicants. In response to the Bergier report, the Government expressed to the Roma communities its deep regret over its policy prior to, during, and after World War II. In its statement the Government mentioned the foundation of "A Future for Swiss Itinerants," a fund that it established in 1997 and endowed with \$600,000 (1 million Swiss francs) to improve living conditions for Roma. In the same statement, the Government referred to its earlier statement following issuance of the Bergier commission report in December 1999, in which the Government apologized for its asylum policy during World War II, when 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, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Initiative and referendum procedures provide unusually intense popular involvement in the legislative process. In 1999 voters approved a new Constitution, which went into effect on January 1, 2000.

The percentage of women in government or politics does not correspond to their percentage of the population. According to the Federal Office of Statistics, the proportion of women in government after the 1995 and 1999 cantonal elections increased from 11 percent to 19.8 percent. 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. During 1999 Ruth Dreifuss served as the first female President. In 1999 the electorate overwhelmingly rejected a popular initiative to mandate equal gender representation in all federal institutions. In March 2000, an initiative that would have required gender parity in the National Council was rejected by 81.9 percent of the voters. Quotas already exist at the Federal level and ensure that males or females are not underrepresented in extraparliamentary commissions; the minimum level of representation for women is 30 percent.

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

A large number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and 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, and the Government generally enforces these prohibitions effectively, although some laws tend to discriminate against women. The Constitution includes provisions for equal rights for the disabled and for minorities.

Women

Violence against women was a problem. According to a 1997 government-funded study on domestic violence, one-fifth of all women suffer at least once in their lifetimes from physical or sexual violence, and approximately 40 percent suffer from psychological or verbal abuse. A 1998 study estimates that over 100,000 cases of domestic violence occur each year. The law prohibits domestic violence but does not differentiate between acts of violence committed against men and women. Spousal rape is a crime. The difficulty in gathering information about the number of persons prosecuted, convicted, or otherwise punished for spousal abuse stems in part from the fact that legal cases are handled by each canton, and data often are not up-to-date. However, some cantonal or district police forces have specially trained units to deal with violence against women. A total of 321 men were prosecuted for 404 rape offenses involving 384 victims during 2000.

Victims of domestic violence may obtain help, counseling, and legal assistance from specialized government and NGO agencies or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. A total of 812 women and 842 children took refuge in 13 women's shelters across the country during 2000. Those in charge of the shelters estimated that nearly as many women were denied access due to a lack of space and limited funding. The Federation of Women's Organizations and numerous other women's NGO's continued their activities to heighten public awareness of the problem of violence against women.

Working as a prostitute is legal only for Swiss citizens and legal resident aliens; prostitution by foreigners is illegal. The Penal Code criminalizes sexual exploitation and trafficking in women; however, trafficking in women remained a problem (see Sections 6.c. and 6.f.).

Sexual harassment in the workplace is a problem. The law includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment in the workplace. Although the Constitution prohibits all types of discrimination, and the law provides for equal rights, equal treatment, and equivalent wages for men and women, some laws continued to discriminate against women. A federal marriage law provides that in the event of a divorce, assets accumulated during the marriage will be divided equally; however, the Supreme Court ruled that 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 (and children) who are forced to survive on public assistance. Statistics from 1999 show that nearly 70 percent of women who did not work outside the home while married fell below the poverty line immediately after a divorce. Although mandated by a constitutional amendment in 1945, no federal law on maternity insurance exists.

Immigrant women who marry Swiss husbands but live in Switzerland for less than 5 years risk deportation if they divorce their spouse. The 5-year residency requirement may be reduced to 3 years under exceptional circumstances. NGO's argue that this prevents women with marital problems from being able to seek help--or leave their husbands--without serious consequences.

Varying police practices in different cantons sometimes take into consideration such factors as the country of origin, education, and income levels of the immigrant women. The women's purpose for being in the country officially is registered as "stay with spouse" until they receive their own long-term residency permits.

The law includes a general prohibition on gender-based discrimination and incorporates the principle of equal wages for equal work; however, professional differences between men and women are evident. Women less often occupy jobs with significant responsibilities, and women's professional stature overall is lower than men's. A 2000 study found that discriminatory behavior by employers accounts for 60 percent of the overall wage gap between men and women. The study, which compared wages for women and men in the private sector from 1994 to 1996, found that wages were on average 21.5 percent lower for women than for men with identical jobs and levels of education. In September a court in the Canton of Vaud awarded \$12,000 (20,000 Swiss francs) in damages to Malica Skrijeli, a machine worker, after she successfully proved that her salary was between 30 and 40 percent lower than that of her male colleagues, despite holding an identical job. Individual cases of denial of equal pay for equal work are subject to the law. Women also are promoted less than men. In 1998, the latest year for which data was available, 25.3 percent of women between the ages of 15 and 61 were not in the work force (compared to 10 percent for men); women hold 82 percent of all part-time jobs. Only 38 percent of women hold managerial positions compared with 56.9 percent of men.

The law prohibits women from working during the 8 weeks after the birth of a child. Further measures also protect pregnant and breast-feeding women. For example, pregnant women are not allowed to work night shifts during the 8 weeks prior to giving birth. The law does not provide for compensation; however, 72 percent of working women have negotiated maternity benefits with their employers. In July 2000, a new proposal for paid maternity leave appeared in the Federal Council in alignment with the European Union standards. It called for 14 weeks of paid maternity leave and asked employers for full pay during the first 8 weeks in order to be consistent with the law prohibiting women from working in the first 8 weeks after birth. The Council of States--the upper house of Parliament--followed the lead of the Federal Council in December 2000 and required the Federal Government to develop a new maternity benefits scheme in line with the July 2000 proposal. In June the Federal Department of Justice submitted for discussion a draft bill on the financing of maternity leave through a mixture of public and private funding to various civic organizations, but it referred the matter back to the Parliament in November when consultations were unable to reach a consensus. Beginning in July, women in the Canton of Geneva were provided paid maternity leave. In 2000 the cantonal parliament also passed legislation providing for 16 weeks of leave following a birth at 80 percent of salary for all women who had previously worked in the canton for a minimum of 3 months; Federal authorities approved this law in January.

The Federal Office for Equality Between Women and Men and the Federal Commission on Women work to eliminate all forms of direct and indirect discrimination. In 1999 a federal level interdepartmental working group

issued an action plan to improve the situation of women following Switzerland's commitments at the 1995 U.N. Convention on the Elimination of all Forms of Discrimination Against Women. The plan includes measures that address poverty, decision-making, education, health, violence against women, the economy, human rights, the media, and the environment. For example, the plan calls for financial support for childcare 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. To achieve its mission, the Federal Office for Equality Between Men and Women was allocated a budget of \$3.25 million (5.54 million Swiss francs) for the year 2000; the office employs 13 persons. Parliament directed the Federal Council to report on progress made by the end of 2002.

Many cantons and some large cities have "equality services" mandated to handle gender issues. More than half of the cantons have an office in charge of promoting equality, but funding and personnel levels remain uneven. The majority of the cantons have commissions that report to the cantonal government.

Children

The Government has no special programs for children, and there is no special governmental office for children's matters; nevertheless, the Government is strongly committed to children's rights and welfare. It amply funds a system of public education and need-based subsidies of health insurance. Education is free and compulsory for 9 years, from age 6 or 7 through age 16 or 17, depending on the canton. Some cantons offer a 10th school year. Almost all children attend school. The Government subsidizes the health insurance premiums of low-income families.

There is no societal pattern of abuse of children, although it does occur. The federal and cantonal governments, as well as about 80 NGO's that defend children's rights, have devoted considerable attention in the last few years to child abuse, especially sexual abuse. For convicted child sexual abusers, the law provides for imprisonment of up to 15 years. The statute of limitations in cases of child abuse is 10 years. In cases of severe sexual abuse, the statute takes effect only when the victim turns 18.

Two cases of child abuse were reported widely during the year. In August 2000, a 4-year-old girl died in the Canton of Zurich as a result of violence and hunger inflicted by her adoptive mother. While the mother was found guilty and sentenced to 5 1/2 years in prison and a psychiatric follow-up, the Government failed to prove that the family doctor and three administrative personnel had misjudged the situation and ignored details such as bruises on the child's body. In May a 16-month-old girl died from starvation in Geneva after her mother was jailed and left her in their apartment. The mother's jail term was extended by another 3 months for abandonment and negligent homicide. Social and youth protection services were also under scrutiny for failing to check on the child's whereabouts and for not confirming that someone was taking care of her.

In September the Zurich district court in Horgen sentenced a former policeman to a 30-month suspended sentence after he was convicted of several sexual offenses committed against minors since 1994. The court recognized that the former policeman required psychological counseling but emphasized that the sentence would be carried out should the officer commit additional offenses.

To combat child pornography on the Internet, the Federal Office for Police provides an Internet monitoring service on its World Wide Web page. Individuals who find pornographic material involving children are asked to contact the Federal Office via e-mail. The production, possession, distribution, or showing of hard pornography are crimes punishable with fines or prison sentences. Any pornography involving children falls into this category. In March 1999, 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 the prosecution of child sexual abuse abroad, the law provides for prosecution in Switzerland 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.

Children of migrant seasonal workers are not permitted automatically to join their parents. Children of foreigners working as migrant laborers only are permitted to visit on tourist visas for a period of 3 months at a time. After 3 months, they must return to their home country for 1 month.

Persons with Disabilities

The law prohibits discrimination directed at persons with disabilities in employment, education, and the provision of other state services. The total number of persons with disabilities is estimated to be 700,000 (10 percent of the population). Most cantons already have implemented some provisions for persons with disabilities, but there is no countrywide standard. Advocates for persons with disabilities have called for new measures to ensure greater protection for their rights. Article 8.4 of the new Constitution (in effect as of January 1, 2000) provides for equal opportunities for persons with disabilities.

An initiative called "Equal Rights for People with Disabilities" was launched in 1999 that would change the law and grant all persons with disabilities access to all public facilities and services, to the extent that the costs were within government means. Claiming that the financial consequences of the proposed change in law would have a negative impact on the economy, the Federal Council submitted an alternative draft law to Parliament in October. Parliament extended the period for debate of the bill until October 2002. Neither the Government nor the Constitution mandates that buildings or transportation facilities be made accessible, and advocates for persons with disabilities have called for easier access to buildings and public transportation. Under the Federal Council's draft law, public services would have to be made accessible over a period of 20 years. Opponents of this proposal claimed that the transition period would be far too long and urged that private premises, such as multiple-level housing, should also be required to implement the changes. Under the proposal, the Government would finance part of the costs but only up to a maximum of \$180 million (300 million Swiss francs). By some estimates, implementation costs could reach \$19 to \$28 million (31 to 47 million Swiss francs) per year.

Religious Minorities

A 2000 survey showed that 16 percent of citizens are to some extent anti-Semitic. Among supporters of the rightwing Swiss People's Party, the figure was 33 percent. The study also found that the controversy over the country's World War II behavior affected survey results, particularly among the older generation. Conversely 92 percent of young persons polled harbored no anti-Semitic sentiments. The survey reflected inconsistencies; for example, during the survey period, public opinion actually strengthened in support of antiracism laws.

In June a visiting Israeli Orthodox rabbi was shot and killed in Zurich. Although the circumstances of the event stimulated speculation that it may have been a hate crime, police were unable to uncover any evidence of the perpetrator or his motives.

Reports of anti-Semitic slurs made in the context of discussions over Nazi gold and Holocaust-era assets appeared to have abated. Government officials, including President Leuenberger, have spoken frequently and publicly against anti-Semitism. According to the 2000 Swiss National Security Report, between 1995--when the antiracism law was enacted--and December 2000, 149 cases were tried under the antiracism law, which resulted in 68 convictions. Of those, 19 persons were convicted for anti-Semitism, 15 for revisionism (i.e., denying, doubting, or qualifying the Holocaust), 31 for racist oral or written slurs, and 3 for other reasons.

In response to the issue of Holocaust-era assets, the Government and the private sector initiated a series of measures designed to evaluate the country's past, provide assistance to Holocaust victims, and address legal claims to dormant bank accounts.

The Federal Council sought legislation to establish a solidarity fund, which would assist victims of human rights violations, including those who suffered during the Holocaust. In May 2000, the Federal Council endorsed and returned to Parliament revised legislation regarding a Swiss Solidarity Foundation. Under the modified act, the foundation would dispose of the proceeds from the management of 500 tons of central bank gold reserves, which were declared "excess." The Solidarity Foundation act had not been approved by Parliament by year's end. The alternative use of the extra gold reserves will be subject to a mandatory referendum.

The Swiss Fund for Needy Victims of the Holocaust has paid out \$176 Million (297 Million Swiss francs) worldwide to 312,000 Jews, Roma, homosexuals, and other survivors of Nazi death camps. Payments of between \$360-\$1,200 (533-1,776 Swiss francs) were made to persons in 40 countries, most in Eastern Europe and the former Soviet Union, Israel, and the United States. The final payments under the fund were made to 58 Roma in Kosovo who each received \$730 (1,620 German Marks). Swiss banks and industry contributed money to the fund, which is separate from a \$1.25 billion fund established in 1998 by Switzerland's two largest banks as part of the settlement of a class action lawsuit.

In 1999 in response to a 1998 report on anti-Semitism by the Federal Commission Against Racism, the Federal Council announced the creation of a Center for Tolerance in Bern. Planning under the chairmanship of a former parliamentarian continued at year's end; financing was to be provided by the public and private sectors. The center planned to produce exhibits designed to teach historical lessons, offer academic research

opportunities, and host international symposiums. In November the center held its first symposium, entitled "Bern--Discussion for Tolerance."

National/Racial/Ethnic Minorities

According to statistics gathered by an NGO, the Foundation Against Racism and Anti-Semitism, 76 reported incidents were directed against foreigners or minorities in the first 8 months of the year, compared with 82 during the same period in 2000. The total number of reported incidents in 2000 was 109. These figures include instances of verbal and written "attacks," which are much more common than physical assaults. Investigations of such attacks generally are conducted effectively and lead, in most cases, to the arrest of the persons responsible. Persons convicted of racist crimes commonly are sentenced to from 3 days' to 3 years' imprisonment and a fine of up to \$27,000 (40,000 Swiss francs). In 1999 and 2000, approximately 50 persons were convicted of racial discrimination.

Neo-Nazi, skinhead, and other extremist organizations attracted greater police and government attention during the year because of such groups' increasing organization at international levels, the violence such groups commit, and the youth of the group members. In June the Federal Council granted \$2.3 million (4 million Swiss francs) to the National Science Foundation to undertake research on rightwing extremist groups. Switzerland's central European location makes it a convenient meeting place for groups from around the continent, and police frequently monitored large gatherings of neo-Nazis and skinheads, such as parties and concerts. During the year, the Federal Police estimated that that 900 to 950 members of extremist organizations caused 94 disturbances, compared with 2000 when 850 members caused approximately 134 incidents.

The Government and private organizations have invested considerable resources to combat such groups and stem their growth. In one instance related to rightwing extremism, police monitored the gathering of 50 such extremists, who met in the Canton of Valais under the pretext of celebrating a member's birthday. Although authorities only recorded a few license plate numbers and did not disrupt the gathering, some accused the police of bias because of their conspicuous monitoring of the event.

In a highly publicized case, on January 28, 19-year-old Marcel von Allmen from the Interlaken town of Unterseen was killed by neo-Nazis with whom he was associated. Von Marcel was active among neo-Nazis, but in the previous few months had attempted to separate himself from them. Four of his companions (all between 17 and 22 years of age) admitted to killing von Marcel and disposing of his corpse in Thun Lake. The three adult defendants were tried, convicted, and were scheduled to undergo a psychiatric evaluation, after which they were to be sentenced. The fourth defendant was tried as a juvenile; he is required to undergo a psychiatric and educational program for 2 years.

In October a court in Bern convicted two skinheads in their early 20's and sentenced them to 5 years in prison for firing 110 shots at an alternative youth center. No one was injured in the incident.

In May the Government recommended an increase in the monitoring of extremist Internet sites for criminal activity. Cantons were expected to take part in monitoring activities and share the costs of the project, which was scheduled to begin by early spring 2002. However, sources close to the Federal Police Department claimed that all xenophobic web sites already were shut down. Federal penal law already prohibits racial discrimination, and police have used this law to monitor and close such web sites.

Swiss Romani groups who claimed that they were victims of racial prejudice received assistance during the year from the Department of the Interior. The Department continued its \$90,000 (150,000 Swiss francs) per year donation to the organization, Future for Swiss Itinerants. Roma complaints included their exclusion from more camping sites, which do not allow or which limit the number of Roma allowed on the site. In February several Romani families filed a complaint with the Federal Government against the Canton of Vaud, challenging a cantonal decision to limit the number of such persons it permits in its territory. In October the Supreme Court upheld the cantonal decision.

Cantons have discretion regarding the naturalization of foreigners. In March 2000, the voters of Emmen, a small township in the Canton of Lucern, voted on local foreign residents' applications for citizenship. The voters rejected 48 applicants, almost all exclusively from southeast Europe, while approving 8 Italians' citizenship bids. The Federal Council determined that it should examine the process. The Emmen vote caused a national uproar and prompted several motions in Parliament. The critical reactions of other cantons and the response of the Federal Council in examining the Emmen vote prompted a debate regarding the extent to which the naturalization regulations of a particular township may be reviewed. In June Emmen held another vote on the applications of 13 foreigners for citizenship. All 13 were accepted, including 5 from the Balkans. However, in September a popular vote denied citizenship to 10 Turks living in Schwyz. The vote was the fourth rejection of citizenship applications for some applicants. In May controversy also arose when

the Mariampillai family was denied citizenship in Bern. Some claimed that the family's German language skills were not sufficient for citizenship. When the Socialist Party challenged the decision, the Government reviewed the outcome but upheld the decision under the law granting cantons the right to autonomous discretion. However, the Socialist Party maintained that the language test was inappropriate and inaccurate, since "Anton Mariampillai has lived in Switzerland for 18 years and speaks fluent High-German and his son speaks Swiss-German."

In April the Zurich district prosecutor's office opened an investigation of the Kosovo-Albanian newspaper Bota Sot for alleged violation of the antiracism law. The newspaper, which has an editorial office in Zurich, allegedly used racist and inflammatory language when referring to Serbs in Kosovo and Macedonians in Macedonia. The publisher of Bota Sot, Xhevdet Mazrekaj, denied the accusations.

In August the Federal Parliament determined that Swiss victims of racist or xenophobic discrimination should have the ability to bring their complaints before the U.N. Committee on the Elimination of Racial Discrimination. Cases first must be litigated in national courts, but on the recommendation of an 18-member committee of experts who meet in Geneva, they may be appealed to the United Nations. Citizens have the choice of appealing to either the U.N. committee or the ECHR but may not appeal a U.N. decision to the ECHR or vice versa. Both fora are mutually exclusive and cannot overrule the other's decisions.

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, and workers exercise these rights in practice. Approximately one-quarter of the work force is unionized. Unions are independent of the Government and political parties.

The Constitution provides specific protection for the right to strike, but a unique labor peace under an informal agreement between unions and employers—in existence since the 1930's—has resulted in fewer than 10 strikes per year since 1975. The law prohibits retribution against strikers or their leaders.

The law prohibits strikes by public servants, as well as by workers in state-owned bodies such as the postal service. However, a new law concerning employees of the Federal Government generally recognizes their right to strike. Under the new law, the Government may curtail or suspend the right to strike for certain categories of government employees only for reasons of national security, safeguarding national foreign policy interests, or providing the population with essential goods and services. The new law was implemented in stages for different categories of employees throughout the year and is to continue to be implemented during 2002.

Unions associate freely with international organizations.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and bargain collectively, and unions exercise this right. 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.

The law protects workers from acts of antiunion discrimination, and the Government generally respects this provision in practice.

Labor appeal courts exist at both the cantonal and district levels.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

There is no specific constitutional or statutory ban on forced or compulsory labor; however, trafficking in women for forced prostitution increased during the year (see Sections 5 and 6.f.).

The Government does not prohibit specifically forced and bonded labor by children, although such prohibitions

are included implicitly in the Labor Act; however, such forms of labor are not known to occur.

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

The minimum age for the full-time employment of children is 15 years, and children generally remain in school until 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 regulated strictly; they may not work at night, on Sundays, or in hazardous or dangerous conditions. The State Secretariat for Economic Affairs effectively enforces the law on working conditions. Government officials inspect companies that allegedly employ children illegally after receiving complaints. Each year a few employers are fined or receive conditional sentences for violations of the law.

The Government does not specifically prohibit forced and bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

There is no national minimum wage. The lowest wages fixed in collective bargaining generally are adequate to provide a decent standard of living for a worker and family. However, the Swiss Association of Trade Unions in a 1999 study found that 60,000 full-time workers (or 3.4 percent) fall below the poverty line, which is defined as earnings of less than approximately \$15,500 (22,900 Swiss francs)—or half of the median wage.

The law sets a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period of 35 consecutive hours plus an additional half day per week. Annual overtime is limited by law to 170 hours for those working 45 hours per week and to 140 hours for those working 50 hours per week.

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. A 1998 law is designed to increase flexibility in the workplace and remove restrictions on women working at night. Workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

The law generally protects legal and illegal foreign workers; however, the law is not always respected in practice. Illegal foreign workers are not covered by mandatory health insurance in case of illness or accident. Wage discrimination against foreign workers is not permitted. According to an NGO, more than 50,000 foreign workers were vulnerable to abuse of their rights during their participation in the "underground economy" for long periods. Late in the year, many of these workers demonstrated for legal status and more worker rights by occupying churches in major cities for several days in cooperation with religious and human rights groups.

In June the Minister of Justice criticized many cantons for tolerating the use of illegal aliens, who earn substandard wages without protection and proposed improved worker legislation. Also in June, a Member of Parliament admitted the use of illegal workers over several years in his vineyards and operations.

f. Trafficking in Persons

The Penal Code criminalizes sexual exploitation and trafficking in persons; however, trafficking in women for prostitution increased. The country is a destination and, to a lesser extent, a transit location. According to authorities, most persons trafficked in 2000 originated in Thailand, parts of Africa, or South America. An increasing number of trafficked women arrived in every canton from Eastern Europe, particularly Hungary, Russia, Ukraine, or other states of the former Soviet Union. A large number of women were trafficked from the Dominican Republic, Brazil, and Columbia (to Zurich and Ticino), and parts of Africa and Thailand (to Bern and Basel).

Traffickers often forced many victims into prostitution, and in many cases subjected them to physical and sexual violence, threatened them or their families, encouraged drug addiction, withheld their documents, and incarcerated them. Many victims were forced to work in salons or clubs to pay for the cost of their travel and forged documents and found themselves dependent on the traffickers. Generally the victims were unable read, write, or speak the country's languages, and were afraid to seek help from the authorities.

Trafficking in persons may result in prison sentence of up to 5 years; coercing a person into prostitution or restricting a prostitute's personal freedom can carry a sentence of up to 10 years in prison. On April 9, the Criminal Court of Lausanne sentenced a 38-year-old Nigerian to 9 years in prison after he was found guilty of

trafficking in women across Europe and of money laundering. The court found that the trafficker was not member of any specific criminal organization despite his having worked closely with his mother and sister, who lived in Nigeria. In March 2000, Neuchatel cantonal police arrested four persons, including two African women married to Swiss nationals, on trafficking-related charges.

Since 1905 the Government has had an office to combat the 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 office has existed in its present form since 1998 as part of the criminal intelligence unit of the Federal Department of Police. In order to confront modern forms of trafficking in women, especially via the Internet, the Federal police have increased the number of their agents since 1999. In 1998 the Government institutionalized an exchange of information on trafficking in persons with NGO's. The Department of Foreign Affairs helps fund programs intended to combat trafficking from Eastern Europe. In major cases, the Federal government establishes contacts with foreign government authorities. In March 1999, the Government introduced new visa requirements for applicants from four South American countries--Colombia, Cuba, Ecuador, and Bolivia. The Office for Equality between Men and Women operates a program to educate visa applicants in their native countries about the methods used by traffickers and the dangers of falling victim to them.

Because the investigation, enforcement, and prosecution of individual trafficking and related cases is the responsibility of the cantonal police authorities, the federal human trafficking office also supports the cantonal prosecution authorities with information concerning trafficking abroad.

In 2000 a Zurich-based NGO submitted a petition to the Federal Council and both houses of Parliament that called for the establishment of a protection program for trafficking victims, which would end the automatic expulsion of women arrested for illegal prostitution and legalize their stay for the duration of investigations and trials. Most women normally are expelled within 96 hours. The program also would provide shelter, protection from intimidation, counseling centers, and sensitivity training for police. The petition also called for a change in the legal definition of trafficking to include not only women forced into prostitution but also women whose migration to Switzerland for marriage or domestic work forces them into a state of dependency. Approximately 7,500 individuals, organizations, and parliamentarians signed the petition. Parallel to the submission of the petition, a parliamentary initiative called for similar measures. However, neither initiative had been implemented by year's end.

In response to the petition and the parliamentary initiative, in June 2000, the Federal Council adopted a motion calling for extended protection for all female victims of trafficking and, in particular, for a new definition under criminal law that would include all activities linked to trafficking in women. The Federal Council charged the Federal Department of Justice and Police with setting up an interdepartmental working group to assess whether the Penal Code required amendment, to determine what measures should be taken to better protect the victims of female trade, and to determine whether it was necessary to create additional consultation centers. A report was submitted to the Federal Council in late 2002.

In general persons responsible for trafficking may not be prosecuted unless the victims are willing to testify. However, very few victims are willing to testify because they fear retaliation or are concerned that they will be forced to leave the country because they are illegal immigrants. A motion adopted by the lower house of Parliament would require that foreign victims receive an extended residency permit to allow them to remain in the country to assist in the trial. Cantonal authorities already allegedly grant a residency permit on a case-by-case basis, but a legal framework providing this right had not been established.

A number of government-funded NGO's provide services to victims of trafficking. The organizations provide information and counseling, and in some cases, emergency assistance. Some cantons assist repatriated nationals, for example, by arranging escorts, ensuring that victims are met at the airport, and organizing meetings with victims' families.