



## U.S. DEPARTMENT of STATE

### Switzerland

#### Country Reports on Human Rights Practices - [2006](#)

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The Swiss Confederation, with a population of 7.5 million, is a constitutional republic with a federal structure. Legislative authority is vested in the bicameral Federal Assembly, which was elected in free and fair elections in 2003. The government is a coalition of the four major parties. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. There were reports from nongovernmental organizations (NGOs) that police at times used excessive force, primarily against minorities and asylum seekers. Lengthy pretrial detention, anti-Semitic and anti-Muslim incidents, violence against women, trafficking in persons, and discrimination against minorities were also human rights problems.

#### 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 that the government or its agents committed arbitrary or unlawful killings.

On February 7, the European Court of Human Rights (ECHR) ruled that, while authorities in Ticino canton were not responsible for the death of a 28-year old man in their custody in 1994, they had failed to investigate sufficiently the circumstances leading to the death.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

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

In its annual report published in May, Amnesty International (AI) alleged ill-treatment, use of excessive force, and racist abuse by police officers. The UN special rapporteur on racism and related intolerance, Doudou Diene, claimed that there were many acts of racist and xenophobic violence by police against certain groups, particularly Africans, and to a lesser extent, persons from the Balkans (see section 5).

At the end of August, the Vaud cantonal appeals court upheld a February 17 verdict by a district court acquitting two police officers of negligent bodily harm in handling a protester during a 2003 demonstration near Lausanne against a Group of Eight meeting in nearby Evian, France.

#### Prison and Detention Center Conditions

Prison conditions generally met international standards; however, prison overcrowding was a problem, particularly in the cantons of Geneva, Zurich, and Bern. A government report issued in February indicated that as of September 2005, one-third of the country's detention centers were at or above their designated capacity, and nine were overcrowded by 20 percent or more. In June 2005 the Council of Europe's Commissioner for Human Rights, in a report on a 2004 fact finding mission, expressed concern about overcrowding and other shortcomings at detention facilities he had inspected; he called on local authorities to take appropriate action to resolve the problems. In early July a pretrial detainee in the Champ Dollon prison in Geneva set fire to his cell, killing himself and another inmate. Champ Dollon is overcrowded; at the time of the fatal incident the prison, designed for 270 detainees, held over 450. This event followed a protest by 120 detainees in May against conditions in the facility. In mid-November a 34-year old Albanian inmate of the Poschwies prison near Zurich succumbed to the serious head injuries he had incurred in a brawl with his 27-year old cellmate. The fellow countrymen had been sharing a cell since the beginning of the year, apparently without any difficulties. For economic reasons cells were converted to double occupancy in 2004.

The government permitted access by independent local and international human rights groups to prisons.

#### d. Arbitrary Arrest or Detention

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

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

The cantons are responsible for handling most criminal matters, and their procedures vary. The federal police office has a coordinating role but relied on the cantons for actual law enforcement. The federal attorney general in Bern oversees intercantonal and international crimes involving organized crime, offenses which are under federal jurisdiction. Corruption and impunity were not problems. Judges and prosecutors are under the administrative oversight of the cantonal security departments and the Federal Department of Justice and Police but act independently. Police were generally effective. Both internal affairs bureaus and courts were effective in investigating allegations of police abuses. Police training is a cantonal responsibility, but some police training took place nationally in cooperation with NGOs.

##### Arrest and Detention

By law criminal suspects must be apprehended on the basis of warrants issued by a duly authorized official unless there is a specific and immediate danger to which the police must respond without waiting for a warrant. In most cases a suspect may not be held longer than 24 hours before being presented to a prosecutor or investigating magistrate, who must bring formal charges or order the detainee's release; however, asylum seekers and other foreigners without valid documents may be held up to 96 hours without an arrest warrant.

There was a functioning bail system, and courts grant release on personal recognizance or bail unless the magistrate believes the person charged is dangerous or will not appear for trial. A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney before charges are brought. A 2004 court ruling established that suspects detained under federal law are not entitled to legal representation during their preliminary hearing with the federal police. Suspects may invoke entitlement to legal counsel at a later stage when they are first interviewed by the investigative magistrate. The state provides free legal assistance for indigents who are charged with crimes for which imprisonment would be a possible penalty. Access to family members may be restricted to prevent tampering with evidence, but law enforcement authorities are required to inform close relatives of the detention promptly.

AI and NGOs working with refugees complained that detained asylum seekers were often effectively denied proper legal representation in deportation cases because they lacked the financial means to obtain an attorney. Free legal assistance was only provided in cases of serious criminal offenses the decision to deport an asylum seeker is an administrative procedure.

Lengthy pretrial detention was a problem. Although investigations were generally prompt, investigative pretrial detention could exceed the length of sentence actually received. Any lengthy pretrial detention is subject to review by higher judicial authorities. The Federal Tribunal has ruled that pretrial detention must not exceed the length of the expected sentence for the crime a suspect is charged with. During the year approximately one third of all prisoners were in pretrial detention, and the average length of such detention was approximately 50 days.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Local or cantonal courts are generally the courts of first instance. For criminal offenses that fall under the jurisdiction of federal authorities, the Federal Penal Court in Bellinzona is the court of first instance. Citizens have the right to appeal, ultimately to the Federal Tribunal (supreme court). Lower and appellate courts are local or cantonal, and therefore both their administrative structures and procedures vary from canton to canton.

##### Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials were generally expeditious and public. Trials involving minor offenses are generally 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. Defendants have the right to be present and to consult with an attorney in a timely manner, and an attorney is provided at public expense if defendants face serious criminal charges. Defendants have the right to confront or question witnesses and to present witnesses or evidence. Defendants enjoy a presumption of innocence and have the right to appeal, ultimately to the Federal Tribunal. These rights were generally respected in practice.

The military penal code (MPC) requires that war crimes or violations of the Geneva Convention be prosecuted only if the defendant has close ties with Switzerland. Normal civilian rules of evidence and procedure apply in military trials. The MPC allows the appeal of any case, ultimately to the military supreme court. In most cases the accused used defense attorneys assigned by the courts. Any licensed attorney may serve as a military defense counsel. Under military law the government pays for defense costs. Civilians charged with revealing military secrets, such as classified military documents or classified military locations and installations, may be tried in military courts.

##### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

##### Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters.

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

The law penalizes public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity. The law does not explicitly mention anti-Semitism, Holocaust denial, or other specific events; however, there have been convictions under this legislation for anti-Semitism and denying the Holocaust. Judicial authorities in Vaud launched an investigation against Dogu Perincek, a Turkish politician, after he publicly denied, while in Switzerland, that genocide occurred against the Armenians in what is now Turkey. No trial date was set by year's end.

At the end of April, the ECHR criticized the government for violating freedom of expression in two separate 1997 cases involving journalists. In one case a domestic court fined a journalist for publishing excerpts from a confidential diplomatic document whose release resulted in the diplomat's resignation. In the other case, a journalist was fined for inducing a government official to release sensitive information. In July, in a precedent setting move, authorities asked the Grand Chamber of the ECHR to review the ruling on the leaking of the diplomatic memo. The ECHR ruling rekindled the debate over a provision of the penal code that punishes with confinement or a fine any person who publishes confidential government documents or excerpts thereof without proper authorization.

In May a district court in the canton of Aargau sentenced the founder and former president of the extreme right-wing Nationally Oriented Swiss Party (PNOS) to 14 days in prison and a fine for racial discrimination. The party is generally hostile toward immigrants, religious minorities, and leftists. The former PNOS leader was accused of having published on the Internet a party program that violated the antiracism law. PNOS subsequently removed the program from its Web site. Earlier, in 2005, the Aargau district court sentenced four PNOS board members to fines of \$240 to \$400 (300 to 500 francs) for similar offenses.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet access was widely available and over two-thirds of the population used it regularly.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

There is no official state church; however, most cantons provide financial support from tax revenues to at least one of three traditional denominations Roman Catholic, Old Catholic, or Protestant. Each of the 26 cantons has its own regulations regarding the relationship between church and state. Foreign missionaries must obtain a religious worker visa to work in the country. Such permits were generally granted routinely.

In 2004 the Federal Office of Migration (FOM) rejected the work permit applications for two Islamic clerics filed by the Islamic Center in Geneva, due to the extremist views of the center. In October 2005 the justice ministry's appeals body upheld the FOM decision, thus setting a precedent for rejecting a work permit application for a Muslim imam on grounds of ideology.

On May 10, the Federal Tribunal upheld the decision of authorities in the canton of Basel to reject the citizenship application of a Turkish national on the grounds that she lacked a desire to integrate into society. The woman, who worked as a voluntary religious teacher, had appealed the rejection, claiming that it was due to her profession of Islam and her corresponding living habits. The Federal Tribunal concluded that the negative decision of the Basel authorities was neither discriminatory nor a violation of religious freedom rights, but rather a manifestation of the legal precept that individuals who voluntarily isolate themselves from the population should be denied citizenship; cantonal authorities found that she restricted her contacts to Muslims. At the same time, it held that the appeal raised delicate questions and

therefore decided to cover the legal costs of the indigent woman in spite of the negative ruling.

Muslim organizations complained that it was nearly impossible to acquire zoning approval to build mosques or Muslim cemeteries, since authority for such approvals rested with individual counties and municipalities. In the canton of Solothurn a project to build a minaret stalled due to strong local opposition, and Muslim associations faced similar opposition to community building projects in Aargau and Bern. There were two minarets in the country, at the Geneva and Zurich mosques.

Religious instruction was a part of the curriculum in most public cantonal schools except in Geneva and Neuchatel. Most schools offered classes in Roman Catholic and Protestant doctrine, but some schools covered other religious groups living in the country. A number of cantons complemented or entirely supplanted traditional classes in Christian doctrine with nonconfessional teachings about religion and culture.

The law criminalizes racist or anti-Semitic expression, whether in public speech or in printed material.

The Department of the Interior's Federal Service for the Combating of Racism sponsored a variety of educational and awareness building projects to combat racism, xenophobia, and anti-Semitism (see section 5).

#### Societal Abuses and Discrimination

In the view of several observers, the climate for members of religious minorities and their institutions continued to deteriorate during the year. Physical violence was rare. Most manifestations of anti-Semitic and anti-Muslim feeling appeared to be fueled by extensive media coverage of the Israeli Arab conflict, the Holocaust assets issue, and terrorist acts by Muslim extremists in foreign countries.

The Jewish population constitutes 0.24 percent of the country's population, or 17,900 persons. There were numerous anti-Semitic incidents during the year. During the night of March 31, unidentified vandals smashed several windows of the synagogue in Lausanne. The Geneva-based Intercommunity Center for Coordination against anti-Semitism and Defamation (CICAD) denounced the attack and expressed concern over the series of anti-Semitic incidents occurring in the French speaking part of the country. There were no reports indicating whether authorities apprehended suspects in these cases.

On July 21, a demonstration in Bern of Lebanese and pro-Palestinian organizations against Israeli military action in the July-August conflict involving Israel and Lebanon featured at least one Israeli flag festooned with a swastika; at this demonstration, Daniel Vischer, a Green party member of the Federal parliament, called on the government to end military procurement cooperation with Israel. On July 31, a similar demonstration took place in Geneva; Israeli flags with swastikas were again abundant, according to CICAD. Also on July 31, according to information from the Stephen Roth Institute, not independently confirmed, unknown persons painted virulent anti-Semitic graffiti on walls in Zurich. Throughout the summer, CICAD tracked an increase in anti-Semitic rhetoric in the letters-to-the-editors pages of some big-circulation Francophone newspapers.

In March 2005 there were two arson attacks in the city of Lugano in the southern canton of Ticino against the synagogue and a clothing store owned by a Jewish family. No one was hurt in either incident. In November 2005 a Ticino court gave a two-year prison sentence to a 58 year old resident Italian national with a mental condition, who confessed to the attacks.

The law prohibits anti-Semitic incitement and historical revisionism, including Holocaust denial (see Section 2.a.).

Schools across the country honored Holocaust Remembrance Day, January 27, for victims of the Holocaust. Education authorities stated that the aim was to remember the Holocaust and other forms of genocide committed in the past century and raise awareness of inhumane ideologies. The country is a member of the International Task Force on Holocaust Education, Remembrance and Research.

Unease over the growing Muslim population, extremist views preached by a number of Muslim clerics, and the international controversy over the 2005 Danish newspaper cartoons of the prophet Mohammed intensified public debate over the role of Muslim believers in society.

Some employers prohibited the wearing of headscarves in the workplace. For example, the second largest retailer announced that its dress code did not provide for any headgear and that it would not allow the wearing of the Islamic headscarf.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution provides for these rights, and the government generally respected them in practice.

The constitution prohibits forced exile, and the government did not employ it.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government

provided protection against refoulement, the return of persons to a country where they feared persecution, although some NGOs were critical of the procedures used to establish "safe countries."

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 25,244 persons during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Since 2004 asylum applicants have been required to present documentation verifying their identity, and since then authorities have been refusing to process the applications of asylum seekers who were unable to justify the lack of acceptable documents. Rejected asylum seekers generally were not removed from the country but instructed to leave voluntarily, except in cases where authorities incarcerated the rejected asylum seeker for a petty crime.

On September 24, however, the electorate approved, by large majorities in a national referendum, a revision of the asylum law and a new law on foreigners that impose stricter identification requirements on asylum seekers and tighten treatment of rejected asylum seekers while providing increased benefits to persons with temporary protective status.

The changes, mostly scheduled to take effect on January 1, 2007, provide that asylum seekers not presenting an official travel or identity document within 48 hours or credibly justifying their lack of documents or showing evidence of persecution are to be excluded from the asylum process. Authorities may detain uncooperative asylum seekers, subject to judicial review, for up to six months while adjudicating their applications. The new procedures provide that applicants whose requests have been rejected may also be detained, for up to three months, to ensure their departure, or up to 18 months if repatriation poses special obstacles. Minors between 15 and 18 years of age may be detained up to 12 months pending repatriation. The results of the referendum give applicants with temporary protection status easier access to the labor market and permit them to bring their families into the country, although there is a three-year waiting period.

International organizations and NGOs raised concerns that the new provisions would make the country's asylum process too restrictive. These measures follow other restrictive steps taken in 2004 that had also been widely criticized by international organizations.

The FOM relied upon a list of approximately 40 "safe countries" from which it would generally not accept refugee applications. On December 8, the government decided to add another six countries to this list. NGOs criticized the extension of the list because they believe the human rights records and the political situations in some of the newly listed countries were not sufficiently stable to justify automatic rejection.

NGOs alleged that police used excessive force against asylum seekers (see section 1.c.).

### 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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

In 2003 citizens chose a new Federal Assembly in free and fair elections.

There were 65 women in the 246 seat Federal Assembly and two women in the seven seat Federal Council (cabinet). At the cantonal level, the proportion of female representatives in legislatures remained 24 percent. Women held approximately one fifth of the seats in cantonal executive bodies.

There were no known ethnic minorities in the government.

#### Government Corruption and Transparency

There were isolated reports of government corruption during the year.

Government information was available freely to all persons living in the country, including foreign media. The constitution requires the government to inform the public about its activities. On July 1, a new transparency law providing for public access to government documents came into force.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution generally prohibits discrimination on the basis of race, gender, disability, language, or social status; however, some laws discriminate against women. The government generally enforced these prohibitions effectively. Violence against women and children, trafficking in persons, and discrimination against minorities were problems.

## Women

Violence against women was a problem. A 2003 international survey showed that almost 40 percent of women in the country had suffered some sort of physical or sexual assault in their lifetime, frequently at the hands of a former partner or an acquaintance; only one third of the instances of physical violence and only 6 percent of sexual abuses were reported to the police. A government study released in October found that between 2000 and 2004, 74 percent of all homicides or attempted homicides against women qualified as acts of domestic violence; approximately 20 women are killed each year by their partners or former partners.

Domestic violence is a statutory offence. In June parliament amended existing legislation to permit a court to order an abusive spouse to leave the family home as a temporary measure and to make stalking a punishable offence. Victims of domestic violence could 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. In 2005, 1,435 women and 1,461 children spent a total of 62,336 nights in 17 women's shelters across the country, but a study conducted in the same year found that approximately the same number were turned away due to a lack of space. The interior ministry's Federal Office for Equality Between Women and Men has a special unit focusing on domestic violence. Most cantonal police forces had specially trained domestic violence units. A majority of cantons also had special administrative units coordinating the activities of law enforcement, prosecutorial, and victim assistance groups.

Rape, including spousal rape, is a statutory offense, and the government effectively prosecuted those accused of such crimes. According to a 2003 survey, more than 5 percent of women polled had been raped. In 2005 police recorded 646 instances of rape, and there were 353 prosecutions and 100 convictions.

Forced marriage is illegal; however, NGOs believed the practice occurred, predominantly in underprivileged immigrant families, but did not know its extent. In May authorities in St. Gallen canton deported both the husband and father of a 21 year old Turkish woman who had been forcibly married in Turkey. The woman reportedly received death threats when she refused to consummate the marriage after the husband followed her to Switzerland. Forced marriage may also be a reason to grant asylum. In October the Asylum Appeals Commission in a precedent case overturned a negative asylum decision against an Ethiopian woman who had fled to the country to escape from a forced marriage.

Female genital mutilation (FGM) is illegal, but there were anecdotal reports that the practice occurred. The UN Children's Fund (UNICEF) estimated that there were nearly 7,000 circumcised women and girls in the country as a result of immigration from areas where FGM is practiced. UNICEF has repeatedly campaigned to raise awareness of FGM and, in cooperation with local gynecologists, has drafted guidelines on medical care of circumcised women.

Prostitution is legal; however, street prostitution is illegal except in areas specifically for street prostitution that were designated by authorities in all major cities. Police figures from 1999, the latest nationwide data available, indicated that there were approximately 14,000 persons in prostitution. Information on individual cantons suggests that the number has increased since then.

Trafficking in women was a problem (see section 5, Trafficking).

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

Under the constitution women enjoy the same rights as men, including in family law, property law, and in the judicial system; however, independent observers claimed that some laws, as interpreted by the courts, were discriminatory. For example, the Federal Tribunal ruled that the primary wage earner in a divorce must be left with sufficient income to remain above the poverty level. Since the primary wage earner in most marriages was the man, if the household income was too low to support both parties, the wife and children could be forced to resort to public assistance.

The Federal Office for Equality between Women and Men and the Federal Commission on Women worked to eliminate both direct and indirect gender discrimination. Many cantons and some large cities have equality offices to handle gender issues. More than half of the cantons had an office in charge of promoting equality.

Discrimination against women in the workplace is illegal, but women disproportionately held jobs with lower levels of responsibility, and women's level of seniority was lower than men's. Women were promoted less frequently than men, and were less likely to own or manage businesses.

Under the constitution women and men are entitled to equal pay for equal work, but women's gross salaries were on average more than 20 percent lower than men's. A government report issued in June estimated that 40 percent of the wage differential was due to gender discrimination. Women were also more likely to be unemployed than men. During the year the unemployment rate for women was 3.6 percent, compared to 3.1 percent for men.

## Children

The government was strongly committed to children's rights and welfare, and it amply funded a system of public education and need based subsidies of health insurance.

Education was compulsory, free, and universal for nine years, from ages six or seven through ages 15 or 16, depending on the canton. Virtually all children attended school. Almost 90 percent completed postsecondary education or professional vocational training, and approximately 45 percent continued to earn specialized or university degrees.

Child abuse was a problem. A 2005 study by the University of Fribourg based on a 2004 survey estimated that, nationwide, 13,000 children under the age of two and a half years are at times slapped in the face by their parents, and 1,700 are occasionally struck with objects. Statistics on the extent of sexual violence against children were unavailable, but experts estimated that 20 percent of girls and 10 percent of boys under the age of 18 had been victims. Most abuse took place in the family or the immediate social environment.

In 2005 the national cybercrime monitoring body, CYCOS, referred 272 instances of suspected child pornography on the Internet to law enforcement authorities. In virtually every case, the cantonal prosecuting office opened a criminal investigation, and such investigations usually lead to the confiscation of illegal material. The production, possession, distribution, or downloading from the Internet of hardcore pornography involving children is illegal and carries heavy fines or a maximum sentence of a year in prison. In September 2005 the government initiated a three year information campaign against child pornography on the Internet.

#### Trafficking in Persons

The law prohibits sexual exploitation and trafficking in persons; however, there were reports that persons were trafficked to, through, and within the country and forced into prostitution or domestic servitude. On December 1, an amendment to the Penal Code extending the definition of human trafficking to include forced labor and organ snatching came into force. Trafficking in persons is punishable by a prison sentence of up to 20 years, and coercing a person into prostitution by up to 10 years. In 2005 the highest sentence prescribed to a convicted trafficker was 16 months in prison; however, the majority of convicted traffickers received suspended sentences.

Officials estimated the number of trafficking victims to be a few hundred a year. Federal police conjectured that between 1,500 and 3,000 victims of human trafficking were residing in the country during the year. According to authorities, most victims came from Central Europe (Hungary, Slovakia, and Romania), the former Soviet Union (Ukraine and Moldova), Lithuania, Latin America (Brazil and the Dominican Republic), Southeast Asia (Thailand and Cambodia), and, to a lesser extent, Africa. The country was primarily a country of destination, and secondarily of transit, for trafficked persons.

The great majority of trafficking victims were women and were trafficked primarily for purposes of sexual exploitation, although trafficking for domestic servitude also occurred. Traffickers were mainly individuals and small groups related through ethnic, clan, or family ties, as well as, occasionally, organized criminals. Traffickers often forced 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 travel expenses and the production of fraudulent documents and found themselves dependent on the traffickers.

In 2005 courts convicted 23 persons of trafficking in persons and forcing others into prostitution. The Coordination Unit against Trafficking in Persons and Smuggling of Migrants, which is linked to the Federal Office of Police, coordinates and monitors all antitrafficking efforts, including a federal interagency task force. Authorities were active in international law enforcement activities and took the lead in coordinating several international trafficking investigations.

On September 24, citizens approved a new law on foreigners that formalizes the existing process of granting potential trafficking victims a stay of deportation proceedings to permit them to recover from their trauma and consider participation in judicial proceedings. The new law authorizes the government to waive normal immigration requirements and grant residency permits to victims and witnesses who would be in danger if they returned home. It allows the federal government to assist victims logistically and financially in their voluntary return and their reintegration into the societies of their home countries.

The law entitles trafficking victims to safe shelter as well as medical, psychological, social, and legal assistance regardless of their residency status. During 2004, 84 trafficking victims received assistance from publicly funded victim assistance centers. The government continued partial funding of Zurich's leading antitrafficking NGO. Zurich, in 2004, formalized its victim referral mechanism in a letter of intent between the NGO and local law enforcement officials. As a result of this formalized cooperation, the number of victims who received professional counseling and were willing to testify against their traffickers increased considerably. Other cantons have emulated the Zurich model.

The government funded several antitrafficking information and education campaigns around the world. The Ministry of Foreign Affairs provided specialized training to its consular staff and distributed trafficking awareness information to visa applicants in local languages.

#### Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services, and the prohibition was generally enforced. The law mandates access to public buildings and government services for persons with disabilities, and the government generally enforced these provisions in practice. According to the NGO Egalité Handicap, most complaints of discrimination concerned labor issues, education, and access to public buildings.

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

began a three year pilot project to empower persons with severe disabilities to live on their own away from institutions. Approximately 400 participants, including some children, received grants to pay for a helper but remained free to decide who should assist them and how much care they needed.

#### National/Racial/Ethnic Minorities

According to the federal police, in 2005 there were 111 public incidents involving right wing skinheads, such as arson attacks, assaults, and hate concerts. Right wing extremists organized more and increasingly well attended concerts and distributed compact discs with right wing extremist music in an effort to recruit more members. Police estimated that after a lull of a few years, the number of right wing extremists grew by some 200 to approximately 1,200. Police noted that acts of violence were mostly committed by youths and caused considerable harm and damage. In May a Thurgau appeals court sentenced six skinheads to prison terms between five and six and a half years for attempted homicide. In 2003 the six had beaten two youths so violently that one was permanently disabled.

There were a few reported cases during the year of violent confrontations between skinheads and young foreigners. According to statistics gathered by the Foundation against Racism and Anti-Semitism, there were 86 reported incidents directed against ethnic minorities during the year. These figures included verbal and written attacks, which were much more common than physical assaults. Investigations of such attacks were generally thorough and led, in most cases, to the prosecution of those responsible.

The extreme right wing PNOS continued to be the subject of judicial action. In August a district judge in the canton of Bern fined the 22 year old former president of the party's Bern chapter, \$ 1,000(1,200 francs) for racial "discrimination." In May a district court in the canton of Aargau sentenced the PNOS founder and former president to 14 days in prison and a fine for racial discrimination. He was accused of having published on the Internet a party program that violated the antiracism law. PNOS subsequently removed the program from its Web site. Earlier, in 2005, the Aargau district court sentenced four PNOS board members to fines of \$240 to \$400 (300 to 500 francs) for similar offenses. PNOS initially became a subject of serious public controversy in 2005, when two of its members were elected to serve in county level political office in Bern and Solothurn cantons.

According to a survey published in June by the University of Geneva, more than half of the population believed that foreigners abused the welfare state and over 40 percent believed that foreigners lowered educational levels in schools and were responsible for higher unemployment. However, nearly 70 percent acknowledged the contributions of foreigners to the country's wellbeing, 90 percent rejected right wing extremism, and 85 percent approved of the criminal prosecution of racist propaganda. A study by the University of Neuchatel indicated that young adults whose immigrant parents came from outside the European Union faced discrimination in the job market. Young second generation immigrants who were equally well qualified and with identical resumes as their peers, stood a significantly lower chance of finding employment. The UN special rapporteur on contemporary forms of racism, Doudou Diene, who visited the country for five days in January, concluded that the country had no strategy to combat xenophobia and related intolerance. On the contrary, in Diene's view, there was a tendency to play down racism or to use it in political debates for partisan gain. Government bodies such as the Federal Commission Against Racism lacked resources and personnel and the victims had few legal remedies. Diene found that dark skinned persons suffered most from racism, followed by people from the Balkans.

The Department of the Interior's Federal Service for the Combating of Racism sponsored a variety of educational and awareness building projects to combat racism, xenophobia, and anti-Semitism (see section 2.c.).

In June the government foundation, Future for Swiss Itinerants, reported that the habitat of the traveling Jenisch (a nomadic group of unknown origin and European ethnicity) was becoming scarce. Only one new permanent stopping place has been established since 2001, when the need for additional locations was pointed out, and the number of transit stopping places diminished from 51 to 44 over the same period. In an October report on the situation of traveling Jenisch, the government acknowledged that the number of permanent and transit stopping places for travelers was insufficient.

#### Section 6 Worker Rights

##### a. The Right of Association

The law permits all workers, including foreigners, to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 25 percent of the workforce was unionized.

Trade union leaders criticized the absence in the country's labor legislation of a provision entitling an employee who is found to be unjustly dismissed to reinstatement. Present law provides that a worker found to have been dismissed illegally is entitled to maximum compensation of up to six month's worth of wages. The Swiss Trade Union Council complained to the International Labor Organization (ILO) that this penalty was insufficient to deter abusive dismissals of union activists and thus violates the relevant ILO convention that the country ratified. On November 15, the ILO called on the government to take specific measures to ensure that trade union activists are adequately protected against abusive dismissals and that affected workers are reinstated. The Swiss Employer's Association rejected the ILO recommendation as exaggerated and likely to open the gates for abusive behavior by trade union activists.

##### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the freedom to bargain collectively, and workers exercised this right. Approximately 50 percent of the work force was covered by collective bargaining agreements. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. The government may curtail the right of federal public servants to strike, but only for reasons of national security or safeguarding foreign policy

interests. Public servants in some cantons and many municipalities are prohibited from going on strike.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

#### d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws and policies to protect children from exploitation in the workplace.

The minimum age for the full time employment is 15 years. Children 13 and 14 years of age may be employed in light duties for not more than nine hours per week during the school year and 15 hours at other times. The employment of youths 15 and over is also restricted and cantonal inspectorates strictly regulated these provisions. Children are not permitted to work at night, on Sundays, or in hazardous or dangerous conditions. In June the Federal Assembly adopted an amendment to the labor law lowering the maximum age for the special protection of young workers from 20 to 18 years.

The economics ministry (SECO) monitors the implementation of child labor laws and policies, but actual enforcement is the responsibility of the cantonal labor inspectorates; government officials inspected companies to determine whether there were violations of the child labor laws.

#### e. Acceptable Conditions of Work

There was no national minimum wage, which resulted in low wage structures for unskilled workers and skilled employees in the clothing, hospitality, and retail industries; however, a majority of the voluntary collective labor agreements contained clauses on minimum compensation, ranging from \$1,800 to \$3,400 (2,200 to 4,200 francs) per month for unskilled workers and from \$2,200 to \$4,200 (2,800 to 5,300 francs) per month for skilled employees.

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. Premium pay for overtime must be at least 25 percent; overtime is generally restricted to two hours per day. Annual overtime is limited by law to 170 hours for those working 45 hours a week and to 140 hours for those working 50 hours a week. The government effectively enforced these regulations.

The law contains extensive provisions to protect worker health and safety. SECO and cantonal labor inspectorates effectively enforced the law. Workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, and the authorities effectively enforced this right.